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IN THE
Supreme Court of the United States

LEO J. NAVARRO AGUIRRE,
Applicant,

v.

UNITED STATES,
Respondent.

**Application to the Hon. John G. Roberts, Jr.
for Extension of Time to File a
Petition for a Writ of Certiorari to the
United States Court of Appeals for the Armed Forces**

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Pursuant to Supreme Court Rules 13(5), 22, and 30, the Applicant, Leo J. Navarro Aguirre, requests a sixty-day extension of time, to and including July 25, 2026, to file a Petition for a Writ of Certiorari. Unless an extension is granted, the deadline for filing the Petition for a Writ of Certiorari will be May 26, 2026. This Application is being filed more than ten days before that date.

In support of this application, Applicant states the following:

1. The Court of Appeals for the Armed Forces (CAAF) denied a petition for review on February 25, 2026. This Court has jurisdiction under 28 U.S.C. § 1259(3).

A copy of the CAAF's order denying the petition for review, of which Applicant seeks review, is attached to this application.

2. Applicant, a member of the United States Air Force, was tried by a general court-martial consisting of officer and enlisted members. *United States v. Navarro Aguirre*, No. ACM 40354, 2024 CCA LEXIS 103, at *1–2 (A.F. Ct. Crim. App. Mar. 11, 2024). The members convicted Applicant of one specification of wrongful use of Ambien, one specification of assault consummated by a battery, and one specification of aggravated assault, in violation of 10 U.S.C. §§ 912a and 928. *Id.* at *2. Applicant also pled guilty to, and the military judge found him guilty of, one specification of failure to obey a lawful order, one specification of wrongful use of oxycodone, and one specification of reckless driving, in violation of 10 U.S.C. §§ 892, 912a, and 913. *Id.* at *1–2. Applicant was sentenced to a bad-conduct discharge, confinement for two years and two months, forfeiture of all pay and allowances, reduction to the grade of E-1, and a reprimand. *Id.* at *2.

3. Following his conviction, Applicant appealed to the Air Force Court of Criminal Appeals (AFCCA). Applicant asserted that his guilty plea for reckless driving was improvident, that his conviction for wrongful use of Ambien was legally and factually insufficient, and that he was denied the right to have any guilty findings be by unanimous verdict. *Id.* at *2. The AFCCA found that Applicant's plea for reckless driving was provident and his conviction for wrongful use of Ambien was

legally and factually sufficient. *Id.* at *28, 35. The AFCCA affirmed the findings and sentence. *Id.* at *35.

4. Applicant petitioned the CAAF to review the AFCCAs' decision. The CAAF granted review, and although it found Applicant's guilty plea to reckless driving to be provident, it found that his conviction for wrongful use of Ambien was legally insufficient and overturned that conviction. *United States v. Navarro Aguirre*, 86 M.J. 43, 46 (C.A.A.F. 2025). The CAAF remanded Applicant's case to the AFCCA to reassess the sentence or order a sentence rehearing. *Id.* at 54.

5. On remand, the AFCCA reassessed the sentence, disapproving the adjudged reprimand. *United States v. Navarro Aguirre*, No. 40354 (rem), 2025 CCA LEXIS 540, at *7–8 (A.F. Ct. Crim. App. Nov. 25, 2025). Applicant petitioned the CAAF to further review his case, and the CAAF denied that petition. *United States v. Navarro Aguirre*, No. 26-0100/AF, 2026 CAAF LEXIS 206 (C.A.A.F. Feb. 25, 2026).

6. Applicant's Air Force Appellate Defense Counsel, Major Frederick Johnson, is also detailed to twenty other cases. Since the CAAF's denial of the petition for review in this case, counsel's statutory obligations in representing other clients required him to complete briefing in a variety of other cases before the AFCCA and the CAAF as well as three petitions for a writ of certiorari and one reply brief in other cases before this Court.

7. Additionally, the printing required for Applicants' petition must be processed through a federal government agency (the Air Force), which has payment

and processing requirements a private firm does not. The procurement process for a printing job cannot be forecasted with certainty, often has delays, and cuts approximately two weeks out of undersigned counsel's time to finalize the Petition for a Writ of Certiorari. Federal agency budgetary limitations are also adding to the normal delays and constraints associated with processing printing through the Air Force.

8. Applicant thus requests an extension not exceeding sixty days for counsel to prepare a petition that fully addresses the issues raised by the decision below and frames those issues in a manner that will be most helpful to the Court.

For the foregoing reasons, Applicant respectfully requests that an order be entered extending the time to file a Petition for a Writ of Certiorari up to, and including, July 25, 2026.

Respectfully submitted,



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