

No. _____

IN THE
Supreme Court of the United States

JENNESIS V. DOMINGUEZ-GARCIA,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

**Application to the Hon. John G. Roberts, Jr.
for Extension of Time to File a
Petition for a Writ of Certiorari to the
United States Court of Appeals for the Armed Forces**

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Pursuant to Supreme Court Rules 13(5), 22, and 30, the Petitioner, Jennesis V. Dominguez-Garcia, requests a 60-day extension of time, to and including December 19, 2025, to file a Petition for a Writ of Certiorari. Unless an extension is granted, the deadline for filing the petition for certiorari will be October 20, 2025. This Application is being filed more than 10 days before that date.

In support of this application, Applicant states the following:

1. The Court of Appeals for the Armed Forces (CAAF) rendered its decision on July 22, 2025. This Court has jurisdiction under 28 U.S.C. § 1259(3). Copies of the

CAAF's order granting review and its decision, the latter of which Applicant is seeking review, is attached to this application.

2. In April 2021, Applicant pleaded guilty by exceptions and substitutions to one specification of "negligent" dereliction of duty, in violation of 10 U.S.C. § 892, which was the lesser included offense of the charged offense of "willful" dereliction of duty. *United States v. Dominguez-Garcia*, No. ACM S32694,, at *4 (A.F. Ct. Crim. App. Oct. 11, 2022). She also pleaded guilty to one specification of simple assault with an unloaded firearm, in violation of 10 U.S.C. § 928. *Id.* Applicant pleaded not guilty to the greater offense of willful dereliction of duty, which Applicant was ultimately acquitted of, and one specification of communication of a threat, in violation of 10 U.S.C. § 915, which the Government later withdrew and dismissed. *Id.* The military judge sentenced Applicant to a reprimand, reduction to the grade of E-1, confinement for seven days, and a bad-conduct discharge. *Id.* at *4-5.

3. On October 11, 2022, the Air Force Court of Criminal Appeals (AFCCA) affirmed the findings as correct in law and fact but set aside the sentence. *Id.* at *5-8. A rehearing was authorized, but the convening authority found a rehearing on the sentence to be impracticable and approved a sentence of no punishment. *United States v. Dominguez-Garcia*, No. ACM S32694 (f rev), 2024 LX 153340, at *1-2 (A.F. Ct. Crim. App. May 31, 2024). On her second appeal to the AFCCA, Applicant raised a single issue: "whether the misapplication of 18 U.S.C. § 922 to [Applicant] unconstitutionally deprived her of her right to bear arms based on her nonviolent

conviction at a special court-martial.” *Id.* at *2. The AFCCA found this issue outside its authority to review and affirmed the new sentence. *Id.*

4. Applicant petitioned the CAAF on the firearm prohibition issue, and the CAAF granted review. *United States v. Dominguez-Garcia*, 85 M.J. 186 (C.A.A.F. 2024). Following the CAAF’s decision in *United States v. Johnson*, __ M.J. __, No. 24-0004/SF, 2025 LX 121958 (C.A.A.F. June 24, 2025), wherein the CAAF found that it lacked authority to act on the firearms prohibition contained in the record of trial, the CAAF affirmed the AFCCA’s decision. *United States v. Dominguez-Garcia*, __ M.J. __, No. 24-0183/AF, 2025 LX 232388 (C.A.A.F. July 22, 2025).

5. Applicant’s current Air Force Appellate Defense Counsel, Captain Samantha Castanien, has represented Applicant since her second appeal to the AFCCA. Captain Castanien is Applicant’s primary counsel for Applicant’s Petition for a Writ of Certiorari, but Capt Castanien is also detailed to 21 other cases. Following the CAAF’s denial of relief for Applicant, counsel’s statutory obligations in representing other clients required her to review three records of trial to advise clients on appealing, prepare a supplement to a petition for a grant of review, file for reconsideration in a different case at the CAAF, respond to a petition for reconsideration filed by the United States at the CAAF, respond to a motion for reconsideration filed by the United States the AFCCA, and complete briefing for an eleven-issue appeal at the AFCCA. While counsel has been working diligently in preparing this petition, Capt Castanien still has significant argument and briefing

obligations between now and the current due date of the petition, to include preparing a petition for a new trial and assisting her co-counsel with oral argument preparation in *United States v. Braum*, USCA Dkt. No. 25-0046/AF (C.A.A.F.), scheduled for argument on October 8, 2025.

6. Additionally, as part of the basis for requesting an extension of time, the printing process required for Applicant's petition must be processed through a federal government agency (the Air Force), which has payment and processing requirements a private firm does not. The procurement process for a printing job cannot be forecasted with certainty, often has delays, and cuts approximately two weeks out of undersigned counsel's time to finalize the petition for a writ of certiorari. The close of the fiscal year and federal agency budgetary limitations are also adding to the normal delays and constraints associated with processing printing through the Air Force.

7. Applicant thus requests a 60-day extension for counsel to prepare a petition that fully addresses the issue raised to the CAAF in a manner that will be most helpful to the Court.

For the foregoing reasons, Applicant respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari up to, and including, December 19, 2025.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'S. Castanien', with a long horizontal flourish extending to the right.

SAMANTHA M. CASTANIEN, Capt, USAF

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September 22, 2025

**United States Court of Appeals
for the Armed Forces
Washington, D.C.**

United States,
Appellee

USCA Dkt. No. 24-0183/AF
Crim.App. No. S32694

v.

ORDER GRANTING REVIEW

Jennesis V.
Dominguez-Garcia,
Appellant

On consideration of the petition for grant of review of the decision of the United States Air Force Court of Criminal Appeals, it is, by the Court, this 3rd day of October, 2024,

ORDERED:

That said petition is hereby granted on the following issue:

WHETHER THERE IS JURISDICTION TO DIRECT
CORRECTION OF THE ERRONEOUS AND
UNCONSTITUTIONAL FIREARM PROHIBITION NOTED ON
THE STAFF JUDGE ADVOCATE'S INDORSEMENT TO THE
ENTRY OF JUDGMENT.

No briefs will be filed under C.A.A.F. R. 25.

For the Court,

/s/ Malcolm H. Squires, Jr.
Clerk of the Court

cc: The Judge Advocate General of the Air Force
Appellate Defense Counsel (Castanien)
Appellate Government Counsel (Payne)

**United States Court of Appeals
for the Armed Forces
Washington, D.C.**

United States,
Appellee

USCA Dkt. No. 24-0183/AF
Crim.App. No. S32694

v.

ORDER

Jennesis V.
Dominguez-Garcia,
Appellant

On further consideration of the granted issue, 85 M.J. 186 (C.A.A.F. 2024), and in view of *United States v. Johnson*, __ M.J. __ (C.A.A.F. 2025), it is, by the Court, this 22nd day of July, 2025,

ORDERED:

That the decision of the United States Air Force Court of Criminal Appeals is hereby affirmed.

For the Court,

/s/ Malcolm H. Squires, Jr.
Clerk of the Court

cc: The Judge Advocate General of the Air Force
Appellate Defense Counsel (Castanien)
Appellate Government Counsel (Payne)