

No. 26-__

IN THE

SUPREME COURT OF THE UNITED STATES

NOAH LEE CRADDOCK

Applicant,

v.

UNITED STATES OF AMERICA

Respondent.

APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A
PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE THIRD CIRCUIT

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September 8, 2026

PARTIES TO THE PROCEEDINGS

Applicant Noah Lee Craddock was the defendant in the district court and the appellant in the Third Circuit. The United States was the plaintiff in the district court and the appellee in the Third Circuit.

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To the Honorable Samuel Alito, Associate Justice of the United States Supreme Court and Circuit Justice for the Third Circuit:

Pursuant to 28 U.S.C. § 2101(c) and Rules 13.3, 13.5, 22, and 30.3 of the Rules of this Court, applicant Noah Lee Craddock respectfully requests a 30-day extension of time, to and including October 29, 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 Third Circuit in this case.

The court of appeals entered its judgment on July 1, 2026 (opinion attached as Exhibit A). The time for filing a petition for a writ of certiorari, if not extended, will expire on September 29, 2026. This application is being filed more than ten days

before that date. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

1. This case involves an important question that has divided the courts of appeals over the applicability of U.S.S.G. § 2K2.1(b)(4)(B)(i) (2024), which provides for a four-level enhancement when a defendant is convicted of certain firearm offenses and “any firearm had a serial number that was modified such that the original information is rendered illegible or unrecognizable to the unaided eye.” *Compare* Ex. A at 6-7 (applying the enhancement when the firearm at issue had serial-number information in two locations, only one of which was illegible), *with* *United States v. Smith*, __ F.4th __, No. 25-4065, 2026 WL 2482572, at *4, *9 (4th Cir., Aug. 25, 2026) (rejecting applicability of the enhancement when a firearm had serial-number information in multiple locations, at least one of which remained legible).

2. Applicant pleaded guilty to unlawfully possessing a firearm in violation of 18 U.S.C. § 922(g)(1) but challenged the applicability of a § 2K2.1(b)(4)(B)(i) enhancement in his case because the firearm at issue had the serial-number information in two locations, one of which remained legible and thus sufficient to trace the firearm. Ex. A at 2, 6. The district court rejected that argument, applied the four-level enhancement, and the Third Circuit affirmed. Ex. A at 3, 7. That court concluded, on July 1, 2026, that the sentencing court “need only identify whether a firearm has a single modified serial number that is illegible or unrecognizable to the

naked eye,” and “[t]he presence of a separate legible serial number does not prohibit application of § 2K2.1(b)(4)(B)(i).” Ex. A at 7.

3. On August 25, 2026, the Fourth Circuit addressed the same issue and reached the opposite conclusion. *See Smith*, 2026 WL 2482572, at *4. It determined that § 2K2.1(b)(4)(B)(i)’s four-level enhancement does not apply when a firearm has serial-number information in multiple locations, one of which remains legible and thus makes the firearm traceable. *Id.* at *4, *9. The Fourth Circuit reasoned that the “modified serial number enhancement only applies where a firearm is no longer traceable.” *Id.* at *4.

4. Applicant requests an extension of 30 days in which to file a petition for a writ of certiorari to ensure thorough consideration of the square circuit split that has now developed over § 2K2.1(b)(4)(B)(i), which resulted in a four-level enhancement in his case under the Third Circuit’s decision. By contrast, had his case arisen in the Fourth Circuit, that same enhancement would not have applied under *Smith*’s reasoning because the serial-number information for his firearm remained legible in one location, making the firearm traceable.

5. Additionally, the 30-day extension is necessary because the University of Texas School of Law Supreme Court Litigation Clinic has now joined Applicant’s CJA-appointed counsel, John A. Abom, in representing Applicant before this Court. The Clinic did not represent Applicant below, and co-counsel request this additional time to work together in reviewing the record, analyzing relevant authorities, researching § 2K2.1(b)(4)(B)(i)’s background, and ensuring submission of a thorough

petition that fully engages the circuit split and this Court's Sentencing Guidelines jurisprudence.

6. Co-counsel also require additional time to evaluate whether, and how, Applicant's petition may be impacted by *Beaird v. United States* (No. 25-5343), in which this Court will hear oral argument on October 13, 2026. In *Beaird*, this Court will consider "Whether *Stinson v. United States*, 508 U.S. 36 (1993), still correctly states the rule for the deference that courts must give the commentary to the Sentencing Guidelines." The enhancement at issue in Applicant's case, § 2K2.1(b)(4)(B)(i), is the product of a 2024 amendment that the Sentencing Commission has explained was a response to a prior circuit conflict on that provision, and the Commission revised the Commentary to § 2K2.1(b)(4)(B)(i) in conjunction with the 2024 amendment.

For the foregoing reasons, Applicant requests that the time within which he may file a petition for a writ of certiorari in this matter be extended 30 days, to and including October 29, 2026.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'John A. Abom', with a large, stylized flourish extending from the end of the signature.

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