

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

DAVID EDWARD JACKSON, III,
Petitioner,

v.

WARDEN,
Respondent.

*On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Seventh Circuit*

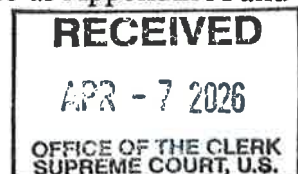
No. 25-1797

**APPLICATION FOR EXTENSION OF TIME
WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI**

To the Honorable Amy Coney Barrett, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Seventh Circuit:

Pursuant to Supreme Court Rule 13.5 and 28 U.S.C. § 2101(c), petitioner David Edward Jackson, III, respectfully requests a sixty (60) day extension of time within which to file a petition for a writ of certiorari in this case. The United States Court of Appeals for the Seventh Circuit (Sykes and Lee, *JJ.*) denied petitioner's request for a certificate of appealability on December 18, 2025, and denied petitioner's timely petition for rehearing on January 8, 2026. Absent an extension, the petition for a writ of certiorari is due April 8, 2026. Petitioner respectfully requests that the time to file be extended to and including June 8, 2026 (the next business day, as June 7, 2026 falls on a Sunday; *see* Sup. Ct. R. 30.1).

Copies of the Seventh Circuit's order denying the certificate of appealability (December 18, 2025) and order denying rehearing (January 8, 2026) are attached hereto as Appendix A and Appendix B, respectively, as required by Rule 13.5.



Petitioner files the original and two (2) copies of this application with the Clerk for transmission to the Circuit Justice, as required by Rule 22.4.

EXTRAORDINARY CIRCUMSTANCES

Petitioner acknowledges that Rule 13.5 ordinarily requires an extension application to be filed at least ten (10) days before the petition is due. This application is filed on March 31, 2026—eight (8) days before the April 8, 2026 deadline—and therefore falls two (2) days short of the ten-day requirement. Petitioner respectfully submits that the following extraordinary circumstances justify this shortfall:

1. Petitioner is a pro se, indigent litigant with multiple documented disabilities—including autism spectrum disorder (Levels 1 and 2), PTSD, generalized anxiety disorder, major depressive disorder, AuDHD, SHU Syndrome (resulting from prolonged solitary confinement), rheumatoid arthritis, peripheral neuropathy, and chronic edema—and has been officially determined *Medically Frail* by the Indiana Family and Social Services Administration.
2. Petitioner is simultaneously managing 42 related case numbers across multiple Indiana trial courts, the Indiana Court of Appeals, the Indiana Supreme Court, the United States District Court for the Northern District of Indiana, and this Court of Appeals—all without appointed counsel and all arising from the same underlying facts.
3. On or about March 28–30, 2026, petitioner’s residence experienced a power outage that disrupted access to electronic legal files and assistive technology upon which petitioner depends due to his disabilities.
4. Petitioner’s physical conditions (rheumatoid arthritis, peripheral neuropathy, chronic edema in hands, legs, and feet) cause episodic flare-ups that render him unable to work for unpredictable periods. The combination of these physical and cognitive limitations made it impossible to prepare this application within the ten-day window.
5. These same disability-related limitations that necessitate the sixty-day extension are the very reason petitioner could not file this application earlier. Petitioner respectfully requests that the Court exercise its discretion to consider this application notwithstanding the minor shortfall.

JURISDICTION

The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1).

BACKGROUND

This case arises from a petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging petitioner’s state court conviction in the United States District Court for the Northern District of Indiana, Hammond Division (Case No. 2:24-cv-00010-PPS-AZ, Judge Philip P. Simon). The district court denied the amended habeas petition on April 17, 2025, and denied a certificate of appealability. The Seventh Circuit (No. 25-1797, Sykes and Lee, *JJ.*) denied the certificate of appealability on December 18, 2025, finding “no substantial showing of the denial of a constitutional right.” Petitioner’s timely petition for rehearing was denied on January 8, 2026.

REASONS FOR THE EXTENSION

1. Pro Se Status, Disability, and Denial of Counsel

Petitioner proceeds pro se and in forma pauperis. As detailed in the Extraordinary Circumstances section above, petitioner suffers from multiple cognitive and physical disabilities that substantially impair his ability to navigate complex federal appellate procedure. Petitioner has been denied appointed counsel at every stage of these proceedings—by the district court, by this Court of Appeals, and repeatedly by Indiana state courts. The only case in petitioner’s extensive litigation history in which counsel was appointed (Indiana Court of Appeals No. 22A-CR-02693) resulted in the only favorable outcome: a partial reversal and remand. *See Indiana v. Edwards*, 554 U.S. 164 (2008) (States may insist on counsel where mental illness prevents effective self-representation); *Johnson v. Zerbst*, 304 U.S. 458, 464 (1938) (waiver of counsel must be knowing and intelligent).

2. Complexity and Importance of the Federal Questions Presented

The petition will present the following substantial questions:

- (a) Whether systematic failure by state courts to provide ADA Title II accommodations (42 U.S.C. §§ 12131–12133) to a disabled pro se criminal defendant—documented across 42 case numbers spanning trial courts, the Indiana Court of Appeals, and the Indiana Supreme Court—constitutes a denial of meaningful access to the courts in violation of the Fourteenth Amendment. *See Tennessee v. Lane*, 541 U.S. 509 (2004); *Pennsylvania Dep’t of Corr. v. Yeskey*, 524 U.S. 206 (1998); *United States v. Georgia*, 546 U.S. 151 (2006).
- (b) Whether AEDPA deference under 28 U.S.C. § 2254(d) is appropriate where the state court proceedings themselves were tainted by the accommodation failures described above and by potential *Kastigar* violations (unauthorized disclosure of immunized probation records). *See Kastigar v. United States*, 405 U.S. 441 (1972).

(c) Whether state appellate courts violated due process and the liberal construction requirement of *Haines v. Kerner*, 404 U.S. 519 (1972), by dismissing two appeals with prejudice before any briefing or state response—one by sua sponte recharacterizing pro se filings. See *Castro v. United States*, 540 U.S. 375 (2003) (courts must warn before recharacterizing pro se filings); *Erickson v. Pardus*, 551 U.S. 89 (2007).

3. Related Pending Proceedings

Petitioner is simultaneously involved in related civil rights appeals in this Court of Appeals (Nos. 24-2743 and 24-2762) and ongoing Access to Public Records Act enforcement litigation in the Porter County Superior Court (No. 64D01-2512-MI-013832, with a hearing on a motion for preliminary injunction scheduled for July 2, 2026). The records sought in those proceedings are directly relevant to the claims petitioner intends to raise in the certiorari petition.

4. No Prejudice to Respondent

An extension will cause no prejudice to respondent. Petitioner continues to bear all collateral consequences of the underlying conviction, including sex offender registration requirements and the effects of the felony conviction on employment, housing, and civil rights. Respondent's position regarding this application is unknown; petitioner has served a copy on the Office of the Indiana Attorney General this date.

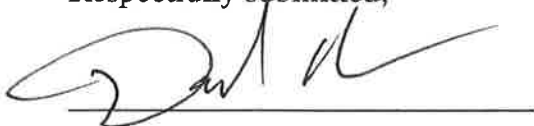
5. Assistive Technology Disclosure

In the interest of candor, petitioner discloses that this application was prepared with the assistance of AI-based assistive technology, used as a reasonable accommodation for petitioner's documented cognitive and physical disabilities in the same manner as screen-reading or voice-to-text software. Petitioner has reviewed this application in its entirety, adopts it as his own, and is solely responsible for its contents. The Court should not construe the quality of this filing as evidence of petitioner's independent capacity to navigate federal appellate procedure without accommodation.

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,



David Edward Jackson, III

Petitioner, Pro Se

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March 31, 2026