

CASE NO. _____
SUPREME COURT OF THE UNITED STATES

William Dahl,	)
	)
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:

Eric M. Selig
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Attorney for Petitioner

To Justice Brett M. Kavanaugh:

Petitioner William Dahl, through Assistant Federal Public Defender Eric M. Selig, requests an additional 60 days in which to file a petition in this Court seeking certiorari to the Eighth Circuit Court of Appeals. He seeks an extension through January 23, 2026.

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 22, 2025, affirming his two convictions for receiving child pornography. App. 1 – App. 6 (COA Opinion). Petitioner filed a timely petition for rehearing en banc, which the Eighth Circuit denied on August 26, 2025. App. 7.¹

Petitioner notes that the panel did remand his case to the District Court for the limited purpose of clarifying whether it intended to run his federal sentences consecutively to certain state sentences. That remand, and the District Court's subsequent clarification, did not result in the vacatur of the receipt convictions or any other action that would moot this challenge.

The deadline for filing a petition is November 24, 2025. Petitioner files this request at least 10 days before that date. *See* Supreme Court Rule 13.5.

Reasons for Application

The Eighth Circuit affirmed the finding that Mr. Dahl received an image and video that each included a “lascivious exhibition” of a minor’s genitals, pubic area, or anus. App. 4 – App. 5. To decide whether the exhibitions were “lascivious,” both the District Court and the Circuit panel applied the so-called “*Dost* factors.” *Id.* Those factors are judicially-crafted,

¹ Petitioner did not challenge on appeal, and does not challenge now, his separate conviction for producing child pornography.

untethered to the statutory text, and the subject of a Circuit split. *See United States v. Sanders*, 107 F.4th 234, 261-62 (4th Cir. 2024) (describing the split). Mr. Dahl intends to lay out that split and explain why the Court should resolve it. He requires additional time to do so.

Undersigned counsel is responsible for a significant criminal caseload in the Eastern District of Missouri and has been required to meet several other deadlines between the Eighth Circuit's decision and the current due date. These further demands on counsel's time will prevent counsel from preparing a competent and concise petition by the current deadline.

Wherefore, Petitioner requests additional time to file a Petition for a Writ of Certiorari,
up to and including January 23, 2026.

Dated: November 3, 2025

Respectfully submitted,

/s/ Eric M. Selig

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