No. _____

IN THE

Supreme Court of the United States

ARTIE BYRD,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

On Application for an
Extension of Time to File a
Petition for a Writ of Certiorari

APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

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November 13, 2026

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To the Honorable John G. Roberts, Jr., as Circuit Justice for the United States Court of Appeals for the District of Columbia Circuit:

Pursuant to 28 U.S.C. § 2101(c) and Rules 13.5, 22, and 30.2 of this Court, Applicant Artie Byrd respectfully requests a 60-day extension of time, to and including January 25, 2027, within which to file a petition for a writ of certiorari

seeking review of the judgment of the United States Court of Appeals for the District of Columbia Circuit in *United States v. Byrd*, No. 24-3048.

The Court of Appeals entered judgment on August 26, 2026. No petition for rehearing was filed. Accordingly, the petition for a writ of certiorari is currently due on November 24, 2026. This application is being submitted more than ten days before that deadline.

This Court's jurisdiction is invoked under 28 U.S.C. §1254(1). In support of this request, Applicant states as follows:

1. Good cause exists for the requested extension. The proposed petition presents an important and unsettled question concerning the constitutional limits on the use of acquitted conduct at sentencing: whether a sentencing judge may increase a defendant's sentence based on conduct underlying an acquittal in an entirely separate criminal proceeding over which the sentencing judge did not preside. The question presented is distinct from the issue addressed in *United States v. Watts*, 519 U.S. 148 (1997) (per curiam). There, the Court considered the use of acquitted conduct arising from the same prosecution in which the defendant was being sentenced, before the very judge who had presided over the trial. This case presents the substantially different question whether a sentencing judge may independently revisit the evidence underlying an acquittal in a separate and unrelated proceeding on a cold record, reach a contrary finding of criminal responsibility under a lesser evidentiary standard, and use that finding to impose an above-Guidelines sentence in an unrelated case.

2. Petitioner's lead counsel in the Court of Appeals for the District of Columbia Circuit is an Assistant Federal Public Defender in the District of Columbia who is engaged in the full-time representation of indigent clients before the Court of Appeals. Since entry of the judgment in this case, and continuing through the period covered by the requested extension, Ms. Bhatty has been and will be responsible for substantial briefing and litigation obligations in several other matters. Those obligations include: *United States v. Jereal Booker*, No. 24-3184 (D.C. Cir.) (opening brief due November 20, 2026), *United States v. Thierno Barry*, No. 26-3025 (D.C. Cir.) (opening brief due December 1, 2026), *United States v. Jaswan Thomas*, No. 25-3120 (D.C. Cir.) (opening brief due December 18, 2026), *United States v. Gatling*, No. 26-3037 (D.C. Cir.) (opening brief filed October 30, 2026; reply brief due December 21, 2026), *United States v. Cyrus*, No. 26-cr-197 (D.D.C.) (pretrial motions deadline January 22, 2027).

3. Given these competing obligations, additional time is necessary to permit counsel to devote the attention required to researching, developing, and preparing a petition that adequately presents the substantial and distinct constitutional question in this case. The requested extension will allow counsel to complete the necessary legal research and analysis, carefully address this Court's relevant precedents, and prepare a petition that fully explains the importance of the question presented and the reasons review is warranted.

4. Mr. Byrd has not previously requested an extension of this deadline.

For these reasons, Applicant respectfully requests a 60-day extension of time, to and including January 25, 2027, within which to file a petition for a writ of certiorari.

Respectfully submitted,

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