

IN THE
Supreme Court of the United States

THOMAS STEVEN SANDERS,
Applicant,

v.

UNITED STATES OF AMERICA,
Respondent.

**APPLICATION FOR EXTENSION OF TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**

TO THE HONORABLE SAMUEL A. ALITO, ASSOCIATE JUSTICE OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE FIFTH CIRCUIT:

Pursuant to Supreme Court Rule 13.5, Applicant Thomas Steven Sanders respectfully requests a 60-day extension of time, to and including December 26, 2025, to file a petition for a writ of certiorari in this case. A 60-day extension of time is warranted because Mr. Sanders has been transferred to state custody for prosecution of a capital case involving the same facts at issue in the instant matter, complicating counsel's evaluation of the issues for presentation to this Court and ability to consult with Mr. Sanders. Mr. Sanders has not previously requested an extension. The United States Court of Appeals for the Fifth Circuit issued its decision on March 27, 2025, *see* App. A, and denied Mr. Sanders's timely rehearing petition on July 29, 2025, *see* App. B. Absent an extension, the petition for a writ of certiorari would be due on or before October 27, 2025. This

application complies with Rules 13.5 and 30.2 because it is being filed more than ten days before the petition is due. This Court has jurisdiction over the case pursuant to 28 U.S.C. § 1254(1).

1. Mr. Sanders was arrested in October 2010 and charged with the kidnapping and murder of L.R., a minor. *See United States v. Sanders*, Dist. Ct. Case No. 1:10-cr-00251-DDD-JDK-1 (W.D. La.), Dkt. 1. Following filing of a superseding indictment (Dist. Ct. Dkt. 24), the government noticed its intent to seek the death penalty (DC Dkt. 73). A capital jury trial ensued in August and September of 2014. (Dist. Ct. Dkt. 251-324.) The jury convicted Mr. Sanders and recommended a sentence of death, which the district court imposed. (Dist. Ct. Dkt. 298, 328, 326, 331.) After post-trial motions were denied (Dist. Ct. Dkt. 352), Mr. Sanders filed a timely notice of appeal (Dist. Ct. Dkt. 353). *See United States v. Sanders*, Appeal No. 15-31114 (Fifth Cir.).

2. The appeal challenged Mr. Sanders's competency to stand trial and raised various issues concerning the validity of his convictions and death sentences, including regarding jury composition and selection; the sufficiency of the evidence; prejudicial penalty phase evidence; prosecutorial misconduct; double jeopardy violations; and the constitutionality of the Federal Death Penalty Act. (Ct. App. Dkt. 205.) Oral argument was heard by the Court of Appeals for the Fifth Circuit on March 2, 2020. (Ct. App. Dkt. 227.)

3. On December 23, 2024, President Joseph R. Biden, Jr. issued an executive grant of clemency, commuting Mr. Sanders's death sentences to life

imprisonment without the possibility of parole. (Dkt. 400.)

4. On March 27, 2025, the Court published an opinion affirming in part and reversing in part, determining that one of Mr. Sanders's two convictions should be vacated on double jeopardy grounds. Although Mr. Sanders's case was no longer a death penalty case, thanks to President Biden's clemency action, the Court decided all the death penalty issues raised in the appeal. *See* Appendix A.

5. Mr. Sanders timely filed a motion for panel rehearing, requesting that the Court withdraw the death-penalty-related decisions. On July 29, 2025, the panel denied that request. *See* Appendix B.

6. In the wake of President Biden's clemency action, Mr. Sanders has been charged in Arizona and Louisiana with state capital charges stemming from the same incident that formed the basis for the federal charges. *See State of Arizona v. Sanders*, No. S1300CR202500325 (Yavapai Co.); *State of Louisiana v. Sanders*, No. 25-1090 (Catahoula Parish).

7. Mr. Sanders requests a 60-day extension of time to file a petition for certiorari, to and including December 26, 2025. There is good cause for this extension because Mr. Sanders is now in the custody of Yavapai County, Arizona, and facing death penalty charges in that jurisdiction and in Catahoula Parish, Louisiana. Specifically, these prosecutions have complicated both counsel's evaluation of the issues for presentation to this Court and ability to consult with Mr. Sanders about the federal case. Additional time is needed to provide sufficient time for counsel to fully assess the complexity of this situation and how

it affects the legal issues in Mr. Sanders's federal case, as well as to consult with Mr. Sanders about this.

8. Mr. Sanders has not previously requested an extension of time.

For the foregoing reasons, Mr. Sanders respectfully requests that the time for filing a petition for a writ of certiorari in this case be extended by 60 days, to and including December 26, 2025.

Respectfully submitted,

/s/ Sarah S. Gannett

SARAH S. GANNETT

Counsel of Record

FEDERAL PUBLIC DEFENDER, DISTRICT
OF ARIZONA

250 N. 7th Avenue, Suite 600

Phoenix, AZ 85007

(443) 739-3127

Sarah_Gannett@fd.org

OCTOBER 14, 2025

CERTIFICATE OF SERVICE

I, Sarah S. Gannett, a member of the bar of this Court, hereby certify that, on this 14th day of October, 2025, all parties required to be served have been served copies of the foregoing in this matter by overnight courier and electronic mail to the address below.

D. JOHN SAUER
Solicitor General
U.S. DEPARTMENT OF JUSTICE
ROOM 5616
950 Pennsylvania Avenue NW
Washington, DC 20530-0001
(202) 514-2217
SUPREMECTBRIEFS@USDOJ.GOV

/s/ Sarah S. Gannett
SARAH S. GANNETT