

No. _____

IN THE
Supreme Court of the United States

DERRICK LORENZO CASEY,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

**APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO FILE A
PETITION FOR WRIT OF CERTIORARI FROM JUDGMENT OF THE
UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT**

TO THE HONORABLE JOHN G. ROBERTS, JR., CHIEF JUSTICE OF THE
UNITED STATES SUPREME COURT and
CIRCUIT JUSTICE FOR THE FOURTH CIRCUIT

Pursuant to Supreme Court Rules 13.5, 22, and 30.3, Derrick Lorenzo Casey, Petitioner above named, respectfully requests a sixty (60) day extension of time, up to and including November 13, 2025, within which to file a petition for writ of certiorari from the judgment of the United States Court of Appeals for the Fourth Circuit. Mr. Casey has not previously sought an extension of time from this Court.

Mr. Casey is filing this Application at least ten days before the filing deadline, which is September 15, 2025. See S. Ct. R. 13.5. The jurisdiction of this Court will be invoked pursuant to 28 U.S.C. § 1254(1).

In 2018, Mr. Casey pleaded guilty to a violation of 18 U.S.C. § 922(g)(1). As was the practice at the time, the district court determined at sentencing, based on a preponderance of the evidence standard, that Mr. Casey was an armed career criminal under 18 U.S.C. § 924(e). This was based in part on Mr. Casey's three prior convictions for "serious drug offense[s]." See 18 U.S.C. § 924(e)(2)(A)(ii). As to those convictions, Mr. Casey was arrested by state authorities on one day for all these offenses (February 10, 2004), and the pleas and sentencings for all offenses occurred on one day (February 24, 2005). These offenses were all the same offense (distribution of crack cocaine second), all occurred in the same jurisdiction, and all offenses occurred within twenty (20) days of each other. Mr. Casey was sentenced by state authorities to nine months' imprisonment as to each offense, to be served concurrently.

Based on the district court's determination, Mr. Casey was sentenced to 235 months' imprisonment and five years' supervised release.

Mr. Casey appealed to the Fourth Circuit Court of Appeals, raising the both the Fifth and Sixth Amendment errors present in his case based on *Erlinger v. United States*, 602 U.S. 821 (2024). On June 16, 2025, the Fourth Circuit determined that on plain error review, Mr. Casey was unable to establish that the *Erlinger* error in his case, which was plain, affected his substantial rights.

Mr. Casey did not seek rehearing. A copy of the Court of Appeals' Opinion is attached as Appendix A hereto.

Mr. Casey wishes to seek a writ of certiorari in this Court. The issue presented by this case is important, nuanced, and recurring. To prepare a petition that adequately presents the issue to this Court for consideration, counsel will need additional time. In addition, counsel is also responsible for meeting deadlines in numerous other cases, including *United States v. Jacome*, Fourth Circuit No. 23-4158 (petition for writ of certiorari currently due September 2, 2025); *United States v. Vause*, Fourth Circuit No. 25-4119 (opening brief due September 24, 2025); *United States v. Grant*, Fourth Circuit No. 25-4278 (opening brief due September 17, 2025).

No party will be prejudiced by the granting of a sixty (60) day extension.

As the time within which to file a petition for writ of certiorari in this case will expire September 15, 2025, unless extended, Petitioner respectfully requests an extension of time in which to file a petition for writ of certiorari up to and including November 13, 2025.

Respectfully submitted,



s/Emily Deck Harrill

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