

No. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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SAMUEL LEE SMITH, JR.,

Petitioners,

v.

STATE OF FLORIDA,

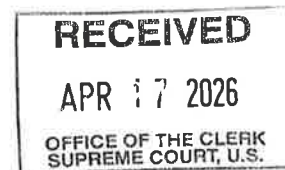
Respondents,

**MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF  
CERTIORARI**

Petitioner Samuel Lee Smith, Jr., proceeding pro se, respectfully moves this Court for a sixty-day extension of time within which to file a petition for writ of certiorari to review the judgment of the District Court Of Appeal Of Florida for the Third District dismissing his appeal.

**I. IDENTIFICATION OF JUDGMENT AND JURISDICTIONAL BASIS**

Petitioner seeks review of the order entered by the District Court Of Appeal Of Florida for the Third District, dismissing petitioner's appeal in Case No. 3D2025-2448 for failure to comply with this Court's Order dated December 22<sup>nd</sup>, 2025, and with Florida Rules of Appellate Procedure.



The Third District order became final. Under Supreme Court Rule 13.1, petitioner's petition for writ of certiorari is currently due on 90 days from finality. This Court's jurisdiction would be invoked.

The underlying case arose from petitioner's due process, procedural due process violation. Petitioner was arrested on an improper capias (B25005876) and charged with resisting an officer without violence and wearing a mask on public property arising from an incident alleged to have occurred on August 21st, 2025 in which Brent William Capley factually falsified his report (Fla Stat § 817.49) (Fla. Stat § 837.05) to Coral Gables officers. Coral Gables officer acted unlawfully, officers then committed an unlawful larceny act (10 U.S.C. § 921-Art. 121.) stealing two car keys, house key and a card with a monetary amount (Fla. Stat § 812.014) out of Defendant's property. Upon Court proceedings Betty Capote-Erben falsified the judicial docket and Lisette Caridad Martinez acted impartial, breached her ethical duty (18 U.S.C. § 2) that involved judicial corruption and judicial abuse of power. The continued prosecution of this matter violates Defendant's constitutional rights and warrants dismissal.

A timely appeal was filed in the District Court of Appeal of Florida for the Third District which was dismissed by the Third District Court.

## **II. TIMELINESS OF THIS APPLICATION**

This application is filed before the current deadline for filing the petition for writ of certiorari.

## **III. GOOD CAUSE EXISTS FOR A SIXTY-DAY EXTENSION**

## A. Legal Standard

Under Supreme Court Rule 13.5, a Justice may extend the time to file a petition for writ of certiorari for a period not exceeding 60 days upon a showing of good cause. USCS Supreme Ct R 13 Applications to extend the time to file a petition for writ of certiorari are not favored. USCS Supreme Ct R 13 Nevertheless, the Rule contemplates that good cause may exist in appropriate circumstances, and the sixty-day extension authority demonstrates that the Court recognizes situations warranting relief from strict filing deadlines.

The application must set out the basis for jurisdiction in this Court, identify the judgment sought to be reviewed, include a copy of the opinion and any order respecting rehearing, and set out specific reasons why an extension of time is justified. USCS Supreme Ct R 13 The application must clearly identify each party for whom an extension is being sought, as any extension granted would apply solely to the party or parties named in the application. USCS Supreme Ct R 13

## B. Petitioner's Serious Medical Emergency Constitutes Good Cause

Petitioner is currently experiencing a serious and ongoing medical emergency requiring immediate neurological evaluation and treatment. Petitioner must seek urgent care from a neurologist due to symptoms that materially impair his ability to prepare legal filings and effectively proceed with legal matters. The nature of petitioner's symptoms is such that he cannot engage in the sustained cognitive work necessary to research, draft, and prepare a petition for writ of certiorari.

This medical emergency is not a matter of convenience or preference for additional

time. Rather, it is an acute condition demanding immediate professional attention and potentially ongoing treatment. Petitioner has been advised that further neurological evaluation is required, he may need to refrain from legal work pending diagnosis and treatment, though the duration cannot be predicted with precision at this stage.

Petitioner's medical emergency is fundamentally different from the insufficient reasons that have been rejected in prior extension applications. In one case, a Circuit Justice denied an extension where counsel cited a voluminous record and planned absence as reasons, holding these did not constitute good cause because counsel should have familiarity with the record from prior briefing and planned absences should not affect the orderly administration of deadlines. *Penry v. Tex.*, 515 U.S. 1304. In another case, an extension was denied where the only reason given was counsel's desire for additional time to research constitutional issues. *Kleem v. INS*, 479 U.S. 1308. Unlike those cases involving professional scheduling or desire for more preparation time, petitioner faces an involuntary medical crisis that prevents him from performing legal work altogether.

### C. Pro Se Status and Complete Absence of Alternative Means

Petitioner is proceeding pro se and has no counsel to assist him in preparing his petition. As a pro se litigant, petitioner is solely responsible for all aspects of researching, drafting, and filing his petition for writ of certiorari. He has no alternative means to prepare the required documents.

The Supreme Court has recognized that procedural rules are based on the

assumption that litigation is normally conducted by lawyers. *McNeil v. United States*, 508 U.S. 106 While the Court has held that procedural rules in ordinary civil litigation should not be interpreted to excuse mistakes by those who proceed without counsel, the Court has also recognized that some procedural rules must give way because of unique circumstances. *McNeil v. United States*, 508 U.S. 106

Unlike represented parties who may rely on counsel to continue legal work during periods of personal difficulty, petitioner has no such alternative. When a pro se litigant is incapacitated by a medical emergency, the inability to prepare filings is absolute. Petitioner cannot delegate this work to counsel because he has none and lacks the financial resources to retain counsel. If the extension is denied, petitioner will be effectively barred from seeking review not because his claims lack merit, but because he is physically unable to perform the necessary legal work due to a medical emergency beyond his control.

#### D. Good Faith, Diligence, and Commitment to Compliance

Petitioner makes this request in good faith and not for purposes of delay or tactical advantage. He is seeking to preserve his right to seek Supreme Court review while addressing a medical crisis that demands immediate attention. Petitioner has already pursued his claims through the district court and appellate process despite significant procedural obstacles, including denial of in forma pauperis status and dismissal of his appeal for want of prosecution due to inability to pay fees. His request for an extension demonstrates responsible action to ensure that his petition will be prepared with appropriate care rather than rushed to meet a deadline while he is incapacitated.

Petitioner commits to the following:

Filing his petition for writ of certiorari as soon as he is medically able to do so, without waiting for the full sixty-day extension period to expire if his condition permits earlier work.

Providing medical documentation from a medical professional which suggested seeing a treating neurologist and getting more professional evaluation.

Notifying the Court promptly if his medical condition improves sufficiently to permit earlier filing than the extended deadline.

#### E. The Requested Extension Is Modest and Defined

Petitioner requests a sixty-day extension, which is the maximum period authorized by Supreme Court Rule 13.5. USCS Supreme Ct R 13 This defined period provides reasonable time for petitioner to undergo neurological evaluation, receive medical guidance, and begin recovery while maintaining orderly administration of the Court's docket. The extension establishes a clear deadline sixty days from the current deadline, promoting certainty in docket management.

If, after sixty days, petitioner's medical condition has not improved sufficiently to permit work on the petition, petitioner may seek an additional extension supported by medical documentation from his treating neurologist. This approach allows the Court to evaluate petitioner's circumstances in stages with concrete medical evidence, rather than requiring speculation about an indefinite future.

## F. No Prejudice to Respondents

Granting a sixty-day extension does not materially prejudice respondents. A delay in the filing of a certiorari petition, which itself is discretionary and not a matter of right, does not undermine the finality of the judgments below or impose any substantial burden on the respondents. Moreover, granting the extension serves the orderly administration of justice by allowing petitioner to prepare a complete and thoughtful petition rather than forcing him to choose between meeting a deadline while incapacitated or forfeiting his right to seek review.

When the judicial process becomes the only effective means of resolving a dispute, denial of access raises grave problems for legitimacy. *Boddie v. Connecticut*, 401 U.S. 371

## IV. CONCLUSION

For the foregoing reasons, petitioner respectfully requests that this Court grant a sixty-day extension of time to file his petition for writ of certiorari, extending the current deadline and for such other relief as the Court deems just and proper.

Respectfully submitted,

/s/ SAMUEL LEE SMITH, JR.,

SAMUEL LEE SMITH, JR.,

Petitioner Pro se

16614 SW 99 Court

Miami, Florida 33157

Email gymsam7@gmail.com

IN THE DISTRICT COURT OF  
APPEAL  
OF FLORIDA  
THIRD DISTRICT

January 26, 2026

Samuel Lee Smith, Jr.,  
Appellant(s),

**3D2025-2250**  
3D2025-2252  
3D2025-2448

v.

Trial Court Case No. B25-18522

State of Florida, et al.,

Appellee(s).

Upon the Court's own motion, it is ordered that these appeals from the County Court for the Eleventh Judicial Circuit of Miami-Dade County, Florida are dismissed for failure to comply with this Court's Order dated December 22, 2025, and with the Florida Rules of Appellate Procedure.

SCALES, C.J., and LINDSEY and BOKOR, JJ., concur.

A True Copy  
ATTEST

3D 2025-2250 [Signature] Prieto  
Mercedes M. Prieto, Clerk  
District Court of Appeal  
Third District



CC: Crim Appeals MIA Attorney General  
Miami-Dade Clerk  
Hon. Lizzet Martinez  
Yolande Marva Samerson  
Samuel Lee Smith, Jr.

GD

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

SAMUEL LEE SMITH JR — PETITIONER  
(Your Name)

VS.

richard e gerskin justice building, <sup>clerk of courts</sup> (traffic) — RESPONDENT(S)

**PROOF OF SERVICE**

I, SAMUEL LEE SMITH JR, do swear or declare that on this date, April 19th, 2026, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

mariaelena salazar - 111 NW 1st street (Suite 2701) Miami FL 33128 - mariaelena.salazar@miamidade.gov  
juan alfonso fernandez barquin - 20 NW 1st avenue, miami fl 33129, (954) (w) (p) 305-349-7333 - juan.fbarquin@miam  
(E) juan.fbarquin@miamidade.clerk.gov

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

Executed on April 19th, 2026

SMITH  
(Signature)

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