

No.

In the Supreme Court of the United States

NITA PATEL and KIRTISH PATEL,
Petitioners,

v.

UNITED STATES OF AMERICA,
Respondent.

*On Petition For A Writ of Certiorari
To The United States Court of Appeals
For The Third Circuit*

**APPLICATION TO THE HONORABLE SAMUEL ANTHONY ALITO, JR.
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI**

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

Pursuant to Supreme Court Rule 13.5, Petitioners Nita Patel and Kirtish Patel respectfully request an extension of time of 60 days to file their Petition for a Writ of Certiorari in this Court up to and including June 15, 2026.

JUDGMENTS FOR WHICH REVIEW IS SOUGHT

Petitioners are husband and wife. Throughout the appeal to the Third Circuit, Nita Patel was represented by undersigned counsel, No. 23-2418, and Kirtish Patel proceeded *pro se*, No. 23-2795. The Third Circuit consolidated the cases for the purpose of disposition only. *Patel v. United States*, No. 23-2418, ECF No. 19 (3d Cir. Dec. 1, 2023). Kirtish Patel joined in Nita Patel's petition for panel and *en banc* rehearing, *Patel v. United States*, No. 23-2795, ECF No. 65 (3d Cir. Dec. 2, 2025), and Kirtish is included in the disposition of that petition, *id.* at No. 23-2795, ECF No. 66 (3d Cir. Jan. 16, 2026).

The judgments for which review is sought were issued on October 17, 2025 by the Third Circuit in matters docketed at *Kirtish Patel v. United States*, No. 23-2795 (3d Cir. Sept. 29, 2023) and *Nita Patel v. United States*, No. 23-2418 (3d Cir. Aug. 15, 2023), which are attached hereto as Exhibits 1 and 2, respectively, and supported by a published opinion at *Patel v. United States*, 156 F.4th 342 (3d Cir. Oct. 17, 2025), which is attached hereto as Exhibit 3. On January 16, 2026, the Third Circuit issued an order in both cases denying a timely-filed petition for panel and *en banc* rehearing. A copy of this Order is attached as Exhibit 4.

The Petition for a Writ of Certiorari is currently due on April 16, 2026, per Supreme Court Rules 13.1 and 13.3. This application for an extension of time is filed more than ten days prior to that date.

JURISDICTION

This case arises under the Sixth Amendment to the United States Constitution and implicates the most fundamental and important of all rights, to be represented by effective counsel. Specifically, this case presents the question of whether the right to effective assistance of counsel includes the right to be counseled on collateral consequences of a guilty plea, when the consequence is both sufficiently intertwined with the conviction and sufficiently severe.

A panel of the United States Court of Appeals for the Third Circuit (“Panel”) held in a precedential opinion that “the Sixth Amendment requires criminal defense lawyers to advise their clients only of a guilty plea’s direct consequences, not its collateral consequences.” *Patel*, 156 F.4th at 350. The Panel acknowledged that “[n]either our Court nor the Supreme Court has directly addressed whether it is appropriate for courts to categorically distinguish between direct and collateral consequences for purposes of defense counsel’s Sixth Amendment obligations.” *Id.* The Panel held nonetheless that Petitioner’s “ineffective assistance of counsel claim is not governed by [*Padilla v. Kentucky*, 559 U.S. 356 (2010)].” *Id.* In rendering this holding, the Panel reasoned that “*Padilla*’s holding was limited to requiring ‘counsel [to] inform her client whether his plea carries a risk of deportation,’ and it did not apply generally to collateral consequences.” *Id.* at 349-50. In so holding, the Panel

adopted the Seventh Circuit’s interpretation of *Padilla* as “rife with indications that the Supreme Court meant to limit its scope to the context of deportation only.” *Id.* at 350 (citing *United States v. Reeves*, 695 F.3d 637, 640 (7th Cir. 2012)).

The forthcoming petition will ask whether the United States Court of Appeals for the Third Circuit misinterpreted and thereby misapplied *Padilla* as (1) strictly and exclusively limited to the collateral consequence of deportation; and (2) instructing that the Sixth Amendment requires criminal defense lawyers to advise their clients of the direct consequences of a guilty plea only, and not the collateral consequences.

This Court has jurisdiction over a timely filed petition for a writ of certiorari in this case pursuant to 28 U.S.C. § 1254(1).

REASONS FOR GRANTING EXTENSION OF TIME

Petitioners have not yet reached a final decision concerning whether to move forward with filing a petition for writ of certiorari and they intend to use the additional time, if granted, to weigh considerations such as matters of personal health and resource allocation. For example, Petitioners, who are not indigent, are uncertain whether they can/should expend the resources necessary for preparing and filing a petition before this Court that is worthy of this Court’s consideration. Also, Petitioner Nita Patel—a double lung transplant recipient—is currently undergoing some health challenges which require her full attention in the short term.

Additionally, to date, undersigned counsel has represented only Nita Patel. If the Court grants Petitioners additional time and Petitioners elect to move forward

with the petition, undersigned counsel will require time to familiarize himself with the details of the record unique to Kirtish Patel. Although the distinctions between Nita Patel's and Kirtish Patel's substantive positions and procedural posture may not be many, they are subtle. Consequently, counsel does require additional time in which to assure a complete understanding of the record as it relates to Kirtish Patel.

Finally, undersigned counsel requires extra time to file a petition in this case due to the press of other matters.

CONCLUSION

For the foregoing reasons, Petitioners respectfully request that this Court grant an extension of 60 days, up to and including June 15, 2026, within which to file a Petition for a Writ of Certiorari.

Respectfully submitted:

SAXTON & STUMP

Dated: April 2, 2026

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