

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Eric Walton,
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, Eric Walton, pursuant to Rule 13(5), Rules of the Supreme Court, respectfully seeks a thirty (30) 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 28, 2025:** Issuance of written opinion of United States Court of Appeals for the Fourth Circuit, *United States v. Walton*, No. 23-4314, 145 F.4th 476 (4th Cir. 2025). A copy of the opinion is attached hereto as Exhibit A.
- b. **October 16, 2025:** Deadline for seeking extension of time within which to file a petition for writ of *certiorari* in the United States Supreme Court.

- c. **October 27, 2025:** Expiration of time for filing a petition for writ of *certiorari* in the United States Supreme Court, unless extended.

3. Due to the demands of other cases in the Fourth Circuit Court of Appeals, the Northern District of West Virginia, and especially in this Court, there has not been sufficient time to complete a petition for certiorari. Counsel's last certiorari petition in *United States v. Rashun Suncar* (no Supreme Court case number yet assigned) was just filed to this Court two days ago on October 14, 2025. While progress has since been made on Walton's case, additional time will be needed.

4. Petitioner intends to ask this Court to grant review on an important question of federal law—the appropriate standard of review of a district court's decision to allow a defendant to proceed pro se at a supervised release revocation hearing—on which there is a circuit split, and this Court has not yet weighed in.

5. On October 16, 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 Walton respectfully prays that this Court grant an extension of 30 days to and including November 26, 2025, within which to file his petition for writ of *certiorari*.

Respectfully submitted, this the 16th day of October, 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