

No. _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

MARK ALAN DEAKINS,

Applicant,

vs.

UNITED STATES OF AMERICA,

Respondent.

*On Appeal Application for Extension of Time to File a Petition for Writ
of Certiorari to the U.S. Court of Appeals for the Sixth Circuit*

Application for Extension of Time

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TO: Hon. Brett M. Kavanaugh, Associate Justice of the U.S. Supreme Court and Circuit Justice for the Sixth Circuit

Pursuant to Supreme Court Rule 13.5, Petitioner Mark Alan Deaks, by undersigned counsel, respectfully applies for a 45-day extension of time—to and including February 26, 2026—in which to file a petition for writ of certiorari to review the Sixth Circuit’s judgment filed September 10, 2025. Rehearing was denied on October 14, 2025. Copies of the Sixth Circuit’s published opinion and the order denying rehearing are attached.

In support of this Application, Mr. Deakins would respectfully show as follows:

1. The Sixth Circuit appointed undersigned counsel pursuant to the Criminal Justice Act of 1964, 18 U.S.C. § 3006A, to represent the indigent Mr. Deakins on an appeal from a federal criminal conviction. Mr. Deakins was sentenced to life plus ten years.

2. At least one potentially viable issue for certiorari exists here: a Petition asking the Court to determine the meaning of “sexual exploitation of children” found in the two-strikes provision of 18 U.S.C. § 2251(e). That issue is the subject of an acknowledged Circuit conflict. *See, e.g., United*

States v. Schopp, 938 F.3d 1053, 1062 n.5 (9th Cir. 2019) (“Our definition of ‘sexual exploitation of children’ as contained in § 2251(e) conflicts with definitions adopted by two other federal appellate courts.” (citations omitted)). *See also United States v. Sykes*, 65 F.4th 867, 887 (6th Cir. 2023) (rejecting the 9th Circuit’s position).

3. The current deadline for filing the Petition is January 12, 2026. This Application is timely because it is being filed more than 10 days in advance.

4. A 45-day extension is requested. Undersigned counsel maintains a heavy criminal caseload. Between today’s date and the current date for the Petition, for example, undersigned counsel is scheduled to file six opening briefs in the U.S. Courts of Appeals, in addition to various trial-court filings and appearances. Further, undersigned counsel has upcoming leave scheduled for the Christmas holiday and has recently transitioned into solo practice. Mr. Deakins has also requested that he be allowed to review and comment on the draft Petition before it is filed, which requires coordination for a legal call with the Bureau of Prisons.

CONCLUSION

Accordingly, Mr. Deakins respectfully requests that the deadline for his Petition for Writ of Certiorari be extended to and including February 26, 2026.

Dated: December 12, 2025

Respectfully submitted,

MARK ALAN DEAKINS

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