

IN THE SUPREME COURT OF THE UNITED STATES

No. ____

KEVIN FRYMIER,
Applicant,

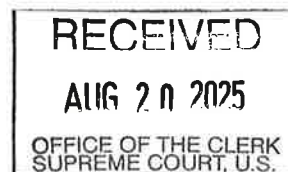
v.

DIANNE CURVEY and STATE OF TEXAS,
Respondents.

APPLICATION TO THE HON. SAMUEL A. ALITO, JR. FOR AN
EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION FOR A
WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Pursuant to Supreme Court Rule 13(5), Applicant Kevin Frymier hereby moves for an extension of time of 60 days, to and including October 24, 2025, for the filing of a petition for a writ of certiorari. Unless an extension is granted, the deadline for filing the petition for certiorari is August 25, 2025. In support of this request, Applicant states as follows:

1. The United States Court of Appeals for the Fifth Circuit rendered its decision in Case No. 24-20455 on April 17, 2025, dismissing the appeal as frivolous (Exhibit 2).
2. The court denied a timely petition for rehearing en banc on May 27, 2025 (Exhibit 1). The mandate issued on June 4, 2025.
3. This Court has jurisdiction under 28 U.S.C. § 1254(1).



4. This case involves civil rights claims brought by Applicant Kevin Frymier against Respondents Dianne Curvey and the State of Texas, originating from U.S. District Court Case No. 4:24-CV-1085.
5. The Fifth Circuit's decision affirmed the dismissal of the appeal as frivolous.
6. Applicant requires additional time to prepare a thorough petition due to the complexity of the constitutional and procedural issues involved; the need to research First Amendment public-access jurisprudence and limits on judicial immunity; and the need to compile, review, and cite the appellate record from both the U.S. District Court and the Fifth Circuit. Applicant is proceeding pro se. This extension will allow Applicant to present the issues most helpfully to the Court and ensure full compliance with the Court's rules.
7. Respondents have not yet been contacted regarding this application.
8. This application is filed more than 10 days before the current deadline, August 25, 2025 in compliance with Rule 13(5).
9. For the foregoing reasons, Applicant respectfully requests that an extension of 60 days to and including October 24, 2025, be granted within which Applicant may file a petition for a writ of certiorari.

Respectfully submitted,

/s/ Kevin Frymier

Kevin Frymier (Pro Se)
17302 Brookhollow Mist Court
Houston, TX 77084
281-797-8437
madkevin@yahoo.com



Date: August 15, 2025

CERTIFICATE OF SERVICE

I, Kevin Frymier, certify that three copies of the attached Application to the Hon. Samuel A. Alito, Jr. for an Extension of Time Within Which to File a Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit were served on:

Scot Macdonald Graydon
Office of the Attorney General of Texas
Attn: Scot Macdonald Graydon, Assistant Attorney General
P.O. Box 12548, Capitol Station
Austin, Texas 78701
Email: scot.graydon@oag.texas.gov
Service was made on August 15, 2025.



/s/ Kevin Frymier

Kevin Frymier

Exhibits (to be attached):

Exhibit 1: Copy of the Fifth Circuit's order denying rehearing en banc (dated May 27, 2025).

Exhibit 2: Copy of the Fifth Circuit's panel decision dismissing the appeal as frivolous (dated April 17, 2025).

United States Court of Appeals
for the Fifth Circuit

No. 24-20455

United States Court of Appeals
Fifth Circuit

FILED

April 17, 2025

Lyle W. Cayce
Clerk

KEVIN FRYMIER,

Plaintiff—Appellant,

versus

DIANNE CURVEY, *in individual capacity, and official capacity as Judge;*
THE STATE OF TEXAS,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:24-CV-1085

UNPUBLISHED ORDER

Before SOUTHWICK, WILLETT, and OLDHAM, *Circuit Judges.*
PER CURIAM:

IT IS ORDERED that Appellees' opposed motion to dismiss the
appeal as frivolous is GRANTED.

IT IS FURTHER ORDERED that Appellees' opposed motion to suspend briefing until ruling on the pending motion to dismiss the appeal as frivolous is DENIED AS MOOT.

United States Court of Appeals
for the Fifth Circuit

No. 24-20455

Kevin Frymier,

Plaintiff—Appellant,

versus

Dianne Curvey, *in individual capacity, and official capacity as Judge;*
The State of Texas,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:24-CV-1085

ON PETITION FOR REHEARING EN BANC

UNPUBLISHED ORDER

Before Southwick, Willett, and Oldham, *Circuit Judges.*

Per Curiam:

Treating the petition for rehearing en banc as a motion for reconsideration (5th Cir. R.40 I.O.P.), the motion for reconsideration is **DENIED**. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing en banc (Fed. R.

App. P.40 and 5th Cir. R.40), the petition for rehearing en banc is DENIED.