No. __-____

In The
Supreme Court of the United States

ISAIAH JAQJAN FISHER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

APPLICATION FOR AN EXTENSION OF TIME IN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

To the Honorable John G. Roberts, Jr., Chief Justice of the United States and Circuit Justice for the Fourth Circuit:

Under 28 U.S.C. § 2101(c) and Rules 13.5, 22, and 30 of this Court, petitioner Isaiah Jaqjan Fisher respectfully requests a 60-day extension of time, up to and including June 8, 2026, in which to file a petition for a writ of certiorari in this Court. The Fourth Circuit entered

final judgment against Fisher on January 9, 2026. Without an extension, Fisher's time to file a petition for certiorari in this Court expires on April 9, 2026. This application is being filed more than 10 days before that date. A copy of the Fourth Circuit's unpublished opinion in this case is attached as Exhibit 1. This Court has jurisdiction under 28 U.S.C. § 1254(1).

This case presents a recurring issue of critical importance regarding the Second Amendment. In *Bianchi v. Brown*, the en banc Fourth Circuit addressed a Second Amendment challenge to Maryland's assault rifle ban and in doing so made two alternative holdings. 111 F.4th 438 (4th Cir. 2024) (*cert. denied sub nom.*, *Snope v. Brown*, 145 S. Ct. 1534 (2025)). First, the court held that the question of whether an arm is "dangerous or unusual" is considered at step one of the *Bruen* analysis. *Id.* at 446. Second, the court held that, even under *Bruen* step two, the nation's history supports "regulating excessively dangerous weapons once it becomes clear that they are exacting an inordinate toll on public safety and societal wellbeing." *Id.*

In his dissent from the denial of certiorari, Justice Thomas noted the Fourth Circuit's approach in *Bianchi* was "dubious at least twice

over" because it "places too high a burden on the challengers to show that the Second Amendment presumptively protected their conduct," and because the Fourth Circuit misapplied the "dangerous and unusual" test. *Snope v. Brown*, 145 S. Ct. 1534, 1536-38 (2025). Left uncorrected, however, the Fourth Circuit's holdings in *Bianchi* foreclosed Fisher's Second Amendment challenge to his prosecution under 18 U.S.C. § 922(o).

The Second Amendment issue presented in this case is important, nuanced, and of great public importance.[1] To prepare a petition that adequately presents the issue for this Court's consideration, counsel will need additional time. In addition to preparing this petition, counsel is also responsible for meeting deadlines in numerous other cases, *United States v. Carrington*, Fourth Circuit No. 26-6569 (opening brief filed February 20, 2026); *United States v. Billings*, Fourth Circuit No. 25-4488 (opening brief filed February 27, 206); *United States v. McNeil*, Fourth Circuit No. 25-4294 (reply brief filed March 23, 2026); *United States v. McNeil,* Fourth Circuit No. 25-4631 (opening brief due March

[1] This Court also has at least two pending petitions for certiorari that address the issue of "dangerous and unusual weapons" which may impact the outcome in Fisher's case. *See Nat'l Ass'n for Gun Rights v. Lamont*, No. 25-421, *and Viramontes v. Cook County*, No. 25-238.

25, 2026); *United States v. Tobias*, Fourth Circuit No. 25-4168 (opening brief due March 27, 2026); *United States v. Cortez*, Fourth Circuit No. 25-4552 (opening brief due April 13, 3026); *United States v. Tejada-Benitez*, Fourth Circuit No. 25-4562 (opening brief due April 20, 2026); and *United States v. Denena*, Fourth Circuit No. 25-4560 (opening brief due April 22, 2026).

For these reasons, counsel respectfully requests that an order be entered extending the time to a petition for certiorari up to and including June 8, 2026.

Respectfully submitted,

John G. Baker
FEDERAL PUBLIC DEFENDER FOR THE
WESTERN DISTRICT OF NORTH CAROLINA

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March 23, 2026

Exhibit 1

United States
v.
Fisher,
2026 WL 74584

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4527

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ISAIAH JAQJAN FISHER,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Martin K. Reidinger, Chief District Judge. (1:23-cr-00045-MR-WCM-1)

Submitted: November 21, 2025 Decided: January 9, 2026

Before KING, HARRIS, and HEYTENS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

ON BRIEF: John G. Baker, Federal Public Defender, Ashley A. Askari, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Charlotte, North Carolina, for Appellant. Amy Elizabeth Ray, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North Carolina, for Appellee.

PER CURIAM:

Isaiah Jaqjan Fisher appeals his conviction and the 18-month sentence imposed following his guilty plea to possession of a machinegun, in violation of 18 U.S.C. §§ 922(o), 924(a)(2). On appeal, Fisher's counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), stating that there are no meritorious grounds for appeal but questioning whether § 922(o) violates the Second Amendment facially or as applied to Fisher.[1] Although informed of his right to do so, Fisher has not filed a pro se supplemental brief. The Government has declined to file a response brief. We affirm.

In deciding whether § 922(o) is consistent with the Second Amendment, we first ask "whether the plain text of the Second Amendment guarantees the individual right to possess" machineguns. *Bianchi v. Brown*, 111 F.4th 438, 447 (4th Cir. 2024) (citation modified), *cert. denied*, *Snope v. Brown*, 145 S. Ct. 1534 (2025). "If not, that ends the inquiry: the Second Amendment does not apply." *United States v. Price*, 111 F.4th 392, 398 (4th Cir. 2024), *cert. denied*, 145 S. Ct. 1891 (2025). "But if it does, then, second, we must ask whether the government has justified the regulation as consistent with the principles that underpin our nation's historical tradition of firearm regulation." *Id.* (citation modified).

[1] Fisher's counsel also briefly asserts that there is a nonfrivolous issue regarding whether the district court erred in calculating Fisher's Sentencing Guidelines range. Although counsel asserts that Fisher does not wish to receive appellate review of this issue, we have nonetheless reviewed the issue pursuant to *Anders* and conclude that it lacks merit.

Here, the inquiry ends with the first step. At that step, courts ask "whether the weapons regulated by the challenged regulation were in common use for a lawful purpose, [such as] self-defense." *Id.* at 400 (citation modified). "We know from Supreme Court precedent that short-barreled shotguns and machineguns are not in common use for a lawful purpose." *Id.* at 403; *see District of Columbia v. Heller*, 554 U.S. 570, 624 (2008) (noting that it would be "startling" to suggest "that the National Firearms Act's restrictions on machineguns . . . might be unconstitutional"). Additionally, the record reflects that the weapon Fisher possessed qualified as a machinegun because it could shoot multiple rounds with one function of the trigger. *See* 26 U.S.C. § 5845(b) (defining machinegun). We therefore conclude that § 922(o) is constitutional on its face and as applied to Fisher's conduct in possessing a machinegun.[2]

In accordance with *Anders*, we have reviewed the entire record in this case and have found no potentially meritorious grounds for appeal. We therefore affirm the district court's judgment.

This court requires that counsel inform Fisher, in writing, of the right to petition the Supreme Court of the United States for further review. If Fisher requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that

[2] "It could be argued that [Fisher's] unconditional guilty plea . . . waived any as-applied constitutional challenges" to § 922(o). *United States v. Pittman*, 125 F.4th 527, 531 (4th Cir. 2025) (citation modified). Because we conclude that Fisher's as-applied challenge fails on its merits, even on de novo review, we need not resolve whether his guilty plea waived that challenge. *See id.*

a copy thereof was served on Fisher. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED