

NO:

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2024

CURTIS SOLOMON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

**TO THE HONORABLE CLARENCE THOMAS, ASSOCIATE JUSTICE OF
THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT
JUSTICE FOR THE ELEVENTH CIRCUIT**

Pursuant to Supreme Court Rules 13.5, 22, and 30.3, Curtis Solomon, respectfully requests a thirty-day extension of time, to and including November 6, 2025, within which to file a petition for a writ of certiorari from the judgment of the

United States Court of Appeals for the Eleventh Circuit. Mr. Solomon has not previously sought an extension of time from this Court.

Mr. Solomon is filing this Application at least ten days before the filing date, which is October 7, 2025. *See* S.Ct. R. 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

Mr. Solomon is incarcerated serving a life sentence (4,641 months imprisonment) for multiple counts of Hobbs Act robbery, and using and carrying a firearm during those robberies. On direct appeal to the Eleventh Circuit after the district court entered an amended judgment eliminating one § 924(c) count, Mr. Solomon argued that the court lacked jurisdiction to convict him on the other § 924(c) counts and re-impose the stacked sentences for those counts based on a jurisdictional error that had become clear when the Court in *United States v. Taylor*, 596 U.S. 845, 857-59 (June 21, 2022) rejected the “realistic probability” methodology used in *United States v. St. Hubert*, 909 F.3d 335, 350 (11th Cir. 2018) to conclude substantive Hobbs Act robbery was categorically a “crime of violence” for 18 U.S.C. § 924(c)(3)(A). What controlled under the categorical approach post-*Taylor*, Mr. Solomon argued, was simply element-to-element matching, for which the court needed to determine the “elements” of § 1951(b)(1), and the least culpable “means” of conviction. On that issue, Mr. Solomon explained, the Eleventh Circuit’s pattern instruction on Hobbs Act robbery (Instruction O70.3) should be considered, as it informs the offense can be committed by a taking of property (including intangible rights) that causes *fear of purely financial loss, without fear of any physical violence*.

On May 15, 2025, the Eleventh Circuit issued a published opinion agreeing that *Taylor* had indeed abrogated *St. Hubert* on the above point, but nonetheless affirming Mr. Solomon’s sentence based upon an earlier circuit precedent, *In re Saint Fleur*, 824 F.3d 1337 (11th Cir. 2016), and the circuit’s “prior panel precedent” rule. *United States v. Solomon*, 136 F.4th 1310, 1318-21 (11th Cir. 2025). Mr. Solomon sought rehearing en banc, urging the full court to hold that *Fleur* and other panel precedents adhering to *Fleur* under the “prior panel precedent” rule were no longer binding since the *Fleur* panel demonstrably and admittedly did not apply the categorical approach—subsequently clarified in *Mathis v. United States*, 579 U.S. 500 (2016)—in analyzing whether Hobbs Act robbery was a “crime of violence” within 18 U.S.C. § 924(c)(3)(A). Since the circuit’s “prior panel precedent” rule did not apply in en banc proceedings, Mr. Solomon asked the full Eleventh Circuit to decide anew whether—after the intervening decisions in *Mathis* and *Taylor*, and in light of the language in the circuit’s pattern instruction—Hobbs Act robbery was a qualifying “crime of violence” for § 924(c)(3)(A).

On July 9, 2025, the Court denied the request for rehearing en banc. *United States v. Solomon, et. al.*, No. 22-11488, Slip op. (11th Cir. July 9, 2025). No judge on the Eleventh Circuit dissented from that denial.

Although this Court’s rules require that a petition for writ of certiorari be filed within 90 days of the denial of rehearing (by October 7, 2025), undersigned counsel will not be able to file Mr. Solomon’s petition by that date, and will need an additional 30 days to do so, for several reasons. First, over the past few months, counsel has

needed to devote her attention to several other time-consuming case matters, including most recently, a petition for writ of certiorari in *Isaac Alvarez v. United States*, just filed with the Court today. Second, in the two weeks prior to the current due date for Mr. Solomon's petition, counsel will need to be out of the office in observance of the Jewish holidays of Rosh Hashanah (September 23-24) and Yom Kippur (October 2). And finally, the day prior to the current due date for Mr. Solomon's petition (October 6), counsel is scheduled to have surgery. It is estimated that the recovery from this surgery will take at least two weeks, during which it will be difficult for counsel to work.

In anticipation of being out of the office an extended period as described above, counsel is now working diligently to file an Initial Brief in *United States v. Justin Meyer*, No. 25-10003 (due October 14, 2025); a Reply Brief in *United States v. Robert Mondragon*, No. 24-12385 (due October 15, 2025); and an Initial Brief in *United States v. Kemarcio Mitchell*, No. 25-10393 (due October 20th) before her October 6th surgery. And, because counsel has another petition for writ of certiorari in *United States v. Torrence Whitacker* also due on October 7th (the same day as the petition in this case), she is seeking to extend the due date for the *Whitaker* petition by 30 days as well.

Given these competing case commitments, and both religious and personal health matters that will take counsel away from work prior to and after October 7th, and cognizant of the fact that the time within which to file a petition for writ of certiorari in this case will expire on October 7th unless extended, undersigned counsel

respectfully requests that an order be entered extending Mr. Solomon's time to file a petition for writ of certiorari by 30 days, to and including November 6, 2025.

Respectfully submitted,

HECTOR A. DOPICO
FEDERAL PUBLIC DEFENDER

By: s/Brenda G. Bryn
Brenda G. Bryn
Assistant Federal Public Defender
Counsel of Record
Florida Bar No. 0708224
1 East Broward Blvd., Suite 1100
Fort Lauderdale, Florida 33301-1100
Telephone No. (954) 356-7436
Fax No. (954) 356-7556

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