

Application for
extension of Time
Boswell v Abbott
CA5 No. 25-50184

IN THE

SUPREME COURT OF THE UNITED STATES

JAMES D. BOSWELL

Petitioner

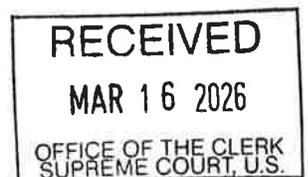
v.

GREG ABBOTT, ET AL.

Respondents

APPLICATION FOR EXTENSION OF TIME

TO FILE PETITION FOR WRIT OF CERTIORARI



To the Honorable Samuel A. Alito, Jr.,

Associate Justice of the United States Supreme Court and Circuit Justice for the Fifth
Circuit:

Applicant **James D. Boswell**, proceeding *pro se*, respectfully requests a **60-day extension of time** within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit in **Boswell v. Abbott, No. 25-50184**.

I. Judgment Sought to Be Reviewed

The order sought to be reviewed is the order of the **United States Court of Appeals for the Fifth Circuit entered December 18, 2025**, Exhibit A, denying petitioner's motion for reconsideration of the denial of a motion to reopen the appeal.

The Fifth Circuit appeal originated from the **United States District Court for the Western District of Texas, Austin Division, Case No. 1:24-CV-583**. Exhibit B, Fifth Circuit Case summary

II. Time for Filing Petition

Under **Supreme Court Rule 13**, a petition for writ of certiorari is due **90 days after entry of judgment**.

The judgment was entered **December 18, 2025**. Therefore, the current deadline for filing the petition is **March 18, 2026**.

This application is filed within the time permitted by **Supreme Court Rule 13.5**.

III. Reasons for Extension

Petitioner respectfully requests an extension due to **serious medical circumstances** that significantly interfered with the ability to complete preparation of a certiorari petition.

Petitioner is a **100 percent disabled veteran** who recently experienced a **severe medical emergency following a physical on 4 March 2026 involving dangerously elevated blood glucose levels requiring emergency room treatment**. The episode resulted in hospitalization and ongoing treatment and recovery.

Additionally, petitioner attended **psychological treatment on March 2, 2026**, relating to medical and mental health complications associated with injury.

PTSD and these medical circumstances substantially limited petitioner's ability to prepare the required petition within the original time period.

Because petitioner is proceeding **without counsel**, additional time is required to properly prepare the petition and appendix in compliance with Supreme Court rules.

Final reason is for good cause and for National Importance which extend beyond the individual circumstances of **procedural barriers preventing appellate review; specifically, handling of pro se filings by the appellate court.**

They concern the intersection of military ethics, whistleblower protections, and constitutional due process.

Members of the United States Armed Forces are trained that they must refuse unlawful orders and report misconduct when it occurs. The integrity of military institutions depends upon the ability of service members and military-affiliated personnel to raise concerns regarding unlawful conduct without fear that systemic procedural barriers will prevent judicial review of retaliation or constitutional violations.

The procedural history of this case reflects a pattern of filings by the pro se appellant that were repeatedly rejected or processed through nonstandard administrative channels despite timely efforts to comply with the rules of appellate procedure. When federal appellate procedures operate to terminate review of such claims through rigid technical requirements, important constitutional questions may never receive meaningful consideration.

The resulting lack of judicial review risks undermining public confidence in the rule of law and in the ability of federal courts to address allegations involving governmental misconduct.

In summary, this extension may lead to clarifying the balance between procedural rules governing federal appellate practice and the fundamental constitutional principle that individuals must have meaningful access to the courts when alleging violations of federal law and constitutional rights. Recent federal litigation has highlighted the continuing national importance of protecting constitutional rights of individuals connected with the armed forces who report misconduct or refuse unlawful directives.

For example, in litigation involving Senator Mark Kelly and Secretary Pete Hegseth in the United States District Court for the District of Columbia, Civil Action No. 26-81, the district court entered a memorandum opinion granting preliminary injunctive relief after concluding that the balance of equities and the public interest favored protecting First Amendment freedoms. That decision reflects the judiciary's recognition that retaliation

or suppression of speech relating to military or governmental misconduct raises serious constitutional concerns.

Petitioner submits that the reasons for extension presented here likewise implicate important constitutional questions concerning whistleblower protections, retaliation, and meaningful access to judicial review when such claims arise within military or governmental institutions, and state and federal education institutions under contract with DOD.

IV. STATUS OF FURTHER APPELLATE REVIEW.

Petitioner sought further review in the Fifth Circuit following dismissal of the appeal. The court dismissed the appeal on December 1, 2025. After the Fifth Circuit issued its order on December 18, 2025, the appellant attempted in good faith to seek reopen the appeal and motion for reconsideration, both denied. Electronic submission attempts were rejected by court email systems, and subsequent filings sent by certified mail were acknowledged by the clerk as "received" but marked "no action taken" and subsequent request for rehearing en banc was not available as a matter of procedure referencing cmecf dated March 4, 2026. Exhibit C .

From the appellant's perspective, the procedural barriers compounded the prejudice already at issue in the underlying litigation and effectively foreclosed meaningful

appellate review. The cumulative effect of these administrative obstacles contributed to the need for further judicial review.

Petitioner's avenue of review is a petition for writ of certiorari to this court.

V. Length of Extension Requested

Petitioner respectfully requests a **60-day extension**, moving the deadline for filing the petition for writ of certiorari to **May 18, 2026**.

This extension is requested in good faith and not for purposes of delay.

VI. REQUEST FOR LEAVE FOR PRO SE ELECTRONIC FILING

Petitioner respectfully requests that the Court consider granting leave for limited electronic filing in this matter.

Petitioner proceeds entirely **pro se** since the DOD IG favorable findings and new evidence and has previously encountered significant logistical and medical difficulties associated with preparing and mailing physical filings.

This case arises from a long-running series of proceedings related to the same underlying systemic issues involving controversy, and petitioner has previously sought certiorari review arising from former counts of government related matters. The present

application represents **petitioner's third request for certiorari review connected to this litigation history.**

"Government investigative authorities, including Department of Defense Inspector General findings and subsequent actions by military and state authorities, documented retaliation against petitioner beginning in the 1990s and continuing through later proceedings, matters that petitioner contends were never afforded full judicial review."

Because petitioner suffers from injury regarding reporting RICO predicates resulting in reprisal, serious medical conditions and disability, electronic filing would substantially assist petitioner in complying with the Court's procedural rules and deadlines.

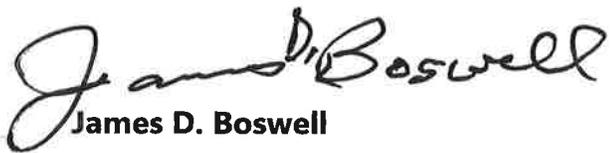
Petitioner therefore respectfully requests that the Clerk of this Court consider permitting **electronic submission of filings in this matter or other reasonable accommodation deemed appropriate by the Court.**

Petitioner makes this request in good faith and solely to ensure compliance with the Court's rules and deadlines.

VII. Conclusion.

For the forgoing reason petitioner respectfully request that the court grant a 60 day extension of time which to file for writ of certiorari.

Respectfully submitted,


James D. Boswell

s/s

Petitioner, *Pro Se*

March 10, 2026

521 County Road 4873
Newark, Texas 76071
United States

Certificate of Service

I certify that a copy of this application has been served March 10, 2026 by U.S. Mail upon
counsel of record for the respondents.


James D. Boswell

Jbosranger@aol.com

817 896 4137

DECLARATION OF JAMES D. BOSWELL
IN SUPPORT OF APPLICATION FOR EXTENSION OF TIME

I, **James D. Boswell**, declare as follows:

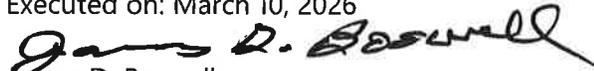
1. I am the petitioner in this matter and proceed **pro se**.
2. I am a **100-percent disabled United States military veteran** and currently reside at:

521 County Road 4873
Newark, Texas 76071
United States

3. The judgment for which I seek review was entered by the **United States Court of Appeals for the Fifth Circuit on December 18, 2025**, denying reconsideration of the denial of a motion to reopen the appeal.
4. The current deadline for filing a petition for writ of certiorari is **March 18, 2026**.
5. In recent weeks I experienced a **serious medical emergency involving extremely elevated blood glucose levels**, which required **emergency room treatment and immediate medical care**.
6. The medical event significantly affected my physical condition and ability to concentrate and prepare legal filings.
7. I also attended a **psychological consultation on March 2, 2026**, related to ongoing medical and stress-related complications.
8. Because I am proceeding **without legal counsel**, preparation of a certiorari petition requires additional time to comply with the Supreme Court's formatting and procedural rules.
9. For these reasons, I respectfully requested a **60-day extension of time** to prepare and file the petition for writ of certiorari.
10. This request is made **in good faith and not for purposes of delay**, but to ensure the petition is properly prepared.

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

Executed on: March 10, 2026



James D. Boswell
Petitioner, Pro Se