

No.

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

ELIJAH PORTER, *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:

Petitioner Elijah Porter requests a 30-day extension of time to file his petition for certiorari in this Court, to and including July 15, 2026. *See* 28 U.S.C. § 2101(c); Sup. Ct. R. 13.5. The final judgment of the Fifth Circuit was entered on March 17, 2026. Petitioner’s time to petition for certiorari in this Court expires June 15, 2026. This application is being filed more than 10 days before that date.

A copy of the opinion below, which is reported at 170 F.4th 381, is attached. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

As shown in the opinion below, this case involves whether 18 U.S.C. § 922(o), prohibiting the possession of a machinegun, violates the Second Amendment facially or as applied to an individual who merely possesses a firearm equipped with a conversion switch. In addition to the Second Amendment question, this case presents questions of exceptional importance concerning the application of the Fourth Amendment to automatic license plate readers and the government's burden in justifying resulting searches.

Petitioner was represented in the district court and the court of appeals by the Federal Public Defender for the Southern District of Mississippi, which office was appointed under the Criminal Justice Act. Attorney Victoria E. McIntyre represented the petitioner in the court of appeals and represents him in this Court. Counsel has previously scheduled travel out-of-state and will not return to the office until June 10, 2026. Counsel additionally has appellate briefs due in the Fifth Circuit on June 10, 2026, and June 18, 2026, respectively. *See United States v. Preston*, No. 26-60078; *United States v. Smith*, 26-60127.

This case involves important questions in rapidly evolving areas of constitutional law. Counsel's commitments will limit her availability to work on this matter and to adequately prepare the petition by the June 15, 2026, deadline. Counsel is accordingly requesting a 30-day extension to file the petition in this matter.

For these reasons, Petitioner Elijah Porter respectfully requests that an order be entered extending his time to petition for certiorari in the above-captioned case for 30 days, to and including July 15, 2026.

Respectfully submitted,

OMODARE B. JUPITER  
*Federal Public Defender*

VICTORIA E. MCINTYRE  
*Counsel of Record*

OFFICE OF THE FEDERAL PUBLIC DEFENDER  
SOUTHERN DISTRICT OF MISSISSIPPI

*Counsel for Petitioner*

Dated: June 4, 2026