

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Thelonious Wayne Kirby,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

**On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Eleventh Circuit**

**APPLICATION FOR EXTENSION OF TIME TO FILE A
PETITION FOR WRIT OF CERTIORARI**

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**APPLICATION FOR EXTENSION OF TIME TO FILE A
PETITION FOR A WRIT OF CERTIORARI**

To the Honorable Clarence Thomas, Circuit Justice for the United States Court of Appeal for the Eleventh Circuit:

Pursuant to Rule 13.5 of the Rules of the Supreme Court of the United States, Petitioner Thelonious Wayne Kirby respectfully requests a 30-day extension of time, up to and including December 24, 2025, to file his petition for writ of certiorari.

BASIS FOR JURISDICTION

The United States District Court for the Middle District of Florida had original jurisdiction over this criminal case under 18 U.S.C. § 3231. The United States Court of Appeals for the Eleventh Circuit reviewed the district court's judgment under 18 U.S.C. § 3742 and 28 U.S.C. § 1291. The Eleventh Circuit issued its decision on August 26, 2025.

This Court will have jurisdiction over a timely filed petition for writ of certiorari in this case under 28 U.S.C. § 1254(1). Mr. Kirby's petition is due on November 24, 2025, and he is filing this application more than 10 days before that date pursuant to Supreme Court Rule 13.5. Under that rule, the Court may extend the time to file a petition for writ of certiorari for a period not exceeding 60 days.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

On August 26, 2025, the Eleventh Circuit affirmed Mr. Kirby's judgment and conviction. *See United States v. Kirby*, No. 24-10142, 2025 WL 2450513 (11th Cir. Aug. 26, 2025). A copy of the opinion is attached as Appendix A. He did not seek rehearing.

REASONS FOR GRANTING AN EXTENSION OF TIME

The undersigned counsel of record is a Research and Writing Attorney for the Federal Defender's Office in the Middle District of Florida. At present, he is counsel of record in 16 open appeals in the Eleventh Circuit and this Court, in addition to numerous compassionate release and habeas cases in the district court. Counsel also handles other responsibilities, such as assisting private attorneys appointed under the Criminal Justice Act and assisting attorneys within his Office's trial unit.

In the next 40 days, counsel is preparing initial briefs in *United States v. Dumeus*, No. 25-12856 (11th Cir.), *United States v. Kimbrough*, Nos. 25-12680 & 25-12681 (11th Cir.), *United States v. Martin*, No. 25-12305 (11th Cir.), and *United States v. Wien*, No. 25-10685 (11th Cir.), and a compassionate release motion in *United States v. Buckalew*, No. 8:12-cr-00153 (M.D. Fla.).

A 30-day extension (until December 24, 2025) would allow undersigned counsel to contribute effectively to pending client matters, including Mr. Kirby's petition, as well as various administrative matters. He respectfully submits that these facts support a finding of good cause under Supreme Court Rule 13.5.

CONCLUSION

Wherefore, undersigned counsel respectfully asks the Court to grant a 30-day extension of time, until December 24, 2025, in which to file Mr. Kirby's petition for a writ of certiorari.

Respectfully submitted,

Charles Pritchard, Esq.
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Dated: November 3, 2025