

No.

In the
Supreme Court of the United States

BRYAN PORRAS,

PETITIONER,

v.

DEXTER PAYNE,

RESPONDENT.

**On Petition for a Writ of Certiorari to the
Eighth Circuit Court of Appeals**

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

Robert L. Sirianni, Jr., Esquire
Counsel of Record
BROWNSTONE, P.A.
P.O. Box 2047
Winter Park, Florida 32790-2047
robertsirianni@brownstonelaw.com
(o) 407-388-1900
(f) 407-622-1511
Counsel for Petitioner

To The Honorable Justices of the Supreme Court of the United States

Pursuant to Rule 30.3 of this Court, Petitioner respectfully requests a 60-day extension of time, to and including August 14, 2026, within which to file a petition for writ of certiorari to review the judgment of the Eighth Circuit Court of Appeals. Absent an extension, Petitioner's petition would be due 90-days from the final judgment from the Eighth Circuit Court of Appeals, which is June 15, 2026.

Basis for Jurisdiction in the Supreme Court

This Court has jurisdiction to grant an application for a writ of certiorari in this case pursuant to Art. III, Sec. 2, Clause 2, as Petitioner seeks review of a judgment of the United States Eighth Circuit Court of Appeals.

Opinion and Order

On March 17, 2026, the Eighth Circuit Court of Appeals entered an order denying Petitioner's case. See *Porras v. Payne*, Case No. 26-1208 (8th Cir. March 17, 2026).

Judgment Sought to be Reviewed

The Court's review is warranted to resolve significant issues of law on which the decision below departs from this Court's precedents. Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. 2254 on April 15, 2025. After denial on August 9, 2022, Petitioner filed a notice of appeal on February 3, 2026. Thereafter, the Eighth Circuit denied Petitioner's request for a certificate of appealability on March 17, 2026.

The district court's dismissal of Mr. Porras's habeas petition presents substantial procedural and constitutional questions. First, reasonable jurists could debate whether the district court correctly determined when Mr. Porras's conviction became final for purposes of 28 U.S.C. § 2244(d)(1)(A), particularly in light of Arkansas's discretionary review structure and the applicability of the ninety-day certiorari period discussed in *Smith v. Bowersox*, 159 F.3d 345 (8th Cir. 1998). Second, the court's rejection of equitable tolling raises significant questions regarding whether Mr. Porras diligently pursued his rights and whether extraordinary circumstances prevented timely filing. Finally, the underlying constitutional claims asserted in the habeas petition are substantial and deserving of further review. Because reasonable jurists could disagree with both the procedural rulings and the treatment of the underlying constitutional claims, a Certificate of Appealability should be issued.

Reasons for Extension of Time

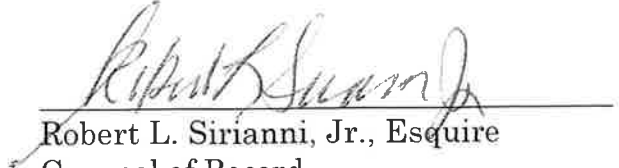
The additional time is warranted due to significant professional obligations in pending appellate matters and the need to consult and obtain documentary evidence. The legal issues in the case require coordination between counsel and Petitioner. This process is lengthened by the custody status of Petitioner, where arranging legal calls has proven to be a cumbersome and lengthy process. The requested extension is sought in good faith, is not intended for purposes of delay, and will permit the preparation of a thorough and accurate submission that will assist the Court in

resolving the issues presented. Petitioner believes an extension will result in no prejudice to Respondent.

CONCLUSION

Petitioner's request is intended to ensure that Petitioner and counsel have adequate opportunity to discuss the merits of their claim, retrieve and review all appellate documents, and provide complete and effective assistance of counsel.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Robert L. Sirianni, Jr.", is written over a horizontal line.

Robert L. Sirianni, Jr., Esquire

Counsel of Record

BROWNSTONE, P.A.

P.O. Box 2047

Winter Park, Florida 32790-2047

(o) 407-388-1900

robertsirianni@brownstonelaw.com

Counsel for Petitioner

Dated: June 1, 2026.

CERTIFICATE OF SERVICE

I, Robert L. Sirianni, Jr., hereby certify that an original and 3 copies of the foregoing Application for Extension of Time for the matter of *Bryan Porras v. Dexter Payne*, were sent via Next Day Service to the U.S. Supreme Court, and 1 copy was sent Next Day Service and email to the following parties listed below, this 1st day June 2026.

Jason Michael Johnson
ATTORNEY GENERAL'S OFFICE
501-682-5486
Firm: 501-682-2007
101 W. Capitol Avenue
Little Rock, AR 72201-000



Robert L. Sirianni, Jr., Esquire

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No. 26-1208

Bryan Porras

Plaintiff - Appellant

v.

Dexter Payne, Director, Arkansas Division of Correction

Defendant - Appellee

Appeal from U.S. District Court for the Eastern District of Arkansas - Central
(4:25-cv-00365-LPR)

JUDGMENT

Before GRUENDER, BENTON, and KELLY, Circuit Judges.

This appeal comes before the court on appellant's application for a certificate of appealability. The court has carefully reviewed the original file of the district court, and the application for a certificate of appealability is denied. The appeal is dismissed.

March 17, 2026

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler