

No. 25-5298

SUPREME COURT OF THE UNITED STATES

October Term, 2025

MICHAEL K. MALLONEE, Petitioner,

v.

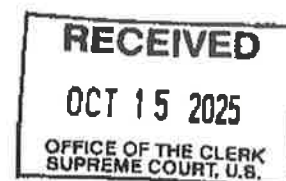
DEPARTMENT OF THE INTERIOR, Respondent.

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

(Rule 13.5; Rule 22; Rule 33.2)

To the Honorable John G. Roberts, Jr., Chief Justice of the United States and
Circuit Justice for the United States Court of Appeals for the Federal Circuit:

Petitioner Michael K. Mallonee (pro se) respectfully applies, pursuant to Rules 13.5, 22, 33.2, and 33.1(d), for a sixty-day extension—to and including December 26, 2025—within which to file his petition for a writ of certiorari in booklet form and to pay the \$300 docketing fee. Petitioner further seeks partial relief from the full printing requirements of Rule 33.1 based on documented disability and financial hardship.



1. Jurisdiction

This Court has jurisdiction under 28 U.S.C. § 1254(1).

2. Procedural Background

The judgment of the United States Court of Appeals for the Federal Circuit was entered on March 10, 2025, and the order denying rehearing was entered on May 7, 2025. Petitioner filed his initial petition for a writ of certiorari in forma pauperis, which was distributed for the Supreme Court's September 29, 2025 Long Conference. On October 6, 2025, as reflected on the Supreme Court docket for No. 25-5298, the Clerk denied leave to proceed in forma pauperis and directed Petitioner to refile his petition in compliance with Rule 33.1, including payment of the \$300 docketing fee and submission of forty-three (43) printed booklets by October 27, 2025.

3. Good Cause for Extension

This sequence left Petitioner with only twenty-one (21) days to obtain commercial printing services and pay substantial production costs following the IFP denial. Petitioner is Totally and Permanently Disabled (TPD) as confirmed by Dr. Christy Blanchford's letter dated September 17, 2024 (Exhibit B). He acts diligently but cannot meet these costs within the time provided.

4. Financial Hardship

Petitioner's sworn affidavit establishes that his only regular income consists of \$1,005 per month in standard Social Security (SSA) retirement benefits. He also receives approximately \$300 per month from the Cheyenne and Arapaho Tribes

of Oklahoma's Elder Care Program, a tribally administered assistance benefit provided to all enrolled elders for food and essential living expenses. This benefit is non-taxable and not considered earned income under federal law. His spouse receives \$6,173.37 per month in retirement income. Together, their fixed household income totals approximately \$7,178 per month and is fully absorbed by necessary expenses (including mortgage, utilities, food, medical costs, and loan obligations) as detailed in Petitioner's sworn financial affidavit, leaving no discretionary funds for commercial printing or payment of the \$300 docketing fee.

5. Additional Circumstances Affecting Financial Hardship

On August 5, 2025, a large tree limb fell and punctured the roof of Petitioner's residence. The fallen limb was later determined to have been decayed, and Petitioner's homeowner's insurer, USAA, has classified the matter under a high-deductible policy provision. The incident required immediate out-of-pocket roof-repair expenses pending completion of the insurer's review. These unexpected and unavoidable costs have placed additional strain on Petitioner's fixed income and further demonstrate that full compliance with Rule 33.1's commercial printing and copying requirements, as well as payment of the \$300 docketing fee, would impose an undue financial burden.

6. Relief Requested

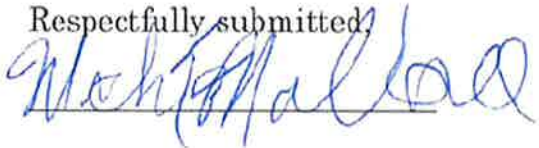
Petitioner respectfully requests that the Court:

(1) Grant a sixty-day extension of time—to and including December 26, 2025—

within which to file his petition for writ of certiorari in booklet form and pay the docketing fee; and

(2) Grant partial relief under Rule 33.1(d) permitting submission of a reduced number of printed copies or an alternate low-cost method of production.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael K. Mallonee", written over a horizontal line.

Michael K. Mallonee (Pro Se)

Date: October 9, 2025

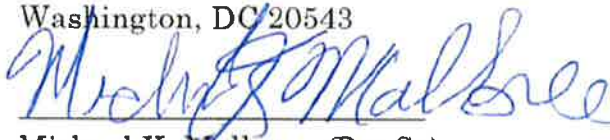
CERTIFICATE OF SERVICE

I certify that on October 9, 2025, I mailed one copy of this Application for an Extension of Time and Partial Relief from Printing Requirements by first-class U.S. mail, postage prepaid, to:

Solicitor General of the United States
Room 5616
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

I further certify that the original and two copies of this Application have been mailed to:

Clerk, Supreme Court of the United States
1 First Street, N.E.
Washington, DC 20543


Michael K. Mallonee (Pro Se)

Date: October 9, 2025

EXHIBIT A

Opinion and Rehearing Order of the Federal Circuit (March 10, 2025 & May 7, 2025)

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

MICHAEL MALLONEE,
Petitioner

v.

DEPARTMENT OF THE INTERIOR,
Respondent

2024-2155

Petition for review of the Merit Systems Protection
Board in No. DE-1221-16-0063-W-1.

Decided: March 10, 2025

MICHAEL KEITH MALLONEE, Conyers, GA, pro se.

LIRIDONA SINANI, Commercial Litigation Branch, Civil
Division, United States Department of Justice, Washing-
ton, DC, for respondent. Also represented by BRIAN M.
BOYNTON, PATRICIA M. MCCARTHY, LOREN MISHA PREHEIM.

Before PROST, LINN, and STOLL, *Circuit Judges*.

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

MICHAEL MALLONEE,
Petitioner

v.

DEPARTMENT OF THE INTERIOR,
Respondent

2024-2155

Petition for review of the Merit Systems Protection
Board in No. DE-1221-16-0063-W-1.

**ON MOTION AND ON PETITION FOR PANEL
REHEARING**

Before PROST, LINN, and STOLL, *Circuit Judges*.

PER CURIAM.

ORDER

On March 11, 2025, Michael Mallonee filed a petition for panel rehearing [ECF No. 51] and moved for a stay of the mandate in the above-captioned appeal [ECF No. 52].

On March 12, 2025, Mr. Mallonee filed a motion to clarify judicial options and potential impact [ECF No. 53].

On March 16, 2025, Mr. Mallonee moved to vacate the court's order issued March 10, 2025 [ECF No. 54] which the court construes as a motion to supplement the petition.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The petition for panel rehearing is denied.
- (2) ECF No. 52 is denied.
- (3) ECF No. 53 is denied as moot.
- (4) ECF No. 54 is denied.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

March 17, 2025
Date

EXHIBIT C

Supreme Court docket entry for No. 25-5298 reflecting the October 6, 2025 denial of in forma pauperis and direction to refile under Rule 33.1, with an October 27, 2025 deadline.



Search documents in this case: Orders

Search

No. 25-5298

Title: **Michael Mallonee, Petitioner**
v.
Department of the Interior

Docketed: August 6, 2025

Lower Ct: United States Court of Appeals for the Federal Circuit

Case Numbers: (2024-2155)

Decision Date: March 10, 2025

Rehearing March 17, 2025

Denied:

Proceedings and Orders

May 29 2025 Petition for a writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due September 5, 2025)
Motion for Leave to Proceed in Forma Pauperis **Petition**
Appendix **Proof of Service**

Sep 02 2025 Waiver of right of respondent Department of the Interior to respond filed.
Main Document

Sep 04 2025 DISTRIBUTED for Conference of 9/29/2025.

Oct 06 2025 The motion of petitioner for leave to proceed in forma pauperis is denied. Petitioner is allowed until October 27, 2025, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

Attorneys

Attorneys for Petitioner

Michael Keith Mallonee

Party name: Michael Mallonee

Attorneys for Respondent

D. John Sauer
Counsel of Record

Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

supremectbriefs@usdoj.gov
Ph: 202-514-2217

Party name: Department of the Interior