

No. 25-6559

IN THE SUPREME COURT OF THE UNITED STATES

CHARLES KAFEITI, Petitioner,

v.

UNITED STATES OF AMERICA, Respondent.

On Petition for Rehearing of Denial of Certiorari (Docket No. 25-1071)

PETITION FOR REHEARING Pursuant to Supreme Court Rule 44.2

Petitioner Charles Kafeiti, pro se and indigent, respectfully petitions this Court for rehearing of its Order denying certiorari dated February 23, 2026. This petition is timely filed within 25 days of that denial.

I. GROUNDS FOR REHEARING

The Court's denial appears to rest on a misapprehension of material facts, particularly the **13-month period of total judicial inaction** by the Eastern District of New York and the **unsigned, unreasoned denials** at every level. These circumstances present substantial grounds not fully appreciated in the initial review.

A. Extraordinary Judicial Delay The 13-month failure to rule on Petitioner's motions caused the § 2255 statute of limitations to expire solely due to court inaction. This constitutes "extraordinary circumstances" under *Holland v. Florida*, 560 U.S. 631 (2010). The Second Circuit's refusal to apply equitable tolling conflicts with the Seventh Circuit's approach in *Socha v. Boughton*, 763 F.3d 674 (7th Cir. 2014).

B. Unsigned and Unreasoned Denials The lower courts issued unsigned, unreasoned orders that provided no legal basis for dismissing Petitioner's claims. This violated due process and deprived Petitioner of meaningful review.

C. Premature Mandate The Second Circuit issued the mandate on the same day Petitioner received the order, eliminating the 14-day rehearing period under FRAP 35 and 40.

II. CERTIFICATION PURSUANT TO RULE 44.2

I, Charles Kafeiti, certify that the grounds stated in this Petition for Rehearing are limited to intervening circumstances of substantial or controlling effect and to other substantial grounds not previously presented. I further certify that this petition is presented in good faith and not for delay.

Respectfully submitted,



Charles Kafeiti

21021 N. 56th Street, Apt 4091

Phoenix, AZ 85054

May 6th, 2026

CERTIFICATE OF SERVICE

I hereby certify that on May 6th, 2026, I served a true copy of the foregoing Petition for Rehearing by first-class U.S. Mail, postage prepaid, upon the Solicitor General of the United States, Room 5616, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-0001.

Charles Kafeiti Petitioner, pro se



ATTACHMENTS

Supreme Court Order denying Certiorari (February 23, 2026)

1. Second Circuit Orders denying COA and Reconsideration
2. Second Circuit Mandate (October 29, 2025)
3. District Court Docket Calendar showing 13-month delay
4. Unsigned docket entries denying motions and § 2255 petition

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

February 23, 2026

Clerk
United States Court of Appeals for the Second
Circuit
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Charles Kafeiti
v. United States
No. 25-6559
(Your No. 25-1071)

Dear Clerk:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Harris".

Scott S. Harris, Clerk

**UNITED STATES COURT OF APPEALS
for the
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 20th day of October, two thousand twenty-five,

Present: Joseph F. Bianco,
William J. Nardini,
Alison J. Nathan,

Circuit Judges.

Charles Kafeiti,

Petitioner - Appellant,

v.

United States of America,

Respondent - Appellee.

ORDER

Docket No. 25-1071

Appellant, Charles Kafeiti, filed a motion for reconsideration and the panel that determined the motion has considered the request.

IT IS HEREBY ORDERED, that the motion is denied.

For The Court:
Catherine O'Hagan Wolfe,
Clerk of Court

 

MANDATE

E.D.N.Y. – C. Islip
20-cr-578
Azrack, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 28th day of August, two thousand twenty-five.

Present:

Joseph F. Bianco,
William J. Nardini,
Alison J. Nathan,
Circuit Judges.

Charles Kafeiti,

Petitioner-Appellant,

v.

25-1071

United States of America,

Respondent-Appellee.

Appellant, pro se, moves for a certificate of appealability (“COA”), in forma pauperis status, and for appointment of counsel to appeal the denial of his 28 U.S.C. § 2255 motion as untimely. Upon due consideration, it is hereby ORDERED that the COA motion is DENIED, and the appeal is DISMISSED because Appellant has not shown that “jurists of reason would find it debatable whether the district court was correct in its procedural ruling,” as to the untimeliness of the Appellant’s § 2255 motion. *Slack v. McDaniel*, 529 U.S. 473, 478 (2000). It is further ORDERED that the remaining motions are DENIED as moot.

FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk of Court

A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O’Hagan Wolfe

MANDATE ISSUED ON 10/29/2025



Catherine O’Hagan Wolfe

		11/30/2023)
11/27/2023		Appearance Pro Se as to Charles Kafeiti. (LC) (Entered: 11/30/2023)
12/07/2023		ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Charles Kafeiti - Tracey E. Gaffey for Charles Kafeiti appointed. Pursuant to Administrative Order 2023-31, the Federal Defenders are appointed to represent the defendant to evaluate eligibility and present any motions or applications for reduction of sentence in accordance with Amendment 821 of the U.S. Sentencing Guidelines Manual. If the defendant is indeed eligible, counsel shall submit a proposed briefing schedule by 1/5/2024. Ordered by Judge Joan M. Azrack on 12/7/2023. (LP) (Entered: 12/07/2023)
01/16/2024	<u>31</u>	NOTICE by Charles Kafeiti of Challenge to Grandy Jury pursuant to Rule 6(b)(1), (2); REQUEST to dismiss the Information; and for immediate release from the BOP. (LC) (Entered: 01/17/2024)
01/24/2024		SCHEDULING ORDER as to Charles Kafeiti re <u>30</u> and <u>31</u> Notice (Other) - The time for Federal Defenders to determine if the defendant is eligible for the Amendment 821 sentence reduction is extended to 2/9/2024. If the defendant is eligible, the parties shall file a proposed briefing schedule by 2/15/2024. If the defendant is not eligible under Amendment 821, the government shall file a response the the defendant's remaining pro se motions by 2/29/2024. The Clerk of the Court is directed to mail a copy of this Order to the defendant. Ordered by Judge Joan M. Azrack on 1/24/2024. (LP) Modified on 1/24/2024 (LP). (Entered: 01/24/2024)
01/31/2024	<u>32</u>	NOTICE OF ATTORNEY APPEARANCE: Tracey E. Gaffey appearing for Charles Kafeiti (Gaffey, Tracey) (Entered: 01/31/2024)
02/29/2024	<u>33</u>	SUPPLEMENT re <u>31</u> Notice by Charles Kafeiti of Challenge to Grandy Jury pursuant to Rule 6(b)(1),(2); REQUEST to dismiss the Information; and for immediate release from the BOP. Filed by Charles Kafeiti. (LC) (Entered: 03/04/2024)
03/12/2024	<u>34</u>	Letter in Response to Pro Se Motion [ECF 31] <u>33</u> as to Charles Kafeiti (Finley, Timothy) (Entered: 03/12/2024)
04/02/2024	<u>35</u>	LETTER received 4/2/2024 from Charles Kafeiti entitled "QUESTION TO THE COURT". Defendant pro se, does enter this motion, presenting questions of law and fact, to aide in the judicial resolution of this case. (LC) (Entered: 04/03/2024)
05/16/2024		SCHEDULING ORDER as to Charles Kafeiti re <u>30</u> MOTION to Reduce Sentence (<i>Amendment 821</i>) MOTION for First Step Act filed by Charles Kafeiti. The government shall file a response to the defendant's motion for reduction of sentence by 5/30/2024. Ordered by Judge Joan M. Azrack on 5/16/2024. (LP) (Entered: 05/16/2024)
05/30/2024	<u>36</u>	RESPONSE in Opposition re <u>30</u> MOTION to Reduce Sentence (<i>Amendment 821</i>) MOTION for First Step Act (Zytnick, Daniel) (Entered: 05/30/2024)
05/30/2024	<u>37</u>	RESPONSE in Opposition re <u>30</u> MOTION to Reduce Sentence (<i>Amendment 821</i>) MOTION for First Step Act (<i>Exhibit - Transcript</i>) (Zytnick, Daniel) (Entered: 05/30/2024)
06/03/2024	<u>38</u>	LETTER dated 5/30/2024 from Charles Kafeiti re Request for Records. (LC) (Entered: 06/05/2024)

06/05/2024	<u>39</u>	LETTER dated 6/5/2024 fro, Pro SE Office to Charles Kafeiti. This is in response to your letter received June 03, 2024, in which you request that we send you specific documents from the above referenced action. Please highlight or mark the docket entry on the enclosed docket sheet to indicate which documents you are requesting. Please be advised that copies are billed at .50 per page. Once payment is received, the requested copies will be mailed. (LC) (Entered: 06/05/2024)
06/10/2024	<u>40</u>	PETITION FOR WRIT OF CORAM NOBIS as to Charles Kafeiti. (LC) Modified on 6/11/2024 to change event type to Motion for Writ (LC). (Entered: 06/11/2024)
06/14/2024	<u>41</u>	REPLY/OBJECTION TO <u>36</u> RESPONSE in Opposition to Motion re <u>30</u> MOTION to Reduce Sentence (<i>Amendment 821</i>) MOTION for First Step Act by Pro Se defendant Charles Kafeiti. (LJ) (Entered: 06/14/2024)
06/17/2024		ORDER as to Charles Kafeiti re <u>41</u> Reply to Response, <u>40</u> MOTION for Writ. The government shall file a response to these documents by 7/19/2024. Ordered by Judge Joan M. Azrack on 6/17/2024. (LP) (Entered: 06/17/2024)
06/17/2024	<u>42</u>	LETTER dated 6/11/2024 from Charles Charles Kafeiti to K. Santana. Request for documents which are not on the docket. (LC) (Entered: 06/26/2024)
06/24/2024	<u>43</u>	LETTER dated 6/24/2024 from Pro Se Office to Charles Kafeiti. The Clerk's Office is in receipt of your letter dated, June 11, 2024, in which you request documents that are not on the docket. Please be advised that the Pro se office can only provide copies of documents that are available on the public docket sheet. (LC) (Entered: 06/26/2024)
06/28/2024	<u>44</u>	Letter received 6/28/2024 from Charles Kafeiti entitled "MOTION FOR STATUS REPORT". Defendant request this court issue DISPOSTIVE orders, GRANTING his reliefs prior requested, and do so, Immediately as the Orderly and Fair Rule of laws doesentitle him to (See Rules 1-2 of Fed. Cr. Rules of Procedures). (AMF) (Entered: 06/28/2024)
07/17/2024	<u>45</u>	RESPONSE in Opposition re <u>40</u> MOTION for Writ of <i>coram nobis</i> ; <i>jurisdictional challenge</i> (No. 41), and <i>motion for a status report</i> (No. 44) (Zytnick, Daniel) (Entered: 07/17/2024)
07/17/2024	<u>46</u>	Certificate of Service by USA as to Charles Kafeiti re <u>45</u> Response in Opposition (Zytnick, Daniel) (Entered: 07/17/2024)
07/23/2024	<u>47</u>	LETTER dated 7/18/2024 from Charles Kafeiti. Please find attached copies of recent request sent to the governments attorney in this matter requesting his authority to try this case in the 2nd District of New York. Upon receiving the governments response, these will be forward to your courts for your review of the legality of his authority in the above case. Please submit this to the records for preservation purposes. (LC) (Entered: 07/24/2024)
07/29/2024	<u>48</u>	OBJECTION to <u>45</u> RESPONSE in Opposition re <u>40</u> MOTION for Writ of <i>coram nobis</i> . Filed by Charles Kafeiti. (LC) (Entered: 07/30/2024)
08/19/2024	<u>49</u>	NOTICE of STATEMENT OF CASE & Rule 20.4(A) STATEMENT/PETITION FOR A WRIT OF MANDAMUS. (LC) (Entered: 08/22/2024)
09/06/2024	<u>50</u>	LETTER received 9/6/2024 from Charles Kafeiti re Discovery Request. (LC) (Entered: 09/09/2024)

09/11/2024	<u>51</u>	Certificate of Service by USA as to Charles Kafeiti <i>Affidavit of publication, legal notice was given on the official government website www.forfeiture.gov, beginning on July 9, 2024 and ending on August 7, 2024.</i> (Payne, Tanisha) (Entered: 09/11/2024)
09/11/2024	<u>52</u>	NOTICE/Copy of Petition for a Writ of Mandamus served at the U.S. Supreme Court by Charles Kafeiti. (LC) (Entered: 09/16/2024)
09/12/2024		Incorrect Case-Document Information filed. The Set/Reset Hearings entered on 9/12/2024 has been deleted from the above-referenced case as it was entered in the incorrect case number. (LC) (Entered: 09/12/2024)
09/16/2024	<u>53</u>	LETTER received 9/16/2024 from Charles Kafeiti entitled DISCOVERY REQUEST. (LC) (Entered: 09/17/2024)
11/19/2024	<u>54</u>	NOTICE of copy of 11/8/2024 Letter from Charles Kafeiti to United States Court of Appeals for the Second Circuit re Enclosing completed forms that were sent to him in order to file his Writ of Mandamus. Defendant also advises that he served the District Court and the Prosecutor a copy of the Writ of Mandamus by certified mail. (LC) (Entered: 11/21/2024)
11/19/2024		NOTICE OF CHANGE OF ADDRESS as to Charles Kafeiti. Docket sheet updated to reflect the address provided in Defendant's <u>54</u> Notice. (LC) (Entered: 11/21/2024)
11/25/2024	<u>55</u>	Judicial NOTICE of Facts as to Charles Kafeiti. (AMF) (Entered: 11/27/2024)
12/20/2024		ORDER finding as moot <u>30</u> Motion to Reduce Sentence as to Charles Kafeiti (1); finding as moot <u>30</u> Motion for First Step Act as to Charles Kafeiti (1). The defendant has been released from BOP custody and is being supervised by the Probation Department in Arizona. Accordingly, these motions are moot. Ordered by Judge Joan M. Azrack on 12/20/2024. (LP) (Entered: 12/20/2024)
02/03/2025	<u>58</u>	MOTION for Reconsideration of the Order dated 12/20/2024 by Charles Kafeiti. (LC) Modified on 2/5/2025 to correct a typographical error (LC). (Entered: 02/04/2025)
02/06/2025		ORDER denying <u>58</u> Motion for Reconsideration re 57 1 - Sealed Docket Entry AND Document CR., Order Modifying Conditions or Term of Supervision, as to Charles Kafeiti (1). On December 18, 2024, the defendant signed a Waiver of Hearing to Modify Conditions, effectively agreeing to the modification of conditions of supervised release to include the search condition. The application is denied. The Clerk of the Court shall mail a copy of this Order to the pro se defendant at his last known address. Ordered by Judge Joan M. Azrack on 2/6/2025. (LP) (Entered: 02/06/2025)
02/13/2025		ORDER denying <u>40</u> Motion for Writ as to Charles Kafeiti (1). The defendant willingly and voluntarily pled guilty to the information he seeks to dismiss. In the plea agreement, the defendant waived appeal and any other challenges of conviction if the Court imposed a term of imprisonment below 135 months. There are no grounds to grant such relief. The Clerk of the Court is directed to mail a copy of this Order to the pro se defendant. Ordered by Judge Joan M. Azrack on 2/13/2025. (LP) (Entered: 02/13/2025)

CLOSED,FirstStep,MJSELECT-SIL,PROSE

**U.S. District Court
Eastern District of New York (Central Islip)
CRIMINAL DOCKET FOR CASE #: 2:20-cr-00578-JMA-1**

Case title: USA v. Kafeiti

Date Filed: 12/18/2020

Date Terminated: 07/12/2023

Date Filed	#	Docket Text
02/13/2025		ORDER denying <u>40</u> Motion for Writ as to Charles Kafeiti (1). The defendant willingly and voluntarily pled guilty to the information he seeks to dismiss. In the plea agreement, the defendant waived appeal and any other challenges of conviction if the Court imposed a term of imprisonment below 135 months. There are no grounds to grant such relief. The Clerk of the Court is directed to mail a copy of this Order to the pro se defendant. Ordered by Judge Joan M. Azrack on 2/13/2025. (LP) (Entered: 02/13/2025)