

IN THE
SUPREME COURT OF THE UNITED STATES

No.

TRAVIS SCHLOTTERBECK,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

APPLICATION TO THE HON. ELENA KAGAN
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 NINTH CIRCUIT

Pursuant to Supreme Court Rule 13(5), Travis Schlotterbeck (“Applicant”) hereby moves for an extension of time of 60 days, to and including December 6, 2025, for the filing of a petition for a writ of certiorari. Unless an extension is granted, the deadline for filing the petition will be October 7, 2025.

In support of this request, Applicant states as follows:

1. This Court has jurisdiction under 28 U.S.C. §1254(1).
2. Applicant intends to seek review of the decision of the United States Court of Appeals for the Ninth Circuit in *United States v. Travis Schlotterbeck*, 142 F.4th 1194 (9th Cir. 2025), a copy of which is annexed hereto. The Ninth Circuit panel’s decision was issued on July 9, 2025. Applicant’s unopposed motion to stay the mandate was granted on July 31, 2025.
3. Between May 21, 2015, and June 21, 2017, Mr. Schlotterbeck agreed to manufacture six custom firearms for profit. One of the customers to whom Mr.

Schlotterbeck sold one firearm informed Mr. Schlotterbeck that he was a felon and was prohibited from possessing a firearm. He never informed Mr. Schlotterbeck what his felony was or that he was in fact a confidential informant working at the direction of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”).

4. In its opinion, filed on July 9, 2025, the Ninth Circuit held that Mr. Schlotterbeck’s Second Amendment challenge to the constitutionality of 18 U.S.C. § 922(d)(1) failed because, under the logic of *United States v. Duarte*, 137 F.4th 743 (9th Cir. 2025) (en banc), 922(g)(1)’s ban on felons possessing firearms is justified by our nation’s history and tradition of disarming people the legislature deems dangerous. As such, § 922(d)(1)’s prohibition on selling firearms to felons, under the ancillary-rights doctrine, cannot meaningfully constrain the possessory rights of felons because they do not have possessory rights under the second step of the analysis established by *New York State Rifle & Pistol Assn. v. Bruen*, 597 U.S. 1 (2022).

5. Counsel for Duarte has filed two requests for extension of time to file a petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Those extensions have been granted and Duarte’s petition for certiorari is due October 6, 2025. No. 25A123.

6. Duarte’s forthcoming petition for certiorari will ask this Court to resolve a conflict between the circuits on whether § 922(g)(1) may constitutionally be applied to individuals with non-violent felony convictions. The circuit conflict

arises out of the Third Circuit's holding in *Range v. Att'y Gen. United States*, 124 F.4th 218 (3rd Cir. 2024) (en banc). In *Range*, the en banc court for the Third Circuit held § 922(g)(1) unconstitutional as applied to individuals with non-violent felony convictions who have served their sentences and pose no danger to society.

7. Applicant requests a 60-day extension of time to submit a petition for writ of certiorari in this case given the importance and complexity of this case, counsel's other time commitments, and, importantly, the relationship of this case to that of *Duarte*. Applicant's counsel, who represented Applicant in the Ninth Circuit, is beginning a jury trial in the District of South Dakota on November 4, 2025. A significant amount of pretrial preparation, including motion work, is due on a motion schedule that is not extendable. While counsel has been working diligently on the petition for writ of certiorari, other time commitments as well as the relatedness of this case to *Duarte*, have not allowed the petition to be completed at this time.

For these reasons, Applicant requests that the day for his filing a petition for writ of certiorari be extended to, and including, December 6, 2025.

September 26, 2025

Respectfully submitted,



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PROOF OF SERVICE

I, THE UNDERSIGNED, SAY:

1. That I am over eighteen years of age, a resident of the County of Los Angeles, State of California, and that my business address is 21515 Hawthorne Blvd. Suite 200, Torrance, CA 90503; and
2. That I electronically filed Travis Schlotterbeck's Application for an Extension of Time to File a Petition for Writ of Certiorari, and that I arranged for copies to be mailed to the Clerk of the Supreme Court of the United States, 1 First Street, N.W., Washington, D.C. 20543; and
3. That I arranged for mailing of a copy of the Application to the Solicitor, Dept of Justice, Rm 5616, 950 Pennsylvania Ave., N.W., Washington, D.C. 20530-0001;
4. That I directed a copy be mailed to Petitioner Schlotterbeck who is out of custody;

I certify that the foregoing is true and correct. Executed on September 26, 2025, at Torrance, California.



Edward M. Robinson