

No. _____

In the Supreme Court of the United States

PAUL LUJAN, *APPLICANT*,

v.

UNITED STATES OF AMERICA, *RESPONDENT*.

APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR
WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court of the United States and Circuit Justice for the Fifth Circuit:

1. Applicant Paul Lujan requests a 30-day extension of time to file his petition for certiorari in this Court to and including October 8, 2026. *See* 28 U.S.C. § 2101(c); Sup. Ct. R. 13.5, 22, 30. The final judgment of the Fifth Circuit was entered on June 8, 2026, and Applicant’s time to petition for certiorari in this Court expires September 8, 2026. This application is being filed more than 10 days before that date.

A copy of the unpublished opinion below is attached hereto. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

2. This case presents an important question regarding judicial fact-finding at sentencing. Although Applicant faced a Sentencing Guidelines range of only 30 to 37 months for his guilty plea to six counts of distributing small amounts of cocaine, the district court sentenced him to 180 months’ imprisonment after a sentencing hearing at which the Government presented evidence—over Applicant’s objection—of unrelated and unadjudicated state crimes he had allegedly committed going back more than a decade. This case therefore presents an issue that some members of the Court noted two decades ago but which the Court has not yet resolved: whether the Fifth and Sixth Amendments are violated when a court imposes a sentence that, but for a judge-found fact, would be reversed for substantive unreasonableness. *See, e.g., Jones v. United States*, 574 U.S. 948 (2014) (Scalia, J., dissenting from denial of certiorari).

3. Applicant was represented in the district court and court of appeals by

the Federal Public Defender for the Western District of Texas and is represented in this Court by Assistant Federal Public Defender Bradford W. Bogan, a member of the Bar of this Court. Since the Fifth Circuit handed down its decision, on June 8, 2026, counsel has been engaged in a number of other matters in this Court and the Fifth Circuit, limiting the amount of time he has been able to devote to preparing the petition in this case. During that time, counsel has filed 10 briefs in the Fifth Circuit and one cert petition in this Court. Between now and the current September 8, 2026 deadline, counsel has four briefs due in the Fifth Circuit. Between then and September 17, 2026, counsel has three more briefs due, with more briefing notices likely to issue during that time.

For these reasons, Applicant respectfully requests that an order be entered extending his time to petition for certiorari in the above-captioned case to and including October 8, 2026.

Respectfully submitted,

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Dated: August 21, 2026

CERTIFICATE OF SERVICE

I, a member of the Bar of this Court, certify that on August 21, 2026, I served a copy of this Application on Counsel for the United States by enclosing it in an envelope, with first-class postage prepaid, addressed to his post office address:

D. John Sauer
Solicitor General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW, Room 5614
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and depositing it in a United States mailbox at San Antonio, Texas.

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