

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Brandon David McCarthy,
Rachel Christine McCarthy,

Petitioners,

v.

United States of America,

Respondent.

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

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

ALAN S. MOURITSEN
Parsons Behle & Latimer
Counsel for Brandon David McCarthy
201 South Main Street, Suite 1800
Salt Lake City, UT 84111
(801) 532-1234

MATTHEW K. BELCHER
Federal Public Defender

LEAH D. YAFFE
Assistant Federal Public Defender
Counsel for Rachel Christine McCarthy
633 17th Street, Suite 1000
Denver, Colorado 80202
(303) 294-7002

To the Honorable Neil M. Gorsuch, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Tenth Circuit:

Petitioners Brandon David McCarthy and Rachel Christine McCarthy, by their respective undersigned counsel, pray for a 30-day extension of time, to and including November 16, 2026, in which to file a joint petition for a writ of certiorari. In support of this request, counsel state as follows:

1. On May 6, 2026, the United States Court of Appeals for the Tenth Circuit reversed and remanded the district court's ruling of dismissal (Attachment A), and on July 17, 2026, denied Petitioners' petition for rehearing and petition for rehearing en banc (Attachment B)

2. Petitioners have ninety days from July 17, 2026, to file a petition for a writ of certiorari. Sup. Ct. R. 13.3. The petition is therefore due on October 15, 2026. This application is being filed at least ten days before that date.

3. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

4. Undersigned counsel have had several competing professional commitments in the past several weeks. For example, counsel for Rachel McCarthy filed a reply brief in *United States v. Wheaton*, Tenth Cir. 25-1446, on September 2, 2026, and presented oral argument to the Tenth Circuit Court of Appeals on September 16, 2026, in both *United States v. Beasley*, Tenth Cir. 25-1282, and *United States v. Kiley*, Tenth Cir. 25-1364. In addition, counsel is responsible for the opening briefs in *United States v. Daramola*, Tenth Cir. 26-2010 (due October 19, 2026), and

United States v. Green, Tenth Cir. 26-3149 (currently due November 10, 2026). Counsel is also scheduled to present oral argument to the Tenth Circuit in *Wheaton* on November 18, 2026.

5. In addition, counsel for Brandon McCarthy filed a supplemental brief in *Wilson v. Insider's Financial Education*, Tenth Cir. 25-4114, on September 4, 2026; filed a response to a petition for certiorari to the Utah Supreme Court in *PCVI LLC, et al. v. Premsrirut, et al.*, 20260790-SC (Supreme Court of Utah), on September 25, 2026; and conducted an evidentiary hearing in the Utah Third District Court in *Pera, et al. v. Glide Transportation Co., et al.*, No. 220900778, on October 1, 2026. Counsel is also responsible for an opening brief to the Utah Court of Appeals in *Febr v. Stockton*, No. 20251344-CA (due October 19, 2026); is scheduled to begin a four-day jury trial in Utah Third District Court in *Equine Holdings, Inc. v. Auburn Woods, et al.*, No. 160500054 on October 19, 2026; and is scheduled to present oral argument to the Tenth Circuit in *Wilson* on November 16, 2026.

6. Given their own current caseloads, as well as the work undersigned counsel have put into this case as counsel of record, no other attorney in either counsel's office is in a position to file the petition by its current due date.

* * *

For these reasons, Petitioners Brandon David McCarthy and Rachel Christine McCarthy respectfully request that an order be entered extending the time in which to petition for a writ of certiorari by 30 days, to and including November 16, 2026.

See Sup. Ct. R. 13.5.

Respectfully submitted,

ALAN S. MOURITSEN
Parsons Behle & Latimer
Counsel for Brandon David McCarthy
201 South Main Street, Suite 1800
Salt Lake City, UT 84111
(801) 532-1234

MATTHEW K. BELCHER
Federal Public Defender

LEAH D. YAFFE
Assistant Federal Public Defender
Counsel for Rachel Christine McCarthy
633 17th Street, Suite 1000
Denver, Colorado 80202
(303) 294-7002