

CASE NO. _____
SUPREME COURT OF THE UNITED STATES

Marquis Melton,	)
	)
Petitioner,	)
	)
v.	)
	)
United States of America,	)
	)
Respondent.	)

Application to Justice Kavanaugh for Additional Time to File a
Petition for a Writ of Certiorari to the Eighth Circuit Court of Appeals

Submitted on Behalf of Petitioner

Submitted By:

Mohammed G. Ahmed
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Attorney for Petitioner

To Justice Brett M. Kavanaugh:

Petitioner Marquis Melton, through Assistant Federal Public Defender Mohammed G. Ahmed, requests an additional 60 days in which to file a petition in this Court seeking certiorari to the Eighth Circuit Court of Appeals. Specifically, he seeks an extension through December 22, 2025.

Petitioner makes this request under Supreme Court Rule 13.5.

Jurisdiction

Petitioner is preparing to request this Court's review of the judgment issued by the Eighth Circuit Court of Appeals on July 24, 2025, affirming his sentence following his guilty plea to one count of unlawfully possessing a firearm under 18 U.S.C. § 922(g)(1). App. 1 – App. 3 (COA Opinion). Mr. Melton did not file a petition for rehearing or rehearing en banc.

The deadline for filing a petition in this case is October 22, 2025. Petitioner files his request at least 10 days before the date the petition is currently due. *See* Supreme Court Rule 13.5.

Reasons for Application

Before the Eighth Circuit, Mr. Melton argued the District Court misapplied the cross-reference provision of the Sentencing Guidelines at § 2K2.1(c)(1)(A) and wrongly denied Mr. Melton a reduction for acceptance of responsibility. COA Appellant's Br., at 15-22. Each of these errors caused a dramatic increase in Mr. Melton's sentencing range, which he argued warranted reversal. *Id.* at 18, 22. The Government disagreed and responded to the substance of both arguments. COA Appellee's Br., at 10-29. However, the Government offered the Eighth Circuit another option: that even if the District Court erred, it was harmless. *Id.* at 29-31.

The Eighth Circuit ruled against Mr. Melton and affirmed his sentence because the District Court made a statement effectively saying “the resolution of the disputes regarding the Guidelines calculation did not affect its ultimate sentence determination[.]” App. 3. In light of that determination, the Eighth Circuit did not address whether the District Court had erred. *Id.*

The Eighth Circuit’s approach to harmless error in calculating the Guidelines range has prevented meaningful review in numerous cases like Petitioner’s. It also conflicts with the practice in most other Circuits and this Court’s opinion in *Gall v. United States*, 552 U.S. 38, 51 (2007). Counsel intends to fully address the Circuit split in his petition.

Undersigned counsel is an Assistant Federal Public Defender in the Eastern District of Missouri shouldering a full case load of appointed cases requiring consultation with clients in detention facilities in remote parts of Missouri and other states as well as being required to meet several other deadlines between the Eighth Circuit’s decision and the current due date. These demands on counsel’s time may prevent counsel from preparing a competent and concise petition by the current deadline. Counsel makes this request with no dilatory purpose. Counsel seeks only to ensure proper presentation of the important federal questions raised in petitioner’s case while also providing effective representation in all cases to which counsel is assigned.

Wherefore, Petitioner requests additional time to file a Petition for a Writ of Certiorari,
up to and including December 22, 2025.

Dated: October 10, 2025

Respectfully submitted,

/s/ Mohammed G. Ahmed
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