

IN THE SUPREME COURT OF THE UNITED STATES

**JOHN ARMSTRONG, JR.,**  
**Petitioner / Appellant,**

**v.**

**UNITED STATES OF AMERICA,**  
**Respondent / Appellee.**

On Petition For a Writ of Certiorari to the  
United States Court of Appeals for the Eleventh Circuit

**AFFIDAVIT**

I, Valarie Linnen, declare as follows:

1. I am counsel of record for Petitioner, JOHN ARMSTRONG, JR., in this matter.

I am a member in good standing of the Bar of this Court.

2. On June 2, 2025, Justice Thomas granted an extension of time for Petitioner to file his petition for a writ of certiorari through **July 1, 2025**.
3. On July 1, 2025, I electronically filed the petition through the Court's electronic filing system and served it on the United States. Based on my regular practice in the circuit courts of appeals and district courts, where filings are timely when submitted electronically through CM/ECF, I believed that electronic filing satisfied the timeliness requirement.
4. Although I reviewed Supreme Court Rule 29, I misunderstood its operation. I relied on Rule 29.7, which requires counsel to file documents through the

Court's electronic system, and I misinterpreted Rule 29.2, which speaks in terms of paper receipt, as consistent with my understanding of other federal courts' practice.

5. I spoke with the clerk's office on August 5, 2025. At that point, it became clear that my interpretation was mistaken and that the filing was technically late.
6. During this telephone conversation with the clerk's office, I inquired about filing a motion to accept the petition as timely filed in hopes of curing the deficiency. However, I was advised not to file such a motion at that time.
7. I acknowledge and regret this error. It was entirely my mistake, and Petitioner should not bear the consequences of my misunderstanding of the filing rules.
8. If the petition is not accepted as timely, Mr. Armstrong will be irreparably harmed. He is serving a sentence that includes an additional two decades under 18 U.S.C. § 924(c), imposed on the basis of legal questions that have divided the courts of appeals. Denying review on this procedural ground would bar this Court from resolving those important questions and would unjustly deprive Petitioner of his opportunity for review. This petition comes before this Court on review of a Section 2255 habeas corpus petition. After this petition for writ of certiorari, Mr. Armstrong has no further avenues of relief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 16<sup>TH</sup> day of September 2025.

Valarie Linnen

Valarie Linnen, Esq.\*  
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CJA Attorney for Petitioner  
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Supreme Court Bar

STATE OF MICHIGAN  
COUNTY OF MECOSTA

The foregoing instrument was acknowledged before me this day by Valarie Linnen, Esq., who is personally known to me.

Witness my hand and official seal, this the 16<sup>th</sup> day of September 2025.

Kristin K. Lytle

Notary Public

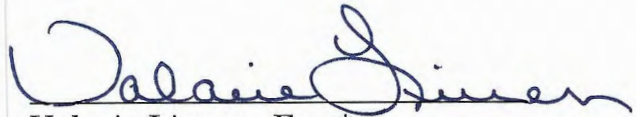
State of Michigan  
Acting in Mecosta County  
My Commission Expires: 09/14/2029



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following via email delivery and USPS delivery on this 17<sup>th</sup> day of September 2025:

Solicitor General  
U.S. Department of Justice  
950 Pennsylvania Ave.  
Washington, D.C. 20530-0001  
SUPREMECTBRIEFS@USDOJ.GOV

A handwritten signature in blue ink, reading "Valarie Linnen", written over a horizontal line.

Valarie Linnen, Esq.\*  
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