

IN THE  
SUPREME COURT OF THE UNITED STATES

Timothy R. Defoggi  
Petitioner

v.

Case No.: 25-7149

United States of America  
Respondent

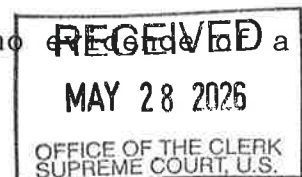
---

Application for an Extension of Time

Comes now the Petitioner, Timothy R. Defoggi pro se and moves the High Court to grant a (30) day extension to refile his Petition for Writ of Certiorari while he also awaits a decision from Justice Brett M. Kavanaugh in a Rule 22 Application seeking waiver of Rule 33.1 as Petitioner has no independent means to comply with Rule 33.1. The ability to pay a \$300 filing fee as required under Rule 38(a) is inconsequential to a prisoner. The insurmountable obstacle for a confined inmate is one of a total loss of liberty, making the fulfillment of Rule 33.1 all but impossible. Placing procedural rules that can not be met is deeply troubling and disturbing but Petitioner seeks an extension in hopes of finding a way for his case to be heard before the High Court, either through resolution under Rule 22 or by way of compliance under Rule 33.1.

Brief History of Case

Petitioner is a former senior federal employee and veteran of the United States Air Force who was charged in a multi-count indictment. Standing on his innocence he went to trial and was convicted on all counts, resulting in a sentence of (25) years in federal prison. Upon direct appeal, (3) of the most serious of charges were dismissed as the Appellate Court overturned the jury verdict, finding no error in a

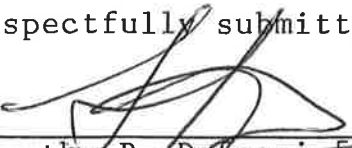


crime, leaving (4) counts of access with intent to view child pornography, or in plain terms, the clicking of (11) thumbnail images. (See United States v. Defoggi, 839 F. 3d 701 (8th Cir. 2016)) Upon remand, the sentencing court unbundled the remaining low level crimes and instead stacked them in order to achieve the very same sentence of (25) years followed by a lifetime term of supervised release. The sentencing court was able to achieve the same sentence in large part through the use of acquitted conduct that was encouraged by the government at re-sentencing. The other significant factor raised in Petitioner's Writ of Certiorari is the use of a post offense 2016 sentencing guideline that allowed for an additional (4) points of enhancements that were not in effect at the time the alleged crimes were committed, an Ex Post Facto violation. Petitioner has been trying to get his Presentence Investigation Report corrected for years but has been denied on procedural grounds versus the merits of the claims themselves.

Petitioner has now served (15) years of a (25) year sentence for the least culpable of all non-contact sex offense crimes, render this as one of the harshest sentences ever handed down by a U.S. court. (See Solem v. Helm, 103 S. Ct. 3001 (1983)(remanded where prisoner received an excessively harsh punishment for relatively minor criminal conduct)

Petitioner simply seeks an opportunity to be heard by the High Court as Petitioner is now (68) years of age with (10) years remaining on his sentence.

Respectfully submitted,

  
\_\_\_\_\_  
Timothy R. Defoggi 56316-037  
Petitioner, pro se  
Federal Correctional Complex-Low  
PO Box 1031  
Coleman, FL 33521

  
\_\_\_\_\_  
Date

Certificate of Service

I, Timothy R. Defoggi, Petitioner, pro se do swear or declare that on this 16 day of May, 2026 as required by Supreme Court Rule 29, I have served the enclosed Application for an Extension of Time to the following recipient via U.S. Postal Service:

Solicitor General  
950 Pennsylvania ave, NW  
Washington DC 20530

  
\_\_\_\_\_  
Timothy R. Defoggi 56316-037  
Petitioner, pro se

5/16/26  
Date