

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

WILLIAM JOHN EASTERLING - PETITIONER

vs.

UNITED STATES OF AMERICA - RESPONDENT

APPLICATION FOR EXTENSION OF TIME TO FILE

PETITION FOR WRIT OF CERTIORARI

TO THE HONORABLE BRETT M. KAVANAUGH, ASSOCIATE JUSTICE OF THE
SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE
FOR THE SIXTH CIRCUIT

William John Easterling
#22054-040
Terre Haute-USP
P.O. Box 33
Terre Haute, IN 47808-0033
pro se, in forma pauperis

Applicant William John Easterling, a pro se, in forma pauperis federal prisoner, respectfully applies under Supreme Court Rule 13.5 for a 60-day extension of time to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit in Case No. 25-1521. This Court will have jurisdiction over the timely filed petition pursuant to 28 U.S.C. § 1254(1).

The Sixth Circuit denied a certificate of appealability on March 16, 2026. Rehearing was denied on May 5, 2026. Under Supreme Court Rule 13.3, the 90-day period for filing a petition for a writ of certiorari expires on August 5, 2026. Petitioner files this request for additional time at least 10 days before the date the petition is currently due, in compliance with Supreme Court Rule 13.5.

Good Cause

Good cause exists for the requested extension because Applicant is contemporaneously seeking corrective extraordinary relief to address a serious procedural defect in the Sixth Circuit, and that relief may alter the operative judgment and the timing or scope of certiorari review.

First, the Sixth Circuit proceedings were marked by procedural irregularities that Applicant is actively seeking to correct. The docket reflects instances where the Clerk returned filings that were tendered under the prison mailbox rule.

Second, Applicant is contemporaneously pursuing an Emergency Petition for Supervisory Intervention under the All Writs Act directed to Chief Judge Jeffery S. Sutton. That petition seeks to correct the return of unfiled and undocketed of substantive and procedural motions.

Third, Applicant is a pro se prisoner with limited access to legal research, drafting tools, and mail processing, all of which materially slow the preparation of a careful and rule-compliant certiorari petition. This case presents procedural issues that must be stated accurately and concisely, and additional time is necessary to ensure the petition identifies the correct judgment, order, and questions presented.

Because the current certiorari deadline is August 5, 2026, and because service and mail delays could prevent timely notice of the ruling, Applicant respectfully requests expedited consideration of this application.

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Requested Extension

For the foregoing reasons, Applicant respectfully requests a 60-day extension of time, to and including October 5, 2026, within which to file the petition for a writ of certiorari.

DATE: July 14, 2026

Respectfully submitted,

A handwritten signature in cursive script, reading "William John Easterling", is written over a horizontal line.

William John Easterling
#22054-040

Terre Haute-USP

P.O. Box 33

Terre Haute, IN 47808-0033

pro se, in forma pauperis

No. 25-1521

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**FILED**

Mar 16, 2026

KELLY L. STEPHENS, Clerk

WILLIAM JOHN EASTERLING,

Petitioner-Appellant,

v.

UNITED STATES OF AMERICA,

Respondent-Appellee.

ORDER

Before: GIBBONS, Circuit Judge.

William John Easterling, a federal prisoner proceeding pro se, appeals the district court's denial of his motions to amend his 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence. Easterling has filed a brief, which this court construes as an application for a certificate of appealability (COA). *See* Fed. R. App. P. 22(b)(2).

In June 2016, the Ottawa County Sheriff's Office began investigating Easterling after receiving reports of possible inappropriate contact with minors. During a search of Easterling's home, officers found a 1.5TB Seagate hard drive, manufactured in Thailand, that contained two videos of a boy, "Minor 1," recording himself masturbating in a room in Easterling's home. Minor 1 reported to police that Easterling asked him three or four times to take these videos. Minor 1 filmed the videos with his cell phone in a bedroom in Easterling's home, and then Easterling would transfer the videos to the hard drive.

In March 2017, a second child, "Minor 2," reported to police that Easterling gave him a camera to make a video of himself using a sex toy. Minor 2 stated that, after Easterling gave him the camera, he went into a bedroom in Easterling's basement and recorded himself using the sex toy. That video, however, was not located during the investigation.

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A grand jury charged Easterling with two counts of sexual exploitation of a child (counts 1 and 2), one count of attempted sexual exploitation of a child (count 3), and one count of possession of child pornography (count 4). Counts 1 and 2 concerned Minor 1, and count 3 concerned Minor 2. A jury convicted Easterling on all counts. The district court sentenced him to 1,080 months in prison. Easterling appealed his sentence, and this court affirmed. *United States v. Easterling*, 811 F. App'x 306, 308 (6th Cir. 2020).

In June 2021, Easterling filed an amended § 2255 motion, which the district court construed as raising 10 claims, only one of which is relevant to this appeal. In that claim, Easterling challenged his count 3 conviction for attempted sexual exploitation of a child, under 18 U.S.C. § 2251(a) and (e). He argued that the application of § 2251(a) to his conduct is unconstitutional because his conduct had no nexus to interstate commerce and that appellate counsel was ineffective for failing to raise this issue on appeal. In August 2024, the district court denied Easterling's motion, concluding that his claims lacked merit. Easterling then filed numerous motions in the district court, including several motions for reconsideration under Federal Rule of Civil Procedure 59(e), continuing to challenge his count 3 conviction. Specifically, Easterling argued that the indictment failed to allege and the district court failed to instruct the jury on the jurisdictional element of the offense, i.e., that the defendant knew that the visual depiction would be transported in interstate commerce or knew that the materials used in the attempted production were transported in interstate commerce.

Easterling appealed the district court's denial of his § 2255 motion and some of his reconsideration motions, and this court denied his application for a COA. *Easterling v. United States*, Nos. 24-2083/25-1016, 2025 LEXIS 595290 (6th Cir. Dec. 18, 2025). The court explained that, although the indictment may have omitted the interstate-commerce element in count 3, Easterling could not "show that he was prejudiced by this omission because there was sufficient evidence produced at trial to satisfy the interstate-commerce element, and the jury was properly instructed on the elements of the offense." *Id.* at *8.

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In September 2024, shortly after the district court denied his § 2255 motion, Easterling also moved to dismiss the indictment. The district court construed the filing as a second or successive § 2255 motion and transferred it to this court. *See In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997) (per curiam). In his corrected motion for authorization to file a second or successive § 2255 motion, Easterling sought to raise challenges to the indictment and to his presentence report. But because Easterling had not yet appealed the denial of his § 2255 motion at the time he moved to dismiss the indictment and his time to do so had not yet expired, this court denied his motion for authorization as unnecessary and remanded the matter to the district court with instructions to consider the motion to dismiss the indictment as a motion to amend his § 2255 motion. *In re Easterling*, No. 24-1803, 2025 LEXIS 256098, at *2 (6th Cir. Mar. 4, 2025).

On remand, Easterling supplemented his motion to dismiss the indictment. In both filings, he reiterated his argument that the indictment was defective as to count 3 because it did not include the jurisdictional element. The district court denied Easterling's construed request to amend his § 2255 motion as futile, concluding that he was merely rehashing an argument that it had already considered and rejected when denying his initial § 2255 motion and subsequent motions for reconsideration. The court denied Easterling's motion to reconsider that order. Easterling now appeals those rulings.

Before this court, Easterling reiterates his argument that the omission of the jurisdictional element in count 3 of the indictment deprived the district court of jurisdiction and deprived him of his Sixth Amendment right to have a jury find each element of the offense charged.

To obtain a COA, a petitioner must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To satisfy this standard, a petitioner must demonstrate "that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

For the reasons stated in this court's previous order denying Easterling a COA to appeal the denial of his initial § 2255 motion and his subsequent reconsideration motions, no reasonable

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jurist could disagree with the district court's denial of his motion to amend his § 2255 motion as futile. Easterling cannot show that he was prejudiced by the omission of the jurisdictional element from count 3 of the indictment because the jury was properly instructed on the elements of the offense and there was sufficient evidence for the jury to find that the interstate-commerce element was satisfied. *See Easterling*, 2025 LEXIS 595290, at *8-9. Because Easterling's challenge to count 3 of the indictment lacks merit and had already been considered and rejected by the district court, amending his § 2255 motion to add this claim would have been futile.

For these reasons, Easterling's application for a COA is **DENIED**.

ENTERED BY ORDER OF THE COURT



Kelly L. Stephens, Clerk

No. 25-1521

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
May 5, 2026
KELLY L. STEPHENS, Clerk

WILLIAM JOHN EASTERLING,

Petitioner-Appellant,

v.

UNITED STATES OF AMERICA,

Respondent-Appellee.

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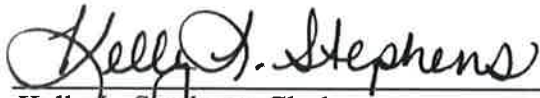
ORDER

Before: BATCHELDER, GILMAN, and THAPAR, Circuit Judges.

William John Easterling, a federal prisoner, has filed a motion to vacate this court's March 16, 2026, order denying his motion for a certificate of appealability, which we construe as a petition for a panel rehearing. We have reviewed Easterling's rehearing petition and conclude that this court did not overlook or misapprehend any point of law or fact in denying his motion for a certificate of appealability. *See* Fed. R. App. P. 40(b)(1)(A).

Accordingly, the petition for rehearing is **DENIED** and Easterling's motion for an extension of time to file a petition for panel rehearing and a motion to expedite the ruling on his motion to vacate are **DENIED** as moot.

ENTERED BY ORDER OF THE COURT


Kelly L. Stephens, Clerk

CERTIFICATE OF SERVICE

DECLARATION OF INMATE FILING

I understand that should there be any parties requiring service, any such parties are registered with this Court's CM/ECF docketing system and any service requirements that might pertain are met thereby. I am an inmate confined in an institution filing under the inmate mailbox rule. First-class postage is being prepaid either by me or by the institution on my behalf.

I, William John Easterling am depositing the:

APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT
OF CERTIORARI

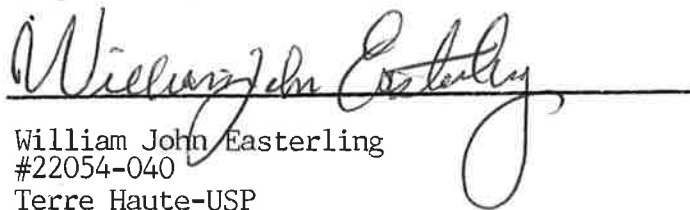
in this case in the institution's internal mail system, addressed as follows:

Clerk of the Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

I declare under penalty of perjury that the foregoing is true and correct.
(See 18 U.S.C. §1746; 18 U.S.C. §1621); Fed.R.App.P. 25(a)(2)(A)(iii);
Fed.R.App.P. 4(c)(1); Houston v. Lack, 487 US 266 (1988); Richard v. Ray,
290 F.3d 810 (6th Cir. 2002); Randolph v. Macauley, 25-5400(6th Cir. 1-15-2025)

Executed on July 14, 2026 in Terre Haute IN 47808
City, State Zip Code

Respectfully Submitted,



William John Easterling
#22054-040
Terre Haute-USP
P.O. Box 33
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SERVICE PAGE