

App. No. \_\_\_\_\_

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**In The**  
**Supreme Court of the United States**

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**DEVON CHANCE,**

*Petitioner,*

**v.**

**UNITED STATES OF AMERICA,**

*Respondent.*

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**PETITIONER’S APPLICATION TO EXTEND TIME  
TO FILE PETITION FOR A WRIT OF CERTIORARI FROM THE  
JUDGMENT OF THE UNITED STATES COURT OF APPEALS FOR THE  
ELEVENTH CIRCUIT**

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**To the Honorable Clarence Thomas, as Circuit Justice for the United States  
Court of Appeals for the Eleventh Circuit:**

Petitioner, Devon Chance, respectfully requests that the time to file a Petition for a Writ of Certiorari in this case be extended for thirty days to and including November 6, 2025. The United States Court of Appeals for the Eleventh Circuit issued its opinion on May 15, 2025. Petitioner’s timely filed his petition for rehearing en banc (the Court permitting adoption of his co-appellant, Curtis

Solomon's, petition), was denied on July 9, 2025, with no judge on the Eleventh Circuit dissenting from that denial (*United States v. Solomon, et. al., No. 22-11488, Slip op.*). Absent an extension of time, the petition would be due on October 7, 2025. Petitioner has not previously sought an extension of time from this Court. Petitioner is filing this Application at least ten (10) days before the due date. *See* S. Ct. R. 13-5. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

Petitioner is incarcerated serving a sentence of 1,794 months imprisonment for multiple counts of Hobbs Act robbery and using and carrying a firearm during those robberies. On direct appeal, after the district court entered an amended judgment eliminating one § 924(c) count, Petitioner 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 this Court in *United States v. Taylor*, 596 U.S. 845 (June 21, 2022) rejected the “realistic probability” methodology used in *United States v. St. Hubert*, 909 F.3d 335, 350 (11<sup>th</sup> Cir. 2018) to conclude substantive Hobbs Act robbery was categorically a “crime of violence” for 18 USC § 924(c)(3)(A). What controlled under the categorical approach post-*Taylor*, Petitioner 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. Petitioner explained that the Eleventh Circuit 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 that point, but nevertheless affirmed Petitioner’s sentence based upon an earlier circuit precedent, *In re Saint Fleur*, 824 F.3d 1337 (11<sup>th</sup> Cir. 2016), and the circuit’s “prior panel precedent” rule. *United States v. Solomon*, 136 F.4<sup>th</sup> 1310 (11<sup>th</sup> Cir. 2025). Petitioner 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 USC § 924(c)(3)(A). Since the circuit’s “prior panel precedent” did not apply to en banc proceedings, Petitioner asked the full Eleventh Circuit to decide anew whether – after intervening decisions in *Mathis* and *Taylor*, and considering the language in the circuit’s pattern jury 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. 11488, Slip op. (11<sup>th</sup> Cir. July 9, 2025). No judge on the Eleventh Circuit dissented from the 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 the petition by that date and will need an additional 30 days to do so.

First, the Circuit’s decision presents an issue of great importance and conflicts with the reasoning and analysis of decisions by other circuits and this Court. The issue is of fundamental importance to multiple constitutional and statutory interpretation issues. The issue may warrant granting a writ of certiorari and will require substantial additional legal research and review by counsel, including as to circuit conflicts. The issue is complex. Briefing in the Eleventh Circuit was extensive, and the important issues and collateral impact of the decision support granting this extension of time.

Additionally, Petitioner is incarcerated and desirous of assisting undersigned counsel with his own independent research and suggestions, as he has been doing over the past several years, however, all communications between counsel and

client must be through the mail since Petitioner is without CorrLinks accessibility. This predicament increases substantially the time for communications between undersigned appointed counsel and his incarcerated client.

Furthermore, undersigned counsel suffers from vision issues (blind in one eye and limited vision in the other eye), which increases the time required for research and writing. Undersigned counsel, a sole practitioner, has been diligent in his efforts to prepare the petition for writ of certiorari, along with his attention to other time-consuming case matters, particularly a sex trafficking case with voluminous discovery to review with the incarcerated client, which just recently was continued from its trial date of October 6, 2026 (*United States v. Blanco Blanco*, Case No. 25-CR-80080-SMITH).

In addition to the above, undersigned counsel has a medical procedure scheduled for September 25, 2025, which will leave counsel debilitated and unable to continue his research and writing for days, to be followed with a surgical procedure on October 1, 2025, which will further prevent him from his attention to researching and writing the petition.

Lastly, Petitioner's co-defendant below and his co-appellant on appeal, and the leading party in these appellate proceedings, has been granted an extension to November 6, 2025, within which to file his like petition for writ of certiorari.

*Curtis Solomon v. United States*, Application No. 25A299 (11<sup>th</sup> Circuit Case 22-11488).

For the foregoing reasons that have and will take away time from work prior to October 7, 2025, the present due date for filing a petition with this Court, undersigned counsel respectfully requests that an order be entered extending Petitioner's time to file a petition for writ of certiorari by 30 days, to and including November 6, 2025.

Respectfully submitted,

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