

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

**In the Supreme Court of the United States**

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DAVID DAVALOS, *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 COURT OF APPEALS FOR THE FIFTH CIRCUIT**

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

1. Petitioner David Davalos requests a 30-day extension of time to file his petition for certiorari in this Court to and including May 29, 2026. *See* 28 U.S.C. § 2101(c); Sup. Ct. R. 13.5, 22, 30. The final judgment of the Fifth Circuit was entered on January 29, 2026, and Petitioner’s time to petition for certiorari in this Court expires April 29, 2026. This application is being filed more than 10 days before that date.

A copy of the opinion below, which is reported at 165 F.4th 928, is attached. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

2. As shown by the opinion below, this case involves an important Fourth

Amendment question about whether a portion of a driveway immediately adjacent to a modest, urban home is within the home's curtilage and, if so, under what circumstances an officer can conduct a warrantless search of a car parked there.

3. Petitioner was represented in the district court and court of appeals by the Federal Public Defender for the Western District of Texas and is represented in this Court by Assistant Federal Public Defender Kristin L. Davidson, a member of the Bar of this Court. Since the Fifth Circuit handed down its decision on January 29, counsel has been engaged in many matters in this Court and the Fifth Circuit, limiting the amount of time she has been able to devote to preparing the petition in this case. Counsel has filed 12 briefs in the Fifth Circuit, as well as two petitions for certiorari in this Court. Between now and the current April 29, 2026, deadline, counsel has four opening briefs due in the Fifth Circuit, and two petitions for certiorari due in this Court. And between April 29 and May 29, 2026, counsel has one opening brief due in the Fifth Circuit, with more briefing notices likely to issue during that time.

For these reasons, Petitioner respectfully requests that an order be entered extending his time to petition for certiorari in the above-captioned case to and including May 29, 2026.

Respectfully submitted,

MAUREEN SCOTT FRANCO

*Federal Public Defender*

KRISTIN L. DAVIDSON

*Assistant Federal Public Defender*

*Counsel of Record*

OFFICE OF THE FEDERAL

PUBLIC DEFENDER

WESTERN DISTRICT OF TEXAS

*Counsel for Petitioner*

April 1, 2026

## CERTIFICATE OF SERVICE

I, a member of the Bar of this Court, certify that on April 1, 2026, I served a copy of this Application on all parties required to be served by enclosing a copy of it in an envelope and delivering it to FedEx, a third-party commercial carrier, for delivery within three calendar days to:

Solicitor General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW, Room 5614  
Washington, D.C. 20530  
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/s/ Kristin L. Davidson  
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