

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

GEORGE GEORGIU,

Petitioner,

v.

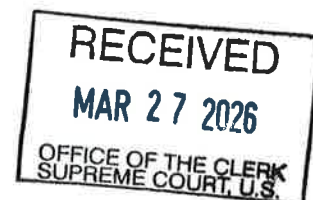
UNITED STATES OF AMERICA,

Respondent.

**APPLICATION FOR EXTENSION OF TIME WITHIN WHICH TO
FILE A PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court of the United States and Circuit Justice for the Third Circuit:

Petitioner George Georgiou respectfully applies, pursuant to Supreme Court Rule 13.5 and 28 U.S.C. § 2101(c), for an extension of sixty (60) days — from April 9, 2026, to June 8, 2026 — within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Third Circuit in No. 25-2199.



JUDGMENT SOUGHT TO BE REVIEWED

The United States Court of Appeals for the Third Circuit entered judgment on December 12, 2025, summarily affirming the district court's denial of Petitioner's audita querela petition and related motions challenging the criminal forfeiture judgment entered in *United States v. Georgiou*, No. 2:09-cr-00088 (E.D. Pa.). Petitioner timely filed a combined petition for panel rehearing and rehearing en banc on December 18, 2025. The petition for rehearing was denied on January 9, 2026.

The following are attached hereto:

Exhibit A — Motion to Stay Issuance of the Mandate Pending Petition for Writ of Certiorari (Doc 21, January 12, 2026), identifying the questions to be presented.

Exhibit B — Third Circuit Summary Affirmance Order (Doc 18-1, December 12, 2025).

Exhibit C — Order Denying Rehearing (Doc 20, January 9, 2026).

The petition for a writ of certiorari is currently due on April 9, 2026 — ninety days from the denial of rehearing. This application is filed more than ten days before that date, as required by Rule 13.5.

BASIS FOR JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1254(1) to review by writ of certiorari the judgment of the United States Court of Appeals for the Third Circuit.

QUESTIONS TO BE PRESENTED

As set forth in Exhibit A, the forthcoming petition will present the following questions:

1. Whether, in the absence of any statutory post-conviction vehicle to challenge a final criminal forfeiture rendered unlawful by new, substantive Supreme Court precedent that applies retroactively, the common-law writ of audita querela may fill that remedial gap.
2. Whether a court may deny relief based on a failure to challenge forfeiture on direct appeal where the petitioner seeks to apply new, substantive Supreme Court precedent that applies retroactively and was unavailable at the time of the direct appeal.
3. Whether a court of appeals may deny audita querela relief from a final forfeiture rendered unlawful by Supreme Court precedent, based solely on the premise that forfeiture was not challenged on direct appeal, where the appellate record establishes irrefutably that it was, yet the court of appeals refused to adjudicate that fundamental error before summary affirmance.

4. Whether a court of appeals may summarily affirm a judgment where preserved claims of structural constitutional error — specifically judicial bias — remain undefended by the government on the merits and unadjudicated by any court.
5. Whether summary affirmance is permissible where the prosecutor was disqualified and compelled to testify regarding his alleged conflict of interest and misconduct, yet nonetheless continued to control the very proceedings that the Constitution requires be conducted by a disinterested prosecutor.

REASONS JUSTIFYING AN EXTENSION

Good cause exists for a sixty-day extension for the following specific reasons:

1. Petitioner is in discussions with Supreme Court counsel. Petitioner is currently in discussions with counsel experienced in Supreme Court practice who have expressed potential interest in representing Petitioner in connection with the certiorari petition. Additional time is needed to allow those discussions to conclude and, if counsel is retained, to permit counsel to review the extensive record and prepare the petition. The complexity of the issues presented and the size of the underlying record make it impracticable for new counsel to prepare an adequate petition within the current deadline.

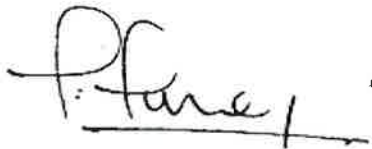
2. Petitioner is incarcerated and proceeding pro se. Petitioner is currently incarcerated at FCI Otisville, New York. His access to legal research materials, computer facilities, and communication with the outside is severely restricted by the conditions of his incarceration. Preparation of the certiorari petition requires coordination with family members for document preparation and mailing — a process subject to delays inherent in the prison mail system and restricted communication.
3. The case presents complex issues requiring careful preparation. As set forth above, the petition will present five questions concerning the availability of post-conviction remedies, the treatment of preserved structural constitutional claims, and the limits of summary disposition where the integrity of prior proceedings is directly challenged. These questions require careful research and drafting to present effectively.
4. Petitioner is simultaneously preparing a substantive Rule 60(b) motion in the same underlying case. Petitioner is currently preparing a comprehensive Rule 60(b) motion in the district court addressing the structural integrity of the § 2255 proceedings in the same underlying criminal case, *United States v. Georgiou*, No. 2:09-cr-00088 (E.D. Pa.). The factual and legal overlap between the two filings is substantial, and the simultaneous preparation of both — while incarcerated, pro se, and with limited resources — necessitates additional time.

5. No prejudice to Respondent. An extension of sixty days will cause no prejudice to the United States. The underlying forfeiture judgment has been in effect for over fifteen years. The government's interests are not affected by a brief delay in the filing of the certiorari petition.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the time to file a petition for a writ of certiorari be extended for sixty (60) days, to and including June 8, 2026.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. Georgiou", with a horizontal line underneath the name.

GEORGE GEORGIU #61499-066

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Otisville, New York, 10963

GeorgiouLegal@proton.me

CLD-045

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 25-2199

UNITED STATES OF AMERICA,

v.

GEORGE GEORGIU,
Appellant

(E.D. Pa. Crim. No. 2:09-cr-00088-001)

Present: BIBAS, PHIPPS, and NYGAARD, Circuit Judges

Submitted are

- (1) By the Clerk for possible summary action under 3d Cir. L.A.R. 27.4 and I.O.P. 10.6, and possible issuance of a certificate of appealability under 28 U.S.C. § 2253(c)(1);
- (2) Appellant's motion "to divide into three appeals" and "to afford briefing schedule for each";
- (3) Appellee's motion for summary affirmance;
- (4) Appellant's response and supplemental memorandum;
- (5) Appellee's reply;
- (6) Appellant's sur-reply; and
- (7) Appellant's motion for leave to file a sur-reply

in the above-captioned case.

Respectfully,

Clerk

ORDER

George Georgiou's motion to divide this case into three appeals is denied, and his motion for leave to file a sur-reply to the Government's motion for summary affirmance is granted. Georgiou appeals the District Court's orders entered June 23, 2022, and June 6, 2025, denying his petition for writ of audita querela and motions for bail, appointment of counsel, compassionate release, and reconsideration. We have appellate jurisdiction over the District Court's orders under 28 U.S.C. § 1291. We review de novo any legal issues arising from the denial of a petition for writ of audita querela. See United States v. Richter, 510 F.3d 103, 104 (2d Cir. 2007) (per curiam). We review for abuse of discretion the denial of a motion for appointment of counsel, compassionate release, and reconsideration. See Parham v. Johnson, 126 F.3d 454, 457 (3d Cir. 1997); United States v. Pawlowski, 967 F.3d 327, 330 (3d Cir. 2020); Max's Seafood Cafe ex rel. Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 673 (3d Cir. 1999).

We agree with the District Court's denial of Georgiou's second petition for writ of audita querela attacking the forfeiture orders because, as we have previously explained, audita querela is "not an available remedy to vacate" the forfeiture orders because they "could have been challenged on direct appeal," which Georgiou failed to do. United States v. Georgiou, 800 F. App'x 136, 138-39 (3d Cir. 2020). We further agree with the District Court's denial of Georgiou's motion for bail and appointment of counsel, as Georgiou failed to show that he had a high probability of success and extraordinary or exceptional circumstances requiring relief. See Landano v. Rafferty, 970 F.2d 1230, 1239 (3d Cir. 1992); see also Tabron v. Grace, 6 F.3d 147, 155 (3d Cir. 1993). We discern no abuse of discretion in the District Court's denial of compassionate release, as Georgiou failed to demonstrate extraordinary and compelling circumstances warranting relief. See 18 U.S.C. § 3582(c)(1)(A)(i); U.S.S.G. § 1B1.13(b). Finally, we discern no abuse of discretion in the denial of Georgiou's motions for reconsideration, as Georgiou failed to show an intervening change in the controlling law, the availability of new evidence, or the need to correct a clear error of law or fact or prevent manifest injustice. Max's Seafood Cafe ex rel. Lou-Ann, Inc., 176 F.3d at 677.

Accordingly, no substantial question is presented here, the Government's motion for summary affirmance is granted, and we summarily affirm the District Court's June 23, 2022, and June 6, 2025 orders. See Murray v. Bledsoe, 650 F.3d 246, 247 (3d Cir. 2011) (per curiam); 3d Cir. L.A.R. 27.4(a) (2011); 3d Cir. I.O.P. 10.6. To the extent a certificate of appealability is required, it is denied.

By the Court,

s/Stephanos Bibas

Circuit Judge

Dated: December 12, 2025
PDB/cc: George Georgiou
All Counsel of Record

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT
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PHILADELPHIA, PA 19106-1790

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TELEPHONE

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December 12, 2025

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RE: USA v. George Georgiou
Case Number: 25-2199
District Court Case Number: 2:09-cr-00088-001

ENTRY OF JUDGMENT

Today, **December 12, 2025**, the Court issued a case dispositive order in the above-captioned matter which serves as this Court's judgment. Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. A party seeking both forms of rehearing must file the petitions as a single document. Fed. R. App. P. 40(a).

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

For the Court,

s/ Patricia S. Dodszuweit

Clerk

s/ Pamela – Case Manager 267-299-4943

EXHIBIT C

I, GEORGE GEORGIU, of FCI Otisville, New York, hereby DECLARE on March 21, 2026, UNDER PENALTY OF PERJURY, UNDER THE LAWS OF THE UNITED STATES OF AMERICA (28 U.S.C. § 1746), THAT THE FOLLOWING IS TRUE AND CORRECT COPY OF THE COURT FILING.

A handwritten signature in black ink, appearing to read 'G. Georgiou', with a horizontal line underneath the name.

GEORGE GEORGIU

FCI Otisville, PO Box 1000

Otisville, New York, 10963

GeorgiouLegal@proton.me

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-2199

UNITED STATES OF AMERICA,

v.

GEORGE GEORGIU,
Appellant

(E.D. Pa. Crim. No. 2:09-cr-00088-001)

SUR PETITION FOR REHEARING

Present: CHAGARES, *Chief Judge*, and HARDIMAN, SHWARTZ,
RESTREPO, BIBAS, PORTER, MATEY,
PHIPPS, MONTGOMERY-REEVES,
CHUNG, BOVE, MASCOTT, and NYGAARD,* *Circuit Judges*

The petition for rehearing filed by Appellant in the above-captioned case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc is **DENIED**.

By the Court,

s/Stephanos Bibas
Circuit Judge

* Judge Nygaard's vote is limited to panel rehearing only.

Dated: January 9, 2026
PDB/cc: George Georgiou
All Counsel of Record

CERTIFICATE OF SERVICE

I, George Georgiou, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that on this 21st day of March, 2026, I caused a true and correct copy of the foregoing Application for Extension of Time Within Which to File a Petition for a Writ of Certiorari, together with all exhibits thereto, to be served upon counsel for Respondent by the following means:

By electronic mail:

SupremeCtBriefs@usdoj.gov

John.sauer@usdoj.gov

By overnight commercial carrier (FedEx):

Solicitor General of the United States

Room 5616, Department of Justice

950 Pennsylvania Ave., N.W.

Washington, D.C. 20530-0001

All parties required to be served have been served.

Executed on March 21, 2026.

A handwritten signature in black ink, appearing to read 'G. Georgiou', with a horizontal line underneath.

GEORGE GEORGIU #61499-066

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Otisville, New York, 10963

GeorgiouLegal@proton.me

**Additional material
from this filing is
available in the
Clerk's Office.**