

No. \_\_\_\_\_

---

---

IN THE  
**Supreme Court of the United States**

---

DARIUS DONTE PRIVETTE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

---

**APPLICATION FOR AN EXTENSION OF TIME IN WHICH TO  
FILE A PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE FOURTH  
CIRCUIT**

---

To the Honorable John G. Roberts, Jr., Chief Justice of the United States and Circuit Justice for the Fourth Circuit:

Under 28 U.S.C. § 2101(c) and Rules 13.5, 22, and 30 of this Court, petitioner Darius Donte Privette respectfully requests a 60-day extension of time, up to and including April 24, 2026, in which to file a petition for a writ of certiorari in this Court. The Fourth Circuit entered final judgment against Mr. Privette on November 24, 2025. His time to file a petition for a writ of certiorari in this Court expires on February 23, 2026.

Mr. Privette is filing this application more than 10 days before that date. A copy of the Fourth Circuit's unpublished opinion in this case is attached to this application as Exhibit 1. This Court has jurisdiction under 28 U.S.C. § 1254(1).

Mr. Privette requests this extension because counsel has had difficulty communicating with Mr. Privette. Counsel needs additional time to communicate with Mr. Privette regarding his appeal.

Thus, Mr. Privette respectfully requests that an order be entered extending the time to petition for certiorari up to and including April 24, 2026.

This the 12th day of February, 2026.

Respectfully submitted,

/s/ Andrew DeSimone  
Andrew DeSimone  
ASSISTANT FEDERAL PUBLIC DEFENDER  
*Counsel of Record*  
Office of the Federal Public Defender  
Eastern District of North Carolina  
150 Fayetteville St., Suite 450  
Raleigh, NC 27601  
(919) 856-4236  
[andrew\\_desimone@fd.org](mailto:andrew_desimone@fd.org)