

No:
IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2025

RALPH TOVAR,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**MOTION FOR EXTENSION OF TIME
WITHIN WHICH TO FILE
A PETITION FOR WRIT OF CERTIORARI**

**TO THE HONORABLE CLARENCE THOMAS, ASSOCIATE
JUSTICE OF THE SUPREME COURT OF THE UNITED
STATES AND CIRCUIT JUSTICE FOR THE
ELEVENTH CIRCUIT:**

Pursuant to Supreme Court Rules 13.5, 22, and 30.3, Ralph Tovar respectfully requests a 30-day extension of time within which to file a petition for writ of certiorari to the United States Court of Appeals for the Eleventh Circuit. Mr. Tovar has not previously sought an extension of time from this Court.

The petition is currently due November 6, 2025. This motion for extension of time is being filed more than ten days before the

cert petition filing date. See S.Ct. Rule 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

Mr. Tovar was convicted after a jury trial of two counts of attempted sex trafficking of a minor, and one count of attempted coercion and enticement of a minor to engage in sexual activity, in violation of 18 U.S.C. §§ 1591(a)(1), (b)(1), (b)(2); 1594(a); & 2422(b). Mr. Tovar’s use of the internet and his personal cellphone—stipulated “facilities of interstate commerce”—constituted the sole evidence supporting satisfaction of § 1591(a)(1)’s “in or affecting interstate commerce” element. Arguing insufficiency of the evidence on that basis, Mr. Tovar appealed his two § 1591 convictions, and, after oral argument, the Eleventh Circuit affirmed both, in a published opinion, dated August 8, 2025. See attached Exhibit A, *United States v. Tovar*, Case No. 23-10755.

Mr. Tovar now seeks to file a petition for writ of certiorari with this Court to review the conclusion of the Eleventh Circuit, “that a defendant’s intrastate crimes qualify as ‘in commerce’ when he uses the instrumentalities of interstate commerce to facilitate their commission.” *Id.* at 14 (slip copy). This conclusion raises an increasingly important question of statutory

interpretation, of consequence to federalism, and about which federal circuits have published conflicting opinions.

Counsel believes that additional time will be important for the careful preparation of the petition for writ of certiorari in this matter, and that additional time will be necessary due to the press of previously-assigned matters.

In light of the above, Mr. Tovar seeks a 30-day extension of time within which to file a Petition for Writ of Certiorari. No party will be prejudiced by the granting of this request.

Accordingly, petitioner respectfully requests that this Court extend the time to file a petition for writ of certiorari by 30 days.

Respectfully submitted,

HECTOR DOPICO
FEDERAL PUBLIC DEFENDER

Fort Lauderdale, Florida
October 23, 2025

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