

App No. \_\_\_\_\_

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**IN THE SUPREME COURT OF THE UNITED STATES**

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**RODNEY IGNACIO CASTRO,**  
*Petitioner*

-v-

**UNITED STATES OF AMERICA,**  
*Respondent*

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**APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR  
WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT  
OF APPEALS FOR THE FIFTH CIRCUIT**

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**CJA COUNSEL OF RECORD FOR  
RODNEY IGNACIO CASTRO**

May 9, 2025

**To the Honorable Justice Samuel Alito**, Associate Justice of United States Supreme Court and Circuit Justice for the Fifth Circuit:

In accordance with this Court's Rules 13.5, 22, 30.2 and 30.3, Petitioner Rodney Ignacio Castro respectfully requests a forty-five (45) day extension of time to file his petition for a writ of certiorari, up to and including Thursday, May 7, 2026. The Fifth Circuit Court of Appeals issued its opinion on November 25, 2025 (Appendix B) and denied petition for rehearing on December 29, 2025 (Appendix A). Absent an extension of time, the petition for writ of certiorari is due on March 23, 2026. Jurisdiction of this Court to review the order and judgment of the Fifth Circuit is being invoked pursuant to 28 U.S.C. §1254(1).

### **Background**

Petitioner was convicted in the Eastern District of Texas, Beaumont Division, of one count of Possession with Intent to Distribute and Distribution of a Controlled Substance, in violation of 21 U.S.C. § 846. On direct appeal to the United States Court of Appeals for the Fifth Circuit, Petitioner raised claims arguing that his sentence was procedurally unreasonable given the error in applying the firearm and premise sentencing enhancements. The complexity and importance of the issues necessitated a reply brief and a petition for panel rehearing. Oral Argument was granted and held on September 4, 2025, which resulted in a published Opinion with a dissenting opinion.

The forthcoming Petition for Writ of Certiorari will present compelling issue(s) regarding important questions of law. Specifically, the circuit courts disagree as to the legal application of the sentencing enhancements and guidelines. Undersigned counsel certifies that the case presents significant legal issues warranting the attention and review of the United States Supreme Court through a Petition for a Writ of Certiorari.

### **Reasons For Granting an Extension of Time**

On January 12, 2026, undersigned counsel began a two-week federal jury trial, represented by Case No. 4:23-cr-00268, *United States v. Garland*. Undersigned counsel reviewed the record and filed an Anders Brief in *United States v. Luargas De La Fuente* on January 21, 2026. Undersigned counsel also reviewed the record and drafted and filed an Appellant Brief in *United States v. Baribe* on February 26, 2026. Upcoming, undersigned counsel has Appellant Briefs due on March 16, 2026, in *United States v. Lewis*, Case No. 25-40716; and on March 23, 2026, in *United States v. Okeke*, Case No. 25-40378. Petitioner requests this extension of time to file his Petition for Writ of Certiorari to provide continuity of effective representation and legal advocacy.

## Conclusion

For the foregoing reasons, Petitioner respectfully requests that the time to file the Petition for a Writ of Certiorari in this matter be extended by forty-five (45) days, up to and including May 7, 2026.

Dated this 3<sup>rd</sup> day of March 2026.

Respectfully submitted,

WHALEN LAW OFFICE

*/s/ James P. Whalen* \_\_\_\_\_

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**COUNSEL FOR PETITIONER**  
**Rodney Ignacio Castro**

**CERTIFICATE OF SERVICE BY MAILING**

I hereby certify that, on the 3<sup>rd</sup> day of March 2026, the foregoing Application for Extension has been filed via overnight delivery service to the Clerk of the Supreme Court as well as via the Supreme Court's electronic system. A copy of the foregoing has been served via overnight delivery to:

Solicitor General of the United States  
950 Pennsylvania Ave., N.W.; Room 5616  
Washington, DC 20530-0001

I also certify that on the same day, one copy of the Application was sent to Rodney Ignacio Castro, at:

FCI Bastrop  
Federal Correctional Institution  
P.O. Box 1010  
Bastrop, Texas 78602

*/s/ James P. Whalen*  
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JAMES P. WHALEN