

CASE NO. _____
SUPREME COURT OF THE UNITED STATES

Stephen Thorp,	)
	)
Petitioner,	)
	)
v.	)
	)
United States of America,	)
	)
Respondent.	)

Application to Justice Kavanaugh for Additional Time to File a
Petition for a Writ of Certiorari to the Eighth Circuit Court of Appeals

Submitted on Behalf of Petitioner

Submitted By:

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Attorney For Petitioner

To Justice Brett M. Kavanaugh:

Petitioner Stephen Thorp, through appointed counsel, requests an additional sixty days in which to file a petition in this Court seeking certiorari to the Eighth Circuit Court of Appeals. Specifically, he seeks an extension through November 5, 2026, under Supreme Court Rule 13.5.

Jurisdiction

Petitioner is preparing to request review of the judgment issued by the Eighth Circuit Court of Appeals on June 6, 2026, affirming his conviction and sentence after a jury convicted him of unlawfully possessing a firearm under 18 U.S.C. § 922(g)(1). *See* App. 1 – App. 2 (Eighth Cir. Opinion). Petitioner did not seek rehearing or rehearing en banc.

The filing deadline is September 6, 2026. Petitioner files his request at least ten days before the current due date. Supreme Court Rule 13.5.

Reasons for Application

At the trial level and on appeal, Petitioner brought an as-applied Second Amendment challenge to § 922(g)(1). Eighth Circuit precedent foreclosed that contention. *See United States v. Jackson*, 110 F.4th 1120, 1125 (8th Cir. 2024), *pet. for cert. denied*, 145 S. Ct. 2708 (U.S. May 19, 2025), *rh’g pet. denied*, 121 F.4th 656 (8th Cir. 2024) (concluding “that there is no need for felony-by-felony litigation regarding the constitutionality of § 922(g)(1)”).

The Circuits have split sharply over whether this statute is subject to as-applied Second Amendment challenges and, if so, how courts should approach those challenges. *See, e.g., United States v. Debrow*, ___ F.4th ___, 2026 WL 2123696, at *2 (5th Cir. 2026) (describing the split). Lower courts need guidance on these important questions. Petitioner is preparing a petition that explains why his case presents an excellent opportunity for the Court to step in.

Undersigned counsel is responsible for a significant criminal caseload in the Eastern District of Missouri and has been required to meet several other deadlines between the Eighth Circuit's decision and the current due date. These demands on counsel's time will prevent counsel from preparing a competent and concise petition by the current deadline.

Wherefore, Petitioner requests additional time to file a Petition for a Writ of Certiorari, up to and including November 5, 2026.

Dated: August 17, 2026

Respectfully submitted,

/s/ Ryan Hehner

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