

No. _____

IN THE
Supreme Court of the United States

KHALID SHAIKH MOHAMMAD AND MUSTAFA AHMED ADAM AL-HAWSAWI,
Applicants,

— v. —

UNITED STATES OF AMERICA,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

**UNOPPOSED APPLICATION FOR AN EXTENSION OF TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI**

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To the Honorable John G. Roberts, Jr., Chief Justice of the Supreme Court and Circuit Justice for the District of Columbia Circuit:

Pursuant to this Court's Rule 13.5 and 30.2, Petitioners Khalid Shaikh Mohammad and Mustafa Ahmed Adam al-Hawsawi respectfully request an extension of time of sixty days in which to file a petition for a writ of certiorari to review the judgment of the D.C. Circuit Court of Appeals, from April 6, 2026, until June 5, 2026.

In support of this motion, the Petitioner submits the following:

1. This Court's jurisdiction is invoked pursuant to 10 U.S.C. § 950g(e) and 28 U.S.C. § 1254(1).
2. On July 11, 2025, the U.S. Court of Appeals for the District of Columbia Circuit issued its decision granting a writ of mandamus and prohibition, which overturned the decisions of the trial judge and the first-level appellate court regarding plea agreements to resolve the Petitioners' military commission case. That decision, along with concurring and dissenting opinions, is reported *sub nom. In re: United States* at 143 F.4th 411 and a copy is attached hereto (Appendix A).
3. Petitioners filed a timely petition for rehearing en banc, which the court of appeals denied on January 6, 2026, per the attached order (Appendix B).
4. Pursuant to Supreme Court Rule 13.1 and 30.2, the petition for certiorari on behalf of Petitioners is currently due in this Court on April 6, 2026. This Application is filed more than ten days before that date. The Petitioners respectfully request a 60-day extension, through June 5, 2026.

5. The present petition arises from the government's efforts to withdraw from valid and fully executed plea agreements to resolve the prosecution of the Petitioners regarding the events of September 11, 2001. In the summer of 2024, the parties signed plea agreements to resolve the charges against the Petitioners with finality, with the Petitioners each promising to plead guilty to all charges and to waive all appeals. Resolution appeared imminent. The government subsequently purported to withdraw from the plea agreements, but the trial judge ruled that the withdrawal was invalid under the rules and military case law.

The government sought mandamus relief in the first level appellate court, the Court of Military Commission Review (CMCR), and the CMCR ruled that the government's purported withdrawal was invalid and therefore declined to issue the writ. The government subsequently sought mandamus relief from the U.S. Court of Appeals for the D.C. Circuit, despite there being no statutory authority for the government to file an appeal in that court of appeals. A divided panel of the court of appeals held it had jurisdiction over the mandamus petition. The majority then held that the government's entitlement to extraordinary relief was clear and indisputable despite the trial judge and CMCR's reasoned rulings to the contrary, despite the majority acknowledging that it was creating a circuit split with the U.S. Court of Appeals for the Armed Forces on the core legal question at issue, and despite the reasons detailed in the dissenting judge's 75-page opinion.

6. The important federal issues presented by this case include:
 - a. Under the All Writs Act, 28 U.S.C. § 1651, does a court of appeals have jurisdiction in a criminal case to hear a government mandamus petition where the court of appeals has no statutory jurisdiction to hear a government appeal?
 - b. Can a “clear and indisputable” entitlement to mandamus relief exist where granting the relief requires creating a circuit split?

These questions, among others, are worthy of careful consideration and should be developed for this Court’s review.

7. Counsel for the Petitioners seek additional time because of the ongoing trial-level criminal proceedings in the underlying military commission case at U.S. Naval Station Guantanamo Bay, Cuba. The trial judge in the Petitioners’ military commission is conducting contested pre-trial hearings at Guantanamo Bay March 23 through March 27, 2026, and has scheduled hearings for May 4 through May 29, 2026. These hearings are docketed for contested litigation of whether the case is no longer a capital prosecution as a result of the pre-trial agreements’ provisions governing withdrawal by the government, and witness testimony and evidence presentation regarding suppression of Petitioners’ statements derived from torture and coercion by government agents, in addition to several other pending motions. The trial judge has denied Petitioners’ express request to reschedule those hearings to permit the Respondent to file a petition for writ of certiorari in this Court without need for an extension of time from this Court.

8. Counsel further request additional time in light of significant other case commitments. Petitioners' counsel Cecillia Wang represents Respondents in *Trump v. Barbara*, No. 25-365, and will be delivering oral argument in that case on April 1, 2026. On April 13, 2026, she will be filing Respondents' brief on the merits in *Noem v. Dahlia Doe*, No. 25-1083. On April 28, 2026, she will also be filing a brief in opposition to the government's petition for certiorari in *Genalo v. Black*, No. 25-886.

9. The government does not oppose this Application to Extend Time to File a Petition for a Writ of Certiorari.

For the foregoing reasons, Petitioners respectfully request an extension of the time to file a Petition for Writ of Certiorari in this case for sixty days, up to and including June 5, 2026.

Respectfully submitted,

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Dated: March 25, 2026