

IN THE SUPREME COURT OF THE UNITED STATES

No. 25A_____

UNITED STATES OF AMERICA, APPLICANT

v.

ERIK HARRIS

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

Pursuant to Rules 13.5 and 30.2 of the Rules of this Court, the Solicitor General -- on behalf of applicant United States of America -- respectfully requests a 30-day extension time, to and including November 12, 2025, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Third Circuit in this case. The opinion of the court of appeals (App., infra, 1a-48a) is reported at 144 F.4th 154.

The court of appeals entered its judgment on July 14, 2025. Unless extended, the time within which to file a petition for a writ of certiorari will expire on October 13, 2025 (Monday). The jurisdiction of this Court would be invoked under 28 U.S.C. 1254(1).

1. A federal grand jury in the U.S. District Court for the Western District of Pennsylvania indicted respondent on three counts of possessing a firearm as an unlawful user of a controlled substance, in violation of 18 U.S.C. 922(g)(3), and three counts of falsification of a firearms purchase form, in violation of 18 U.S.C. 922(a)(6). See Indictment 1. Respondent moved to dismiss the indictment, arguing (as relevant here) that Section 922(g)(3) violates the Second Amendment. See App., infra, 4a. The district court denied the motion. Respondent pleaded guilty on all counts. See ibid.

2. The Third Circuit vacated and remanded. App., infra, 1a-48a. The court determined that Section 922(g)(3) is “well-grounded in history” and is analogous to historical laws restricting the rights of drunkards. Id. at 15a; see id. at 14a-20a. But it then concluded that the government may apply Section 922(g)(3) to an individual only if that “particular drug user” poses a “risk of danger.” Id. at 22a. It remanded the case so that the district court could make that factual determination in the first instance. See ibid.

3. The Solicitor General has not yet determined whether to file a petition for a writ of certiorari in this case. The United States has filed, and this Court is currently considering, several petitions for writs of certiorari involving as-applied Second Amendment challenges to Section 922(g)(3). See United States v. Hemani, 24-1234 (filed June 2, 2025); United States v. Cooper, No.

24-1247 (filed June 5, 2025); United States v. Daniels, No. 24-1248 (filed June 5, 2025); United States v. Sam, No. 24-1249 (filed June 5, 2025); United States v. Baxter, No. 24-1328 (filed June 27, 2025). The additional time sought in this application would enable the Solicitor General to review this Court's disposition of those petitions before deciding whether to file a petition in this case. Additional time is also needed, if a petition is authorized, to permit its preparation and printing.

Respectfully submitted.

D. JOHN SAUER
Solicitor General

OCTOBER 2025