

No. _____

In the
Supreme Court of the United States

Moreno Vizcaino-Peguero,

Petitioner,

v.

United States of America,

Respondent.

On Petition for Writ of Certiorari
to the United States Court of Appeals
for the First Circuit

**Application for Extension of Time to
File a Petition for a Writ of Certiorari**

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To the Honorable Ketanji Brown Jackson, Associate Justice of the Supreme Court of the United States and Circuit Justice for the First Circuit:

Pursuant to Rules 13.5, 22, and 30.2 of the Rules of this Court, Applicant Moreno Vizcaino-Peguero respectfully requests a sixty-day extension of time, to and including October 2, 2026, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the First Circuit in *Vizcaino-Peguero v. United States*, No. 23-1932 (1st Cir. May 5, 2026). Absent an extension, the petition is due August 3, 2026. This Court would have jurisdiction under 28 U.S.C. § 1254(1).

The First Circuit held that 18 U.S.C. § 922(g)(5), which bars the possession of firearms by noncitizens unlawfully present in the United States, accords with this Nation’s historical tradition of firearm regulation. It reached that holding by an unusual route. The court declined to decide *Bruen*’s first step — whether a noncitizen unlawfully present is among “the people” whose conduct the Second Amendment’s plain text presumptively protects. *See New York State Rifle & Pistol Assn., Inc. v. Bruen*, 597 U.S. 1, 17–19 (2022); *District of Columbia v. Heller*, 554 U.S. 570, 580 (2008). Passing directly to the second step, the court accepted the Government’s premise that unlawful immigration is a distinctly nineteenth-century concern, and on that premise looked beyond the founding for relevantly similar analogues. Yet it sustained the statute though the Government offered no analogue from the very era it had identified as the source of the problem. The court thus found the historical

burden carried in the face of a record empty of the analogues its own framework demanded. *Cf. United States v. Rahimi*, 602 U.S. 680 (2024).

The petition will present substantial and recurring questions concerning the Second Amendment's application to § 922(g)(5) and the proper conduct of the *Bruen* inquiry. Among them are whether a court may sustain a firearm prohibition without first deciding, at the threshold step, whether the challenger is among “the people,” *see United States v. Verdugo-Urquidez*, 494 U.S. 259, 265 (1990); what a noncitizen must show to have formed a relationship with this country sufficient to claim the Amendment's protection; and whether the reasoning below leaves the right open to erosion by ordinary legislation. Counsel continues to refine the questions the petition will present. The issues are substantial, intertwined, and unsettled, and their resolution will govern the reach of a federal criminal prohibition enforced nationwide.

Good cause supports the requested extension. Counsel has begun researching and drafting the petition and has proceeded diligently, but the work is not complete. Each question calls for careful historical and doctrinal treatment against this Court's evolving Second Amendment framework under *Bruen* and *Rahimi*, and the questions are too closely joined to be developed in isolation. Counsel is an Assistant Federal Public Defender who carries a full appellate docket before the First Circuit. The requested time will allow counsel to prepare a petition that presents these important questions fully and fairly, and no party will be prejudiced by the extension.

For these reasons, Applicant respectfully requests that the time to file a petition for a writ of certiorari be extended by sixty days, to and including August 3, 2026.

Dated this 24th day of July, 2026.

Respectfully submitted,

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