

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

---

Application No.\_\_\_\_

---

Marvin Pippins,

*Petitioner-Appellant,*

v.

United States of America,

*Respondent-Appellee.*

---

**APPLICATION FOR EXTENSION OF TIME TO FILE  
PETITION FOR WRIT OF CERTIORARI**

To The Honorable Sonia Sotomayor, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Second Circuit:

Pursuant to Supreme Court Rules 13.5 and 22, Appellant Marvin Pippins respectfully requests a 30-day extension of time, to and including July 9, 2026, in which to file a petition for writ of certiorari to the United States Court of Appeals for the Second Circuit to review that court's decision in *United States v. Pippins*, No. 25-154. The Court of Appeals issued its memorandum decision on February 3, 2026. See Exhibit A. The

Court denied Mr. Pippins' timely petition for rehearing and rehearing en banc on March 11, 2026. *See* Exhibit B. Absent an extension of time, the Petition would be due on June 9, 2026. Petitioner is filing this Application at least ten days before that date. *See* S. Ct. R. 13.5. This Court has jurisdiction over the judgment under 28 U.S.C. § 1254(1).

The case will present substantial and important questions of federal law including (1) whether the evidence of intent in a 18 U.S.C. § 1959(a)(1) murder case can be sufficient based exclusively on general testimony of gang expectations notwithstanding specific testimony that the motive was personal; (2) defining the appropriate jury instruction on the motive element in a § 1959(a)(1) case; (3) whether an appeals court can deem an error harmless even though the district court found the opposite; (4) clarifying whether the right to present a defense is violated by rejecting a correct jury instruction because the same argument can be made on summation; (5) whether evidence that a witness suffered delusions; (6) whether undisclosed evidence undermining testimony used to find the evidence sufficient can be deemed immaterial under *Brady*; and (7) whether commenting on government tactics during summation is permissible.

## Reasons for Granting an Extension of Time

The time to file a petition for writ of certiorari should be extended for thirty days for the following reasons.

Since the Court of Appeals denied Mr. Pippins' petition for rehearing and rehearing en banc on March 11, 2026, petitioner's counsel has been unable to schedule a legal call with Mr. Pippins, despite multiple attempts. Additionally, petitioner's counsel, appointed under the Criminal Justice Act, has been consumed with other cases.

In early April, counsel began receiving a large volume of 3500 material (about 12.37 GB) in a federal murder-for-hire case in the Southern District of New York. *See United States v. Sikkema*, 24-cr-227 (S.D.N.Y.). While parsing through that immense trove of documents, petitioner's counsel was preparing and responding to motions in limine in relation to the upcoming trial, as well preparing for the trial itself. Trial began on May 11, 2026, and has consumed all of petitioner's available time.

Between petitioner's counsel's inability to speak with Mr. Pippins, and petitioner's counsel's other client obligations, there has been

insufficient time to properly research and present the issues petitioner's counsel seeks to raise in a petition for certiorari.

To effectively represent Mr. Pippins in his forthcoming petition for certiorari, petitioner's counsel's requests an extension permitting a petition for writ of certiorari to be filed on or before July 9, 2026.

Dated: May 28, 2026

Respectfully submitted,



---

Richard Levitt  
Zachary Segal  
LEVITT & KAIZER  
40 Fulton Street, 17th Floor  
New York, New York 10038  
(212) 480-4000  
*Counsel for Applicant Marvin Pippins*