

IN THE
SUPREME COURT OF THE UNITED STATES

No. _____

WILLIAM JOHN EASTERLING,
Applicant,

-v-

UNITED STATES OF AMERICA,
Respondent.

APPLICATION FOR EXTENSION OF TIME TO FILE PETITION
FOR WRIT OF CERTIORARI

TO THE HONORABLE BRETT M. KAVANAUGH, ASSOCIATE JUSTICE OF
THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE
FOR THE SIXTH CIRCUIT

William John Easterling
#22054-040
Terre Haute-USP
P.O. Box 33
Terre Haute, IN 47808-0033
pro se, in forma pauperis

William John Easterling, a pro se federal prisoner, respectfully applies under Supreme Court Rule 13.5 for a 60-day extension of time to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit in Case No. 25-1016, consolidated with No. 24-2083. This Court will have jurisdiction over the timely filed petition pursuant to 28 U.S.C. § 1254(1).

The Sixth Circuit denied a certificate of appealability on December 18, 2025. A timely petition for rehearing en banc was denied on April 21, 2026. Under Supreme Court Rule 13.3, the 90-day period for filing a petition for a writ of certiorari expires on Monday, July 20, 2026. Petitioner files this request for additional time at least 10 days before the date the petition is currently due, in compliance with Supreme Court Rule 13.5.

Good Cause

Good Cause exists for the requested extension because Applicant is contemporaneously seeking corrective/extraordinary relief to address a serious procedural defect in the Sixth Circuit, and that relief may alter the operative judgment and the timing or scope of certiorari review.

First, the Sixth Circuit proceedings were marked by procedural irregularities that Applicant is actively seeking to correct. The docket reflects instances where the Clerk returned filings that were tendered under the prison mailbox rule, and the Clerk also failed to route Applicant's motion to disqualify Judge John K. Bush to the Chief Judge for ordinary complaint-review handling after the filing was accepted as timely.

Second, Applicant is contemporaneously pursuing an Emergency Petition for Extraordinary Relief Under the All Writs Act directed to Chief Judge Jeffery S. Sutton. That petition seeks to correct the routing error and the unauthorized merits-panel handling of the recusal motion, relief that may alter the operative judgment and therefore affect the timing and scope of certiorari review.

Third, Applicant is a pro se prisoner with limited legal research, drafting tools, and mail processing, all of which materially slow the preparation of a careful and rule-compliant certiorari petition. This case presents procedural issues that must be stated accurately and concisely, and additional time is necessary to ensure the petition identifies the correct judgment, order, and questions presented.

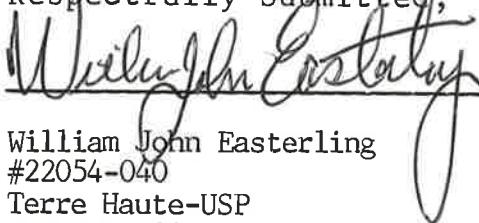
Because the current certiorari deadline is July 20, 2026, and because service and mail delays could prevent timely notice of the ruling, Applicant respectfully requests expedited consideration of this application.

Requested Extension

For the foregoing reasons, Applicant respectfully requests a 60-day extension of time, to and including September 18, 2026, within which to file the petition for a writ of certiorari.

DATED: June 30, 2026

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "William John Easterling", is written over a horizontal line.

William John Easterling
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Terre Haute-USP
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himself using the sex toy. That video, however, was not located during the investigation. Forensic analysis on a second hard drive uncovered explicit photos of Minor 2's twin brother taken in what appeared to be Easterling's home.

A grand jury charged Easterling with two counts of sexual exploitation of a child (counts 1 and 2), one count of attempted sexual exploitation of a child (count 3), and one count of possession of child pornography (count 4). Counts 1 and 2 concerned Minor 1, and count 3 concerned Minor 2. A jury convicted Easterling on all counts. The district court sentenced him to 1,080 months in prison. Easterling appealed his sentence, and this court affirmed. *United States v. Easterling*, 811 F. App'x 306, 308 (6th Cir. 2020).

In November 2020, Easterling filed a § 2255 motion in the district court. Over the next two months, he filed "voluminous motions to supplement, to amend, to strike and to stay" that, according to the district court, "made a mess of the docket." The court dismissed the pending motions without prejudice and advised Easterling to file a new § 2255 motion incorporating all of his arguments and exhibits. Easterling did so in June 2021. Despite the court's previous directive, Easterling filed nine supplements to his motion, most of which the court rejected as untimely or as having been filed in bad faith.

Ultimately, the district court construed Easterling's amended § 2255 motion as raising 10 claims, only the first of which is relevant to this appeal. In that claim, Easterling challenged his count 3 conviction for attempted sexual exploitation of a child, under 18 U.S.C. § 2251(a) and (e). He argued that the application of § 2251(a) to his conduct is unconstitutional because his conduct had no nexus to interstate commerce and that appellate counsel was ineffective for failing to raise this claim on appeal. On August 27, 2024, the district court denied Easterling's motion, concluding that his claims lacked merit. The court declined to issue a COA.

In a motion deemed filed on September 20, 2024, Easterling sought reconsideration of the district court's decision and its denial of a COA. He also moved for an extension of time to file a motion under Federal Rule of Civil Procedure 59(e). With respect to his challenge to his conviction on count 3, Easterling, relying on *United States v. Buculei*, 262 F.3d 322 (4th Cir. 2001),

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argued that § 2251(a) is unconstitutional as applied to him because his conduct did not satisfy the statute's jurisdictional requirement, i.e., that the defendant know that the visual depictions at issue will be transported in interstate commerce. And he argued that the court erred by failing to instruct the jury on this jurisdictional element. On October 7, 2024, the court denied both motions, which it construed as having been brought under Rule 59(e). In case number 24-2083, Easterling appeals the October 7th order.

A third motion for reconsideration was docketed on October 4, 2024. On October 7th, Easterling filed a supplement to that motion, a motion to supplement his motion for reconsideration, and a motion for an order to show cause. On October 16, 2024, the district court denied all three motions, finding that they merely rehashed arguments that had already been considered and rejected. The October 16th order is another subject of appeal in case number 24-2083.

Case number 25-1016 is yet another appeal, involving Easterling's successive motions for reconsideration under Rule 59(e). The district court denied the first motion for reconsideration on November 22, 2024, finding that Easterling still failed to demonstrate a clear error of law, newly discovered evidence, an intervening change in controlling law, or manifest injustice. Easterling then moved for reconsideration of the November 22nd order. He continued to argue that the court committed clear error as to count 3 because the indictment and the jury instructions failed to include the jurisdictional element of the charge. The court denied the motion on December 18, 2024. In case number 25-1016, Easterling appeals the December 18th order.

Because Easterling filed his first motion for reconsideration within the 28-day period for filing a Rule 59(e) motion, his appeal from the denial of that motion brings up for review the underlying denial of his § 2255 motion. *See Bonner v. Metro. Life Ins.*, 621 F.3d 530, 532 (6th Cir. 2010). In his COA application, Easterling argues only that his conviction on count 3 is unconstitutional because the jurisdictional element of the offense was omitted from the indictment and the jury instructions and that appellate counsel was ineffective for failing to raise the issue on appeal. By failing to raise his other claims, Easterling has forfeited them. *See Jackson v. United*

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States, 45 F. App'x 382, 385 (6th Cir. 2002) (per curiam); *Elzy v. United States*, 205 F.3d 882, 886 (6th Cir. 2000).

To obtain a COA, a petitioner must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To satisfy this standard, a petitioner must demonstrate “that jurists of reason could disagree with the district court’s resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

Counts 1 and 2 of the indictment, which concerned Minor 1, charged Easterling with completed acts of sexual exploitation of a child. Both counts alleged that, “pursuant to the defendant’s request or instruction, Minor 1, age 16, recorded a video of himself masturbating, and the defendant saved, reproduced, or possessed the video on materials including, but not limited to, a 1.5TB Seagate hard drive manufactured outside the state of Michigan.” Count 3 concerned Minor 2, whom Easterling instructed to make a similar video. But because the video made by Minor 2 was not located during the investigation, the government charged this as an attempt offense. This count charged Easterling with “knowingly attempt[ing] to use, persuade, induce, and entice a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct,” in violation of § 2251(a) and (e). Specifically, it charged that Easterling “asked Minor 2, approximately age 13–15 years old, to record a video of himself masturbating.”

In his § 2255 motion, Easterling argued that § 2251(a) does not apply to the conduct charged in count 3 because “[w]anting a video to be produced doesn’t require any video actually being produced and thereby any materials being mailed, shipped or transported in or affecting commerce.” Reasonable jurists could not disagree with the district court’s rejection of this argument. The statute itself criminalizes attempts. 18 U.S.C. § 2251(e). Whether a recording was ever produced is of no moment. “[F]or the crime of coercing or enticing a minor, the focus ‘always remains on the defendant’s subjective intent because the statute is designed to protect children

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from the act of solicitation itself.” *United States v. Cato*, No. 22-2116, 2024 WL 891603, at *6 (6th Cir. Mar. 1, 2024) (quoting *United States v. Roman*, 795 F.3d 511, 516 (6th Cir. 2015)).

In his first motion for reconsideration, Easterling attacked his conviction on count 3 from another angle. He argued that the indictment failed to allege and the court failed to instruct the jury on the jurisdictional element of the offense, i.e., that the defendant knew that the visual depiction would be transported in interstate commerce or knew that the materials used in the attempted production were transported in interstate commerce. The district court did not directly address this argument. And it appears that the indictment did, in fact, omit the interstate-commerce element in count 3. But Easterling cannot show that he was prejudiced by this omission because there was sufficient evidence produced at trial to satisfy the interstate-commerce element, and the jury was properly instructed on the elements of the offense. *See United States v. West*, 371 F. App'x 625, 630 (6th Cir. 2010) (explaining that, when a defendant does not challenge the sufficiency of an indictment until after conviction, he must show prejudice).

For counts 1 and 2, the jury was instructed as to all the elements of a completed § 2251(a) offense, including the interstate-commerce element. The jury was also instructed that they could find in the alternative that Easterling was guilty of attempted sexual exploitation of a minor. The court instructed that, to find that Easterling committed an attempt, the jury needed to find that he “intended to commit the crime of using a minor to engage in sexually explicit conduct to produce a visual depiction” and that he “did some overt act that was a substantial step towards committing the crime.” For count 3, the court instructed the jury that the instructions were the same as the instructions it had given for the alternative attempted offense for counts 1 and 2. These instructions comported with § 2251(a) and the elements of attempted sexual exploitation of a child, which this court set forth in *United States v. Sims*, 708 F.3d 832, 835 (6th Cir. 2013): (1) the defendant intended to create child pornography, and (2) the defendant took a substantial step toward the creation of child pornography. And by referring back to the instructions for counts 1 and 2 when instructing the jury on count 3, the district court adequately addressed the interstate-commerce element of count 3. Moreover, the parties stipulated that the two hard drives at issue were

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manufactured in Thailand. And as the district court explained, there was sufficient evidence for the jury to find that, as he did with the videos created by Minor 1, Easterling intended to transfer any video created by Minor 2 to those hard drives, providing the requisite nexus to interstate commerce. *See United States v. Lively*, 852 F.3d 549, 559–60 (6th Cir. 2017).

No reasonable jurist could debate the district court’s rejection of Easterling’s claim challenging the application of § 2251 to the conduct alleged in count 3 or the district court’s denial of his motions to reconsider that ruling. Nor could reasonable jurists disagree with the district court’s conclusion that appellate counsel was not ineffective for failing to raise this claim on appeal. *See Coley v. Bagley*, 706 F.3d 741, 752 (6th Cir. 2013) (“Omitting meritless arguments is neither professionally unreasonable nor prejudicial.”).

For these reasons, Easterling’s application for a COA and his motion for the appointment of counsel are **DENIED**.

ENTERED BY ORDER OF THE COURT


Kelly L. Stephens, Clerk

Nos. 24-2083/25-1016

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**FILED**

Apr 21, 2026

KELLY L. STEPHENS, Clerk

WILLIAM JOHN EASTERLING,

Petitioner-Appellant,

v.

UNITED STATES OF AMERICA,

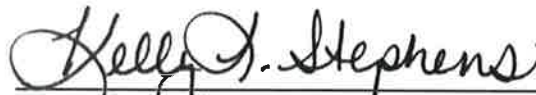
Respondent-Appellee.

ORDER

Before: BATCHELDER, GILMAN, and THAPAR, Circuit Judges.

William John Easterling petitions for rehearing en banc of this court's order entered December 18, 2025, denying his application for a certificate of appealability. The petition was initially referred to this panel, on which the original deciding judge does not sit. After review of the petition, this panel issued an order announcing its conclusion that the original application was properly denied. The petition was then circulated to all active members of the court, none of whom requested a vote on the suggestion for an en banc rehearing. Pursuant to established court procedures, the panel now denies the petition for rehearing en banc.

ENTERED BY ORDER OF THE COURT


Kelly L. Stephens, Clerk

CERTIFICATE OF SERVICE

DECLARATION OF INMATE FILING

I understand that should there be any parties requiring service, any such parties are registered with this Court's CM/ECF docketing system and any service requirements that might pertain are met thereby. I am an inmate confined in an institution filing under the inmate mailbox rule. First-class postage is being prepaid either by me or by the institution on my behalf.

I, William John Easterling am depositing the:
APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR
WRIT OF CERTIORARI

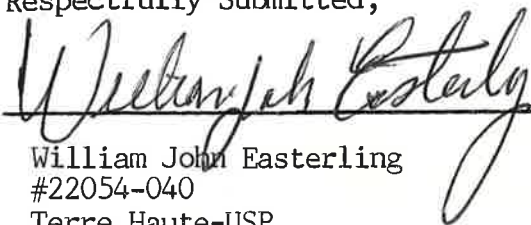
in this case in the institution's internal mail system, addressed as follows:

Clerk of the
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

I declare under penalty of perjury that the foregoing is true and correct.
(See 18 U.S.C. §1746; 18 U.S.C. §1621); Fed.R.App.P. 25(a)(2)(A)(iii);
Fed.R.App.P. 4(c)(1); Houston v. Lack, 487 US 266 (1988); Richard v. Ray,
290 F.3d 810 (6th Cir. 2002); Randolph v. Macauley, 25-5400(6th Cir. 1-15-2025)

Executed on June 30, 2026 in Terre Haute IN 47808
City, State Zip Code

Respectfully Submitted,



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SERVICE PAGE