

No. 2 A

IN THE SUPREME COURT OF THE UNITED STATES

MARTIN AKERMAN, PRO SE,
APPLICANT

v.

NORTHWESTERN MUTUAL,
RESPONDENT

APPLICATION TO EXTEND THE TIME TO FILE A PETITION FOR A WRIT OF
CERTIORARI

TO THE HONORABLE AMY CONEY BARRETT, ASSOCIATE JUSTICE
OF THE SUPREME COURT OF THE UNITED STATES,
AND CIRCUIT JUSTICE FOR THE
UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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QUESTIONS TO BE PRESENTED

- Whether a court of appeals creates an intra-circuit conflict by applying the "strong showing" standard from *Nken v. Holder*, 556 U.S. 418 (2009), a case on stays of removal, to a preliminary injunction motion, thereby displacing the circuit's established "sliding-scale" balancing test from *Roland Machinery Co. v. Dresser Industries, Inc.*, 749 F.2d 380 (7th Cir. 1984).
- Whether a court of appeals commits reversible error by finding no irreparable harm when the record shows that an insurer's unilateral termination of disability benefits exacerbated the claimant's diagnosed post-traumatic stress disorder, a form of psychological injury previously recognized by the circuit as a valid basis for injunctive relief.
- Whether a district court commits a manifest error of law and violates due process by enforcing a settlement and dismissing a case "with prejudice" when the record demonstrates a fundamental, unresolved dispute over the scope of the general release clause, thereby exposing the litigant to a concrete and foreseeable risk of claim preclusion (*res judicata*) in separate, unrelated federal proceedings.

PARTIES TO THE PROCEEDING

- Martin Akerman, the pro se applicant in this matter.
- Northwestern Mutual, a Wisconsin-based private corporation is the respondent in this matter, who was the defendant in the lower courts.

ORDERS BELOW

The following orders and filings are attached as appendices:

Attachment A: The Order of the United States Court of Appeals for the Seventh Circuit, entered May 19, 2025.

Attachment B: The Judgment of the United States Court of Appeals for the Seventh Circuit, entered May 19, 2025.

Attachment C: The Order of the United States Court of Appeals for the Seventh Circuit Denying Petition for Rehearing, entered June 10, 2025.

Attachment D: The Applicant's Petition for Rehearing and Rehearing En Banc, filed in the court of appeals on May 22, 2025.

Attachment E: The Applicant's Motion to Alter or Amend Judgment Pursuant to Fed. R. Civ. P. 59(e), filed in the district court on July 25, 2025

**APPLICATION TO EXTEND THE TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI**

To the Honorable Amy Coney Barrett,
Associate Justice of the Supreme Court of the United States and
Circuit Justice for the Seventh Circuit:

Applicant Martin Akerman, proceeding pro se, respectfully applies, pursuant to Supreme Court Rule 13.5, for an extension of 53 days, to and including October 31, 2025, to file a petition for a writ of certiorari in the above-captioned matter.

This application is timely, being submitted more than ten days prior to the original due date, in accordance with S. Ct. R. 13.5. Absent an extension, the 90-day period for filing a petition for a writ of certiorari will expire on September 8, 2025.

JURISDICTION

The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1). The judgment of the United States Court of Appeals for the Seventh Circuit in Case No. 24-3076 was entered on May 19, 2025. A timely petition for rehearing and rehearing en banc was filed on May 22, 2025, and was denied by the court of appeals on June 10, 2025.

REASONS FOR GRANTING THE EXTENSION

Good cause exists for the requested extension. An extension is necessary and in the interest of judicial economy to allow for the resolution of parallel proceedings that directly impact the claims in this case and may narrow or moot the questions presented for this Court's review.

While this case concerns a private insurance dispute, its potential resolution has become entangled with Applicant's separate and unrelated legal matters due to a dispute over the scope of a settlement release. An extension would permit clarification of these threshold issues, thereby conserving judicial resources and preventing the filing of a premature or unnecessary petition.

I. A Pending, Potentially Dispositive Motion

Before the District Court May Moot This Petition.

The primary justification for this extension is a pending motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59(e) in the United States District Court for the Eastern District of Wisconsin (Case No. 2:24-cv-00152-BHL). A ruling on this motion could obviate the need for a petition for a writ of certiorari altogether.

The parties had reached preliminary settlement terms. However, a final agreement has been obstructed by a material dispute over the scope of the general release clause. As documented in the pending Rule 59(e) motion (Attachment E), the preliminary "Deal Terms" agreed to at mediation specified a narrow release that explicitly excluded Applicant's unrelated claims, stating the release "does not encompass pending claims by the plaintiff unrelated to the pending lawsuit against Northwestern Mutual that the plaintiff has asserted against third persons or entities who are unaffiliated with Northwestern Mutual".

Subsequently, Respondent insisted on a dangerously broad release that would extinguish "any and all rights, claims... whether known or unknown". This impasse over a quintessentially material term prevents a final resolution.

The district court's order enforcing the settlement is the subject of the pending Rule 59(e) motion. A ruling on that motion is essential to determine whether a petition to this Court remains necessary. Granting an extension until that motion is resolved serves the profound interest of judicial economy by ensuring this Court does not expend resources on a case that may become moot.

II. The Extension is Necessary to Prevent Concrete and
Irreparable Prejudice to Unrelated Litigation.

The dispute over the release language is not a theoretical concern; it creates a direct and prejudicial threat of claim preclusion (res judicata) that could interfere with or derail a wide array of Applicant's separate and unrelated legal matters. Forcing Applicant to file a petition now, while the scope of the release remains unsettled, would cause irreparable harm.

The gravity of these other matters is underscored by a separate application for a stay currently pending before this Court, styled Akerman v. MSPB, No. 25A26. The litigation at risk of being improperly extinguished by an overbroad release in this private insurance dispute includes not only the complex federal whistleblower claims central to that application, but also numerous other proceedings, including cases in the Federal Circuit, the Fourth, Ninth, and D.C. Circuits, and the Supreme Court of Virginia (breach of legal insurance contract; VASC Case Number 240922).

A brief extension would allow the district court to resolve the release-clause dispute, thereby preventing the irreparable harm that would result from the preclusion of these other significant claims.

III. An Active and Potentially Dispositive Federal Investigation
Warrants a Brief Pause.

A further reason for the requested timeline is an active, comprehensive investigation by the U.S. Office of Special Counsel (OSC). Concurrently with this insurance litigation, Applicant is pursuing complex claims against federal agencies, which are the subject of a new investigation formally commenced by the OSC on June 17, 2025, under Case No. MA-25-005207.

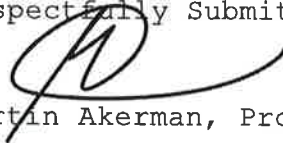
The OSC is statutorily obligated to complete its work and issue its findings by October 15, 2025. The outcome of this investigation is potentially dispositive of core issues in Applicant's related federal litigation. While this insurance case is wholly unrelated, the settlement dispute threatens to improperly link them via the overbroad release clause. Allowing the OSC investigation to conclude will clarify the factual and legal landscape of those other cases, which is directly relevant to the scope of any settlement release that could be finalized in this matter. An extension to October 31, 2025, is therefore not sought for delay but represents the most efficient and prudent path forward.

CONCLUSION

The resolution of these external matters may clarify, narrow, or moot the issues for which certiorari would be sought, thereby preventing a premature or unnecessary petition and serving the profound interest of judicial economy. Granting this extension is necessary to prevent a manifestly unjust and prejudicial settlement and to ensure that any petition eventually filed is focused on ripe, necessary, and clearly-defined questions.

For the foregoing reasons, Applicant respectfully requests that this application be granted and that the time for filing a petition for a writ of certiorari be extended to and including October 31, 2025.

Respectfully Submitted,



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