

No. _____

In the Supreme Court of the United States

G'ANTE BUTLER,

Applicant,

v.

UNITED STATES OF AMERICA.

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

To the Honorable Neil M. Gorsuch, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Tenth Circuit:

1. Pursuant to Supreme Court Rule 13.5, Applicant G'Ante Butler respectfully requests a 60-day extension of time, to and including February 14, 2026, within which to file a petition for a writ of certiorari. The U.S. Court of Appeals for the Tenth Circuit issued an opinion on June 25, 2025. A copy of that opinion is attached as Exhibit A. The U.S. Court of Appeals for the Tenth Circuit denied a timely petition for rehearing on September 17, 2025. A copy of that order is attached as Exhibit B. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1).

2. Absent an extension, a petition for a writ of certiorari would be due on December 16, 2025. This application is being filed more than ten days in advance of that date, and no prior application has been made in this case.

3. This case raises an exceptionally important question warranting this Court’s review: Whether 18 U.S.C. § 111’s prohibition on “resist[ing], oppos[ing], impeded[ing], intimidat[ing], or interfer[ing]” with federal officers while they are “engaged in or on account of the performance of” their duties is limited to the intentional infliction of violence against the officer.

4. Applicant G’Ante Butler was convicted of assault on a federal officer with a deadly weapon under 18 U.S.C. § 111(b), and use of a firearm in furtherance of a crime of violence under 18 U.S.C. § 924(c)(1)(A)(iii).

5. Mr. Butler challenged his § 924(c) conviction, arguing that assault on a federal officer under § 111(b) is not a “crime of violence” following this Court’s decision in *Borden v. United States*, 593 U.S. 420, 423 (2021), which held that offenses committable through reckless contact do not qualify as violent felonies under the Armed Career Criminal Act’s nearly identical elements clause.

6. The Tenth Circuit affirmed Mr. Butler’s convictions, relying on circuit precedent that holds that conviction under § 111 is a crime of violence because a § 111 violation (1) always requires the commission of an “assault,” (2) always requires proof that that assault was purposeful or knowing, not reckless. Those holdings are in direct conflict with the holdings of several other circuits, the text of the statute, and the longstanding position of the Department of Justice itself.

7. The Circuits are in an open longstanding 4-4 conflict over whether § 111 can be violated through inadvertent contact with a federal officer while engaged in conduct like “resisting” or “impeding” federal officers without proof of intentional “assault.” *Compare*,

e.g., *United States v. Briley*, 770 F.3d 267 (4th Cir. 2014); *United States v. Williams*, 602 F.3d 313 (5th Cir. 2010); *United States v. Gagnon*, 553 F.3d 1021 (6th Cir. 2009), and *United States v. Stands Alone*, 11 F.4th 532 (7th Cir. 2021), with *United States v. Chapman*, 528 F.3d 1215 (9th Cir. 2008); *United States v. Wolfname*, 835 F.3d 1214 (10th Cir. 2016).

8. This case presents a question of exceptional national importance that warrants this Court’s review. The assault on a federal officer statute is an essential safeguard for federal officers in the discharge of their duties nationwide. Section 111 is central to federal officer protection—between 2019 and 2023, nearly 9,000 federal officers were assaulted or killed.

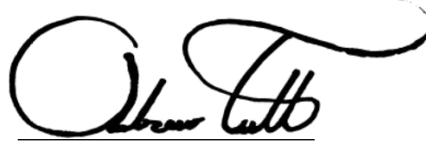
9. By requiring proof of purpose, the Tenth Circuit’s decision makes § 111 uniquely restrictive among federal assault crimes. With thousands of federal officers at risk and prosecutors uncertain about the scope of this critical protective statute, the Court’s guidance is urgently needed to ensure uniform application of federal criminal law protecting those who serve the federal government.

10. Mr. Butler respectfully requests an extension of time to file a petition for a writ of certiorari. Counsel was retained in this case after the Tenth Circuit panel issued its decision. A 60-day extension would allow counsel sufficient time to familiarize themselves with the complex factual and legal issues presented by this case. Counsel also have a number of competing deadlines in cases before this Court and other federal courts, as well as personal obligations for the upcoming holidays. A 60-day extension would provide counsel with adequate time to prepare the petition for filing.

Wherefore, Mr. Butler respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari to and including February 14, 2026.

Dated: November 14, 2025

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew T. Tutt", with a horizontal line underneath.

Andrew T. Tutt

Counsel of Record

ARNOLD & PORTER KAYE SCHOLER LLP
601 Massachusetts Avenue, NW
Washington, DC 20001
(202) 942-5000
andrew.tutt@arnoldporter.com

Counsel for Applicant G'Ante Butler