

IN THE

# Supreme Court of the United States

---

ALEX LEON PADGETT,  
JOEL MICHAEL RYNO

*Applicants,*

v.

UNITED STATES OF AMERICA,

*Respondent.*

---

**Application for Extension of Time Within  
Which to File a Petition for a Writ of Certiorari to  
the United States Court of Appeals for the Ninth Circuit**

---

**APPLICATION TO THE HONORABLE  
JUSTICE ELENA KAGAN, AS CIRCUIT JUSTICE**

---

DANIEL F. POULSON, ESQ.  
ASSISTANT FEDERAL  
PUBLIC DEFENDER  
188 W. Northern Lights Blvd.  
Suite 700  
Anchorage, Alaska 99403  
(907) 646-3425  
Daniel\_Poulson@fd.org

JEFFREY T. GREEN  
*Counsel of Record*  
GREEN LAUERMAN  
CHARTERED PLLC  
1050 30th Street, N.W.  
Washington, D.C. 20007  
(240) 286-5686  
jeff@gclaw.net

SARAH SCHRUP  
THE CARTER G. PHILLIPS/  
SIDLEY AUSTIN LLP  
SUPREME COURT CLINIC  
NORTHWESTERN PRITZKER  
SCHOOL OF LAW  
375 East Chicago Avenue  
Chicago, IL 60611  
(312) 503-1486  
sarahschrup@appellate  
advisory.com

*Counsel for Applicant*

October 9, 2026

---

## **APPLICATION FOR EXTENSION OF TIME**

Under this Court's Rule 13.5, Applicants Alex Leon Padgett and Joel Michael Ryno respectfully request a 30-day extension of time within which to file a petition for a writ of certiorari, to and including November 20, 2026.

## **JUDGMENT FOR WHICH REVIEW IS SOUGHT**

The judgment for which review is sought is *United States v. Martinez, et. al.*, 169 F.4th 1147 (9th Cir. 2026), attached as Exhibit 1.

## **JURISDICTION**

This Court will have jurisdiction over any timely petition under 28 U.S.C. § 1257(l). The Ninth Circuit denied a timely petition for rehearing on July 23, 2026, which is attached as Exhibit 2. Thus, under Rule 13.1, a petition to this Court is currently due by October 21, 2026. In accordance with Rule 13.5, Applicants are filing at least 10 days before that date.

## **REASONS JUSTIFYING AN EXTENSION OF TIME**

1. This case presents an important question of constitutional law dividing the federal appellate courts: Is 18 U.S.C. § 922(g)(9)'s permanent, lifetime prohibition on possessing firearms following a conviction for a misdemeanor crime of domestic violence constitutional in all its applications, or is the statute subject to as-applied challenges?

2. In 2021, Alex Leon Padgett shot and killed a bear near his home in Alaska. Following that incident, law enforcement officers seized two firearms from Padgett's home. See Exhibit 1. Padgett had prior domestic-violence convictions, including a conviction for fourth-degree assault, a misdemeanor, under Alaska Statute §

11.41.230(a)(1). *Id.* Padgett was subsequently charged and convicted under 18 U.S.C. § 922(g)(9), which prohibits possession of “any firearm or ammunition” by anyone “who has been convicted in any court of a misdemeanor crime of domestic violence.”

3, Joel Michael Ryno was twice convicted of misdemeanor fourth-degree assault under Alaska Statute § 11.41.230(a)(1) for “recklessly caus[ing] physical injury” to a protected individual. See Exhibit 1. Thereafter, on three separate occasions, law enforcement officers seized firearms within Ryno’s possession. Ryno was charged and convicted of one count of possessing firearms in violation of 18 U.S.C. § 922(g)(9).

4. Before the district court and again on appeal before the Ninth Circuit, Mr. Padgett and Mr. Ryno argued that 18 U.S.C. § 922(g)(9) is unconstitutional on its face and as applied to their circumstances. Unlike the § 922(g)(8)(C)(i) restriction upheld in *United States v. Rahimi*, 602 U.S. 680 (2024), which is temporary and follows an individualized judicial finding of future dangerousness, the § 922(g)(9) prohibition is permanent and requires no comparable finding. Furthermore, qualifying misdemeanors can rest on reckless conduct, as both Mr. Padgett and Mr. Ryno’s convictions under Alaska Statute § 11.41.230(a)(1) did. Therefore, Mr. Padgett and Mr. Ryno argued that § 922(g)(9) is unconstitutional at least as applied to individuals like themselves, who pose no clear threat of future violence, let alone a lifetime threat of future violence.

5. The Ninth Circuit disagreed. It held not only that § 922(g)(9) was facially constitutional, but it foreclosed as-applied challenges entirely. Ex. 1 at 18-19 (“[W]e need not engage in a misdemeanor-by-misdemeanor inquiry under § 922(g)(9).”). In the Ninth

Circuit’s view, “§ 922(g)(9) reflects Congress’s determination that members of a class of convicted criminals are dangerous.” Ex. 1 at 18; see also *id.* at 15 (“§ 922(g)(9) permanently disarms a group Congress deemed dangerous—the members of which Congress had ample reason to consider dangerous.”). And because, in its view, “the government is empowered to regulate guns through categorical restrictions,” the Ninth Circuit held that § 922(g)(9) is not susceptible to an as-applied challenge. *Id.* at 18.

6. This analysis and holding conflicts with this Court’s decisions and other circuits. In *New York State Rifle & Pistol Association, Inc. v. Bruen*, this Court made clear that judicial deference to congressional judgment has no weight in the Second Amendment analysis: while “judicial deference to legislative interest balancing is understandable—and, elsewhere, appropriate—it is not deference that the Constitution demands” when Second Amendment rights are at stake. 597 U.S. 1, 26 (2022). “The Second Amendment is the very product of an interest balancing by the people.” *Id.* It is the Second Amendment, not Congress’s declaration that an entire class of individuals is forever dangerous, that demands courts’ “unqualified deference.” *Id.* And in *United States v. Hemani*, which held that 18 U.S.C. § 922(g)(3) is unconstitutional as applied to a casual user of marijuana, this Court refused to defer to Congress’s “say-so” that any unlawful user of a controlled substance is “categorically violent and dangerous without any further showing,” and explained that “affording the government ‘broad power to designate any group as dangerous and thereby disqualify its members from having a gun’ would risk allowing it to ‘quickly swallow’ the Second Amendment.” 608 U.S. 772, 793-94 (2026).

7. The decision below also extends *Rahimi*'s rationale beyond the circumstances this Court addressed there: temporary disarmament following a judicial finding of credible threat to another. The Ninth Circuit held that § 922(g)(9) is “analogous to the surety and going armed laws identified in *Rahimi*.” Ex. 1 at 12. And while acknowledging, as it must, that § 922(g)(9) creates a permanent firearm prohibition, not a temporary one, it declared this difference “unconvincing” because the burden on the fundamental right to keep and bear arms is “roughly comparable.” Ex. 1 at 13. To the contrary, *Rahimi*'s emphasis on the temporary nature of the prohibition in § 922(g)(8)(C)(i) demonstrates that § 922(g)(9)'s lifetime prohibition is unconstitutional at least in some circumstances.

8. The Ninth Circuit's holding also directly conflicts with decisions from other Circuits. While the Ninth Circuit forecloses as-applied challenges to § 922(g)(9) altogether, other circuits disagree and recognize as-applied challenges, or at minimum have reserved the possibility of conducting individualized assessments for as-applied challenges. See, e.g., *United States v. Jacobs*, 166 F.4th 395, 399 n.3, 400 (4th Cir. 2026) (holding that § 922(g)(9) is subject to as-applied challenges and remanding the case for individualized factual findings related to the predicate offense); *United States v. Martin*, No. 24-3750, 2025 WL 1913185, at \*3 (6th Cir. July 11, 2025) (conducting individualized assessment of defendant's conduct and rejecting an as-applied challenge to § 922(g)(9)); *United States v. Simmons*, 150 F.4th 126, 131 (2d Cir. 2025) (allowing the possibility of individualized assessments in future as-applied challenges).

9. An extension is also warranted to allow counsel time to coordinate and prepare a petition that will aid the Court's review of these issues. Applicant has invited the Carter G. Phillips Supreme Court Clinic and Northwestern Pritzker School of Law to assist with preparation of the petition. Because the academic year has recently begun, the Clinic students are just becoming familiarized with the caseload, functions of the clinic, and the requirements of this Court. In addition, the Clinic is responsible for forthcoming petitions for writs of certiorari in *Nourian v. United States* (5th Cir. No. 25-10365) (currently due October 19); *Martinez v. United States* (9th Cir. No. 23-432) (currently due October 21); and *Darby v. United States* (3d Cir. No. 24-3091) (currently due December 1). Undersigned counsel is also responsible for briefing and preparation for oral argument in *Guerrero v. Dexter Johnson* (No. 25-1003) (merits), preparation of an amici brief in *Alvarez v. Guerrero* (No. 26-279) (cert stage amicus), and motions to dismiss in *In re HVAC Equipment Antitrust Litigation*, No. 2:26-cv-10949 (E.D. Mich. 2026) (due October 9)

## CONCLUSION

For these reasons, Applicants respectfully request a 30-day extension of time within which to file a petition for a writ of certiorari, to and including November 20, 2026.

Respectfully submitted,

JEFFREY T. GREEN  
*Counsel of Record*  
GREEN LAUERMAN  
CHARTERED PLLC  
1050 30th Street, N.W.  
Washington, D.C. 20007  
(240) 286-5686  
jeff@gclaw.net