

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE: Timothy R. Defoggi

Case No.: 26-11354

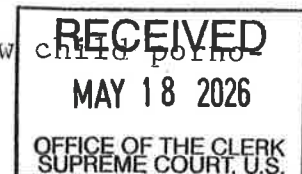
Application for Relief, Justice Brett M. Kavanaugh
Justice for the Eighth Circuit

Comes now the Petitioner, Timothy R. Defoggi pro se and pursuant to Rule 22, seeking relief from the Honorable Justice Brett M. Kavanaugh to waive the requirements of Rule 33.1 as Petitioner is a confined inmate at Coleman Federal Correctional Complex - Low.

On May 4, 2026 following the Court's May conference, the Court's web site indicated an Order denying Petitioner's in forma pauperis wherein he was now required to pay the \$300 filing fee as mandated under Rule 38(a) AND most notably, he would be required to refile his Petition for Writ of Certorari in compliance with Rule 33.1. As Petitioner's Certiorari with appendices is approximately 200 pages, he would be required to reproduce a total of 8,000 pages, somehow retype pages in Century Family Font with nothing more than a typewriter and to have each copy bound; procedural requirements that can not be met by a confined inmate.

Brief History of Case

Petitioner is a former senior federal employee and veteran of the United States Air Force who was charged in a multi-count indictment. Standing on his innocence he went to trial and was convicted on all counts, resulting in a sentence of (25) years in federal prison. Upon direct appeal, (3) of the most serious of charges were dismissed as the Appellate Court overturned the jury verdict, finding no evidence of a crime, leaving (4) counts of access with intent to view child porno-



graphy, or in plain terms, the clicking of (11) thumbnail images. (See United States v. Defoggi, 839 F. 3d 701 (8th Cir. 2016) Upon remand, the sentencing court unbundled the remaining low level crimes and instead stacked them in order to achieve the very same sentence of (25) years followed by a lifetime term of supervised release. The sentencing court was able to achieve the same sentence in large part through the use of acquitted conduct that was encouraged by the government at re-sentencing. The other significant factor raised in Petitioner's Writ of Certiorari is the use of a post offense 2016 sentencing guideline that allowed for an additional (4) points of enhancements that were not in effect at the time the alleged crimes were committed, an Ex Post Facto violation. Petitioner has been trying to get his Presentence Investigation Report corrected for years but has been denied on procedural grounds versus the merits of the claims themselves.

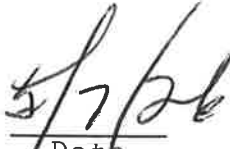
Petitioner has now served (15) years of a (25) year sentence for the least culpable of all non-contact sex offense crimes, rendering this as one of the harshest sentences ever handed down by a U.S. court. (See Solem v. Helm, 103 S. Ct. 3001 (1983)(Remanded where prisoner received an excessively harsh punishment for relatively minor criminal conduct)

Petitioner simply seeks an opportunity to be heard by the High Court as Petitioner is now (68) years of age with (10) years remaining on his sentence. Petitioner seeks Honorable Kavanaugh's permission to pay the \$300 filing fee and to proceed with the single copy filing as allowed for under Rule 39.2.

Respectfully submitted,



Timothy R. Defoggi 56316-037
Petitioner, pro se

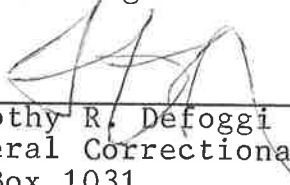


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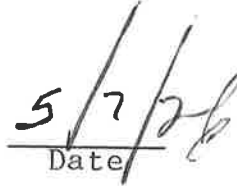
Certificate of Service

I, Timothy R. Defoggi, do swear or declare that on this date, May 7, 2026, as required by Supreme Court Rule 29 I have served the enclosed Application for Relief, Justice Brett M. Kavanaugh, to the following recipient via U.S. Postal Service:

Solicitor General
950 Pennsylvania Ave, NW Suite 5614
Washington DC 20530



Timothy R. Defoggi 56316-037
Federal Correctional Complex-Low
PO Box 1031
Coleman, FL 33521



Date