

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Rashun Suncar,
Petitioner,

v.

United States of America,
Respondent

APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI PURSUANT TO RULE 13(5)

1. Petitioner, Rashun Suncar, pursuant to Rule 13(5), Rules of the Supreme Court, respectfully seeks a fourteen (14) day extension of time within which to file his petition for writ of certiorari in this Court. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254. This application is submitted at least ten (10) days prior to the scheduled filing date for the Petition. The pertinent dates are:

- a. **July 2, 2025:** Issuance of written opinion of United States Court of Appeals for the Fourth Circuit, *United States v. Suncar*, No. 23-4765, 142 F.4th 259 (4th Cir. 2025). A copy of the opinion is attached hereto as Exhibit A.
- b. **September 20, 2025:** Deadline for seeking extension of time within which to file a petition for writ of *certiorari* in the United States Supreme Court.

c. **September 30, 2025:** Expiration of time for filing a petition for writ of *certiorari* in the United States Supreme Court, unless extended.

3. For a combination of reasons—including some pre-scheduled leave for nonrefundable travel, the demands of other cases (including counsel’s obligations and briefs in the Fourth Circuit Court of Appeals)—and in most significant part, because 14 days of the time set aside for this petition had to be unexpectedly spent instead drafting and filing a petition for rehearing in *United States v. Nelson*, No. 22-4658—a 14-day extension is respectfully requested for this cert petition. Under the Federal and Local Rules of Appellate Procedure, the 14-day time limit on appellate petitions for rehearing in the Fourth Circuit is “strictly enforce[d],” and will not be extended unless one of the following grounds is presented for extension:

- (i) the death or serious illness of counsel, or of a member of counsel's immediate family (or in the case of a party proceeding without counsel, the death or serious illness of the party or a member of the party's immediate family); or
- (ii) an extraordinary circumstance wholly beyond the control of counsel or a party proceeding without counsel.

Loc. R. 40(c).¹ Because neither criteria was satisfied, counsel could not seek an extension for that petition for rehearing.

4. Petitioner intends to ask this Court to grant review on important questions of federal law concerning whether the Court of Appeals correctly disregarded a considered decision of Pennsylvania’s Superior Court interpreting Pennsylvania’s controlled substance statute. This case also presents the question of

¹ https://www.ca4.uscourts.gov/AppellateProcedureGuide/Decision_Post-Decision/APG-rehearingandrehearingenbanc.html

whether the court of appeals correctly conducted the categorical approach comparison, which in turn involves important questions of statutory interpretation of terms in many controlled substance statutes. Petitioner believes that the Court of Appeals for the Fourth Circuit's rulings on these important questions of federal law and deference to state court decisions are in an area that this Court has not directly decided, but should, warranting review under Supreme Court Rule 10. Additionally, the decision below is also contrary to this Court's precedent on superfluosity, warranting review pursuant to Supreme Court Rule 10(c).

5. On September 18, 2025, undersigned counsel contacted the Office of the Solicitor General in an effort to obtain the government's position on this request, leaving a contact number as directed by the answering machine. As of the time of filing, no response has been received.

For the foregoing reasons, Petitioner Suncar respectfully prays that this Court grant an extension of 14 days to and including Tuesday, October 14, 2025, within which to file his petition for writ of *certiorari*.

Respectfully submitted, this the 18th day of September, 2025.

/s/ Jenny R. Thoma
Jenny Thoma
Research & Writing Attorney
Federal Public Defender's Office
Northern District of West Virginia
230 West Pike Street, Suite 360
Clarksburg, WV 26301
(304) 622-3823
jenny_thoma@fd.org