

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

IN THE  
**Supreme Court of the United States**

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MARCUS RUBEN BLAND, JR.,  
*Petitioner,*

v.

UNITED STATES OF AMERICA,  
*Respondent.*

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**On Petition for a Writ of Certiorari  
to the United States Court of Appeals  
for the Fourth Circuit**

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**APPLICATION FOR AN EXTENSION OF TIME IN WHICH  
TO FILE PETITION FOR A WRIT OF CERTIORARI**

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

Under Supreme Court Rule 13.5 and 28 U.S.C. § 2101(c), petitioner Marcus Ruben Bland, Jr., respectfully requests an extension of 60 days in which to file a petition for writ of certiorari in this case. The petition will seek review of the Fourth Circuit's decision in *United States v. Bland*, No. 25-4015, 2026 WL 161897 (4th Cir. Jan 21, 2026) (per curiam), a copy of which is attached hereto as Appendix A.

In support of this application, petitioner states as follows:

1. The Fourth Circuit issued its opinion and entered judgment on January 21, 2026. The petition for a writ of certiorari is currently due on April 21, 2026. With the requested extension, the petition would be due on June 20, 2026. The Court’s jurisdiction will be invoked under 28 U.S.C. § 1254(1). In accordance with Supreme Court Rule 13.5, petitioner is filing this application at least ten days before the current due date. Petitioner has not previously sought an extension of the deadline.

2.a. Mr. Bland was found guilty of knowingly possessing a firearm as a person with a prior felony in violation of 18 U.S.C. § 922(g) after a bench trial in the United States District Court for the Eastern District of Virginia. App. 2a. Before trial, Mr. Bland moved to suppress evidence—the firearm that was the basis of the charged offense—obtained by officers with the Newport News Police Department. App. 2a. He argued that the officers recovered the gun after seizing him without reasonable, articulable suspicion. App. 2a–3a. Mr. Bland also moved to dismiss the indictment, arguing that § 922(g) violates the Second Amendment under the test articulated in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 597 U.S. 1 (2022). App. 3a n. \*. The district court denied both motions, so Mr. Bland proceeded to a stipulated bench trial to preserve his right to appeal.

b. On appeal, the Fourth Circuit affirmed in a per curiam, unpublished opinion. App. 2a–3a. The panel found “no reversible error with respect to the district court’s denial of Bland’s motion to suppress.” App. 3a. And it affirmed the district court’s denial of Mr. Bland’s motion to dismiss because his Second Amendment

challenge to § 922(g)(1) was foreclosed by binding circuit precedent. App. 3a n. \*.

c. The Fourth Circuit’s judgment warrants this Court’s review. There is a deep and entrenched circuit split on the issue of whether as-applied challenges to § 922(g)(1) are available. The Fourth Circuit has joined the Second, Eighth, Ninth, Tenth, and Eleventh Circuits in affirming § 922(g)(1) “as a categorical matter.” *United States v. Cockerham*, 162 F.4th 500, 510 (5th Cir. 2025), *pet’n for cert filed*, No. 25-1029 (Feb. 27, 2026) (collecting cases); *see also United States v. Hunt*, 123 F.4th 697, 702–04 (4th Cir. 2024), *pet’n for cert denied*, No. 24-6818 (June 2, 2025). Meanwhile, the Third, Fifth, and Sixth Circuits have held that § 922(g)(1) may be unconstitutional in some circumstances and have allowed defendants to assert as-applied challenges. *See Range v. Att’y Gen. United States*, 124 F.4th 218, 224 (3d Cir. 2024) (en banc); *United States v. Diaz*, 116 F.4th 458, 472 (5th Cir. 2024), *pet’n for cert denied*, No. 24-6625 (June 23, 2025); *United States v. Williams*, 113 F.4th 637, 657 (6th Cir. 2024).

d. Mr. Bland’s petition will argue that this Court should grant review to resolve this split because the issue presented is both recurring and important. Section 922(g)(1) is one of the most commonly charged offenses in federal court. Moreover, the lower courts are deeply divided on the issue, and even the Circuits that allow as-applied challenges have taken different approaches to assessing those challenges. Mr. Bland’s petition will argue that this Court should step in to bring needed uniformity and clarity to this area of law.

3. There is good cause for the requested 60-day extension of time. Undersigned counsel, who is responsible for preparing the petition, has been delayed by work on other cases. Since the Fourth Circuit issued its opinion in this case on January 21, counsel has filed six opening briefs and four reply briefs in the Fourth Circuit. Counsel also argued before the Fourth Circuit on behalf of the appellant in *United States v. Mills*, No. 25-4075, on March 20.

In addition, counsel has upcoming deadlines in several cases that will make filing the petition by April 21 difficult. Counsel is responsible for filing the opening brief in *United States v. Lane* (4th Cir., No. 24-4083), on April 14; the opening brief in *United States v. Scofield* (4th Cir., No. 25-4646), on April 15; the reply brief in *United States v. Chafin* (4th Cir., No. 25-4521), on April 17; the opening brief in *United States v. Wright*, (4th Cir., No. 26-4044), on April 21; the reply brief in *United States v. Lewis* (4th Cir., No. 25-4592), on April 24; and the reply brief in *United States v. Jiang* (4th Cir., No. 25-4382), on April 30. Counsel will likely seek extensions in some of these cases, but each case still requires substantial upfront work, including issue spotting, communicating with the client, and conducting legal research. In addition, counsel will be helping colleagues prepare for arguments during the Fourth Circuit's May oral argument sitting.

An extension is also warranted because this Court is currently considering a Second Amendment challenge to a related provision, 18 U.S.C. § 922(g)(3), in *United States v. Hemani*, No. 24-1234. The question presented in *Hemani* directly implicates

the framework this Court articulated in *Bruen*, and this Court's resolution of that question will bear significantly on Mr. Bland's petition. Indeed, the decision in *Hemani* could clarify—or potentially resolve—key questions raised by Mr. Bland's challenge to § 922(g)(1). Granting the requested extension would likely allow the Court's decision in *Hemani* to issue before the new filing deadline, enabling counsel to incorporate that guidance into the petition.

For the foregoing reasons, petitioner respectfully requests a 60-day extension of time within which to file a petition for certiorari, to and including June 20, 2026.

Dated: April 8, 2026

Respectfully submitted,



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