No. _____

IN THE

Supreme Court of the United States

JARROD CARTER,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

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

To: The Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court and Circuit Justice for the Fifth Circuit.

Pursuant to Title 28, United States Code, Section 2101(c) and Supreme Court Rule 13.5, Applicant Jarrod Carter respectfully requests a 60-day extension of the time to file a Petition for a Writ of Certiorari, to and including January 25, 2027.[1]

Basis for Jurisdiction

The district court had original jurisdiction over this criminal action pursuant to 18 U.S.C. § 3231. The Fifth Circuit had jurisdiction over the direct appeal under 18 U.S.C. § 3742(a) and 28 U.S.C. § 1291. The Fifth Circuit issued its opinion on July 27, 2026, and denied a timely petition for rehearing en banc on August 27, 2026. This Court has the power to grant this motion pursuant to 28 U.S.C. § 2101(c), and it will have jurisdiction to review the Fifth Circuit's judgment under 28 U.S.C. § 1254(1).

[1] Sixty days from the current deadline is Sunday, January 24, 2027. *See* Sup. Ct. R. 30.1.

Judgment to be Reviewed and Opinion Below

The Fifth Circuit opinion is available at *United States v. Carter*, No. 25-30383, 2026 WL 2150567 (5th Cir. July 27, 2026), reprinted on pages 1a–2a of the Appendix. Applicant filed a timely petition for rehearing en banc, which the Fifth Circuit denied on August 27, 2026. App. 3a

Reasons for Granting an Extension

Good cause exists to extend the time for filing a petition for writ of certiorari in this case. Applicant was sentenced to 97 months of imprisonment after pleading guilty to two counts of possessing a firearm after being convicted of a felony offense, in violation of 18 U.S.C. § 922(g)(1). Before pleading guilty, Applicant moved to dismiss the charges based on this Court's decision in *N.Y. State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022), arguing that § 922(g)(1) is unconstitutional under the Second Amendment, both facially and as applied to him. The district court denied his motion, and Applicant appealed to the U.S. Court of Appeals for the Fifth Circuit. On appeal, Applicant additionally argued that § 922(g)(1) is unconstitutional because the statue exceeds Congress's authority under the Commerce Clause and that his two § 922(g)(1) convictions based on possessing the same firearms on consecutive days violate the Double Jeopardy Clause of the Fifth Amendment. The Fifth Circuit rejected Applicant's arguments and affirmed his judgment. App. 2a.

In its decision, the Fifth Circuit correctly noted that Applicant's Commerce Clause challenge to § 922(g)(1) is currently foreclosed by circuit precedent. App. 2a.

However, a week earlier, the Fifth Circuit granted a petition for rehearing en banc on that very issue in *United States v. Curtis Squire* (5th Cir. No. 25-30324), tentatively scheduling oral argument for the week of January 18, 2027. Applicant subsequently filed his own petition for rehearing en banc, explaining that he was raising the same issue on which the Fifth Circuit had just granted rehearing in *Squire* and requesting that his appeal be held pending resolution of *Squire*. The Fifth Circuit denied Applicant's petition for rehearing on August 27, 2026. App. 3a.

Applicant's current deadline for filing a petition for a writ of certiorari is November 25, 2026. However, considering the en banc Fifth Circuit has decided to reconsider its Commerce Clause precedent in *Squire*, it is in the interests of justice and judicial economy to extend the deadline for filing Applicant's petition. The oral argument in *Squire* will directly impact Applicant's Commerce Clause argument before this Court, and the ultimate resolution of that case will likely narrow the scope of relief requested from this Court. Additionally, Applicant raised other constitutional challenges to his convictions on appeal, including a *Bruen*-based challenge to the constitutionality of his convictions under the Second Amendment. Circuit precedent pertaining to that issue is continually evolving across the country. Thus, extending Applicant's deadline for filing a petition for writ of certiorari will provide both Applicant and this Court with the benefit of further legal developments that will likely narrow the scope of the issues for this Court to decide and inform the appropriate resolution of Applicant's case.

CONCLUSION

For the above reasons, Applicant respectfully request that the Court grant a 60-day extension of his deadline to file a petition for certiorari, to and including January 25, 2027.

Respectfully submitted this 13th day of November, 2026.

/s/ Samantha Kuhn
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