

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

DAVID JUND,
Petitioner,

v.

UNITED STATES,
Respondent.

**ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS**

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Counsel of Record for Petitioner David Jund

Petitioner David Jund, through appointed counsel, asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner's affidavit or declaration in support of this motion is not attached hereto because petitioner was previously appointed counsel in the United States Court of Appeals for the Ninth Circuit, case number 25-5917. *See* United States Supreme Court Rules, rule 39.1. A copy of the Ninth Circuit's docket showing the appointment of counsel for Petitioner is attached hereto.

Respectfully submitted,

Dated: August 18, 2026

/S/ BRAD K. KAISERMAN
BRAD K. KAISERMAN
Attorney for Petitioner
DAVID JUND

Case Details

General

Create a New Filing (/casedetails/newfiling/?refentity=pcx_case&refid=fb768965-e1bf-4d2e-b7a1-9148513f02e3&refrel=pcx_case_pcx_casemotion_case)

Case Number	Case Name	Received Date	Fee Status
25-5917	United States of America v	9/19/2025	IFP

Case Participants

Parties

Case Participant Name ↑	Participant Role ↑	A Number	Is Lead
David Jund	Appellant		Yes
United States of America	Appellee		Yes

Attorneys

Case Participant Name ↑	Participant Role ↑
Brad Kannof Kaiserman	Counsel for Appellant
Criminal Appeals USAO C.D.C.A.	Counsel for Appellee
Matthew Tako	Counsel for Appellee

Docket Entries

View documents on PACER (PACER Docket) (<https://ca9-showdoc.azurewebsites.us/25-5917>)

Date Filed ↑	Entry # ↑	Docket Text
9/19/2025	1	CASE OPENED. A copy of your notice of appeal / petition filed in 2:24-cr-00481-SVW-1 has been received in Clerk's office of the United States Court of Appeals for the Ninth Circuit. The U.S. Court of Appeals docket number 25-5917 has been assigned to this case. All communications with court must indicate this Court of Appeals docket number. Please carefully review the docket to ensure the name and contact information are correct. It is your responsibility to alert the court if your contact information changes. Resources Available For more information about case processing and to assist you in preparing your brief, please review the Case Opening Information (for attorneys (https://cdn.ca9.uscourts.gov/datastore/acms/Attorney-Appeal-Case-Opening-Information))

Dec-2019.pdf) and pro se litigants (<https://cdn.ca9.uscourts.gov/datastore/acms/Pro-Se-Appeals-Case-Opening.pdf>) and review the Appellate Practice Guide (<https://cdn.ca9.uscourts.gov/datastore/uploads/guides/AppellatePracticeGuide.pdf>). Attorneys should consider contacting the court's Appellate Mentoring Program (https://cdn.ca9.uscourts.gov/datastore/general/2013/03/22/ninth_circuit_applt_lawyer_rep_mentoring_project) for help with the brief and argument. [Entered: 09/19/2025 02:15 PM]

9/19/2025	2	SCHEDULE NOTICE. Sentence Imposed: 63 Months. Appeal Transcript Order Due (Appellant) 10/3/2025, Appeal Transcript Due (Appellant) 11/3/2025, Appeal Opening Brief Due (Appellant) 12/12/2025, Appeal Answering Brief Due (Appellee) 1/12/2026. For appeal no. 25-5917, 2:24-cr-00481-SVW-1. All briefs shall be served and filed pursuant to FRAP 31 and 9th Cir. R. 31-2.1. Failure of the petitioner(s)/appellant(s) to comply with this briefing schedule may result in automatic dismissal of the appeal. See 9th Cir. R. 42-1 [Entered: 09/19/2025 02:17 PM]
9/24/2025	3	MOTION to Withdraw as Counsel filed by Kristen Nicole Richards for Appellant David Jund. [Entered: 09/24/2025 11:05 AM]
10/28/2025	4	ORDER FILED. Lisa B. Fitzgerald, Appellate Commissioner. The motion (Docket Entry No. 3) by Kristen N. Richards to withdraw and to appoint new counsel is granted. See U.S.C. § 3006A. Within 14 days of identifying counsel, the appointing authority for the Central District of California is requested to send counsel's contact information to counselappointments@ca9.uscourts.gov. The briefing schedule is stayed and will be reset in a future order. The clerk will serve this order on former counsel and appellant individually. [Entered: 10/28/2025 04:04 PM]
10/28/2025	5	TERMINATED participation of Counsel for Appellant Kristen Nicole Richards, representing Appellant David Jund. [Entered: 10/28/2025 04:08 PM]
11/17/2025	6	CJA Counsel Appointment [Entered: 11/17/2025 02:52 PM]
11/17/2025	7	ADDED Counsel for Appellant Brad Kannof Kaiserman [Entered: 11/17/2025 02:54 PM]
11/18/2025	8	TEXT ONLY ORDER: On November 13, 2025, the court issued a global order resetting the non-jurisdictional deadlines for federally funded attorneys (including FPDs and CJA counsel), that had been stayed by the court's October 1, 2025 Supplemental Administrative Order. If your deadlines were suspended by the October 1 Administrative Order, please review the Order Resetting Deadlines (https://cdn.ca9.uscourts.gov/datastore/uploads/announcements/Clerk_Order_deadlines_final.pdf), available on the court's website, to find your new deadlines. [Entered: 11/18/2025 06:54 PM]
11/20/2025	9	Criminal Appeals Questionnaire filed by Appellant David Jund [Entered: 11/20/2025 10:16 PM]
11/25/2025	10	ORDER FILED. The stay of briefing is lifted. The opening brief is due January 26, 2026. The answering brief is due February 25, 2026. The optional reply brief is due within 21 days after service of the answering brief. [Entered: 11/25/2025 02:38 PM]
1/20/2026	11	Streamlined Request for Extension of Time to File Brief filed by Appellant David Jund. [Entered: 01/20/2026 08:46 AM]
1/20/2026	12	ORDER FILED. Streamlined Request for Extension of Time to File Brief (DE 11) granted. Amended briefing schedule: Opening Brief Due (Appellant) 2/25/2026, Answering Brief Due (Appellee) 3/27/2026. Optional Reply Brief due 21 days after service of Answering Brief. All briefs shall be served and filed pursuant to FRAP 31 and 9th Cir. R. 31-2.1. [Entered: 01/20/2026 08:46 AM]
2/17/2026	13	MOTION to Extend Time to File Brief filed by Appellant David Jund. [Entered: 02/17/2026 07:47 PM]

2/20/2026	14	ORDER FILED. (TEXT ONLY) The motion (Docket Entry No. 13) for an extension of time to file the opening brief is granted. The opening brief is due March 27, 2026. The answering brief is due April 27, 2026. The optional reply brief is due 21 days after the answering brief is served. [Entered: 02/20/2026 02:43 PM]
3/24/2026	15	OPENING BRIEF submitted for filing by Appellant David Jund. [Entered: 03/24/2026 03:39 PM]
3/24/2026	16	EXCERPTS OF RECORD submitted for filing by Appellant David Jund. [Entered: 03/24/2026 03:41 PM]
3/25/2026	17	CLERK ACTION: Opening Brief submitted at DE 15 and Excerpts of Record submitted at DE 16 by Appellant David Jund are filed. No paper copies are required. [Entered: 03/25/2026 03:21 PM]
4/22/2026	18	MOTION for Summary Disposition filed by Appellee United States of America. [Entered: 04/22/2026 10:05 AM]
4/29/2026	19	RESPONSE to Motion for Summary Disposition (DE 18) filed by Appellant David Jund. [Entered: 04/29/2026 10:05 AM]
5/6/2026	20	REPLY to Response to Motion for Summary Disposition (DE 19) filed by Appellee United States of America. [Entered: 05/06/2026 09:36 AM]
5/29/2026	21	ORDER FILED. (Sidney R. THOMAS, Eric D. MILLER, Holly A. THOMAS) The motion (Docket Entry No. 18) for summary affirmance is granted. See United States v. Hooton, 693 F.2d 858 (9th Cir. 1982) (stating standard). Appellant's Second Amendment challenge to his conviction is foreclosed. See United States v. Duarte, 137 F.4th 743, 761 (9th Cir. 2025) (en banc), cert. denied, ___ S. Ct. ___, 2026 WL 135692 (U.S. Jan. 20, 2026). AFFIRMED. [Entered: 05/29/2026 11:00 AM]
6/22/2026	22	MANDATE ISSUED Sidney R. THOMAS, Eric D. MILLER, Holly A. THOMAS. The judgment of this Court, entered 5/29/2026, takes effect this date. [Entered: 06/22/2026 12:19 PM]