

NO:

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2026

MAXON ALSENAT,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

**TO THE HONORABLE CLARENCE THOMAS, ASSOCIATE JUSTICE OF
THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT
JUSTICE FOR THE ELEVENTH CIRCUIT**

Pursuant to Supreme Court Rules 13.5, 22, and 30.3, Maxon Alsenat, respectfully requests a 30-day extension of time, to and including December 2, 2026, within which to file a petition for a writ of certiorari from a judgment of the United States Court of Appeals for the Eleventh Circuit. Mr. Alsenat has not previously sought an extension of time from this Court.

Mr. Alsenat is filing this Application at least ten days before the filing date, which is November 2, 2026. *See* S.Ct. R. 13.5. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1).

Mr. Alsenat is serving a 24-month imprisonment term, to be followed by 3 years' supervised release. On direct appeal to the Eleventh Circuit after the district court entered a judgment, Mr. Alsenat challenged the validity of his machinegun-possession conviction. His principal argument was that, under the Second Amendment to the United States Constitution, the statute of conviction is unconstitutional as applied to the facts of his case.

On August 4, 2026, the Eleventh Circuit denied Mr. Alsenat's timely request for rehearing en banc. *United States v. Alsenat*, No. 24-14058 (11th Cir. Aug. 4, 2026). This Court's rules therefore require that any petition for a writ of certiorari be filed by November 2, 2026.

Undersigned counsel originally expected to meet that deadline. Intervening personal health matters, however, have created a work backlog for counsel. And because of the backlog, Mr. Alsenat's petition deadline in this Court now overlaps or runs into deadlines for briefs in other appeals of counsel, such as initial briefs in *USA v. Jordan* (11th Cir. No. 25-13169), *USA v. Session* (11th Cir. No. 25-10392), and *USA v. Espinosa* (11th Cir. No. 26-12330); and a certiorari petition stemming from *USA v. Green* (11th Cir. No. 24-13038). Indeed, counsel anticipates the need to request similar briefing extensions in some of those cases, as well.

Accordingly, counsel respectfully requests that an order be entered extending, to December 2, 2026, the deadline by which Mr. Alsenat may file a petition for writ of certiorari.

Respectfully submitted,

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FEDERAL PUBLIC DEFENDER

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