

No.

IN THE
Supreme Court of the United States

JOSEPH FREDERICK JOHNSON,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

**APPLICATION FOR A 60-DAY EXTENSION OF TIME WITHIN WHICH TO
FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE TENTH CIRCUIT**

Application to the Honorable Neil M. Gorsuch,
as Circuit Justice for the Tenth Circuit

Pursuant to Supreme Court Rule 13.5, Applicant Joseph Frederick Johnson hereby requests a 60-day extension of time, to and including September 28, 2026, within which to file a petition for a writ of certiorari.

1. The decision below is *United States of America v. Joseph Frederick Johnson*, No. 25-5159 (10th Cir. 2026). The Tenth Circuit issued its order and judgment on April 29, 2026. *See* App. A. Unless extended, Applicant's time to seek certiorari in this Court expires July 28, 2026. Applicant is filing this application at least ten days before that date. *See* S. Ct. R. 13.5. This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1).

2. Good cause exists for a 60-day extension. Undersigned counsel was recently retained to represent Applicant in this matter. An extension is justified by the press of business on numerous other pending matters. Among other things, the undersigned is responsible for the following engagements, which make it difficult for counsel to prepare the petition for a writ of certiorari by the current deadline: a petition for a writ of certiorari in *Rubicon Resources, LLC v. Keo Ratha, et al.*, No. 25A1254 (U.S.), due July 20, 2026; a reply brief in support of certiorari in *Francisco Soria v. United States*, No. 25-7147 (U.S.), due July 21, 2026; an opening brief in *Daniel Grand v. City of University Heights, Ohio, et al.*, No. 25-965 (U.S.), due August 14, 2026; a reply brief in support of certiorari in *Zytrell Montae Horton v. United States*, No. 25-7437 (U.S.), due August 24, 2026; and a brief in opposition to certiorari in *BMG Rights Management (US) LLC, et al. v. Cyril E. Vetter, et al.*, No. 25-1391 (U.S.), due September 14, 2026. Additionally, undersigned counsel will also be out of the country on vacation from July 30 to August 9.

3. An extension is also warranted because this case presents a substantial question of federal law: whether 18 U.S.C. § 922(g)(1)'s prohibition on possession of firearms for felons violates the Second Amendment as applied to individuals, like Applicant, whose predicate conviction was a nonviolent felony conviction. The question presented is the subject of a multi-circuit split. *See, e.g., United States v. Mitchell*, 160 F.4th 169, 178-79 & nn.2-3 (5th Cir. 2025), *cert. denied*, No. 25-935 (U.S. June 29, 2026); *United States v. Duarte*, 137 F.4th 743, 747-48 (9th Cir. 2025), *cert. denied*, No. 25-425 (U.S. Jan. 20, 2026); *Range v. Att'y Gen. United States*, 124 F.4th 218, 222-

23, 228-32 (3d Cir. 2024) (en banc); *United States v. Jackson*, 110 F.4th 1120, 1129 (8th Cir. 2024); *United States v. Gay*, 98 F.4th 843, 846-47 (7th Cir. 2024), *reh'g denied*, No. 23-2097 (7th Cir. Aug. 14, 2024). In this case and in others, the Tenth Circuit has upheld the constitutionality of 18 U.S.C. § 922(g)(1) as to *any* individual convicted of a prior felony. The decision below not only deepens the circuit split, but it conflicts with this Court's decision in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022). It is also inconsistent with the methodology the Court recently employed in *United States v. Hemani*, 146 S. Ct. 1677, 1693 (2026), which also addressed firearm possession by an individual who, like Applicant, was convicted for a nonviolent offense related to marijuana. An extension of time will help to ensure that the petition clearly and thoroughly presents this vitally important issue.

4. For the foregoing reasons, Applicant hereby requests that an extension of time be granted, up to and including September 28, 2026, within which to file a petition for a writ of certiorari.

Respectfully submitted,

/s/E. Joshua Rosenkranz

E. Joshua Rosenkranz

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