

No. 25A__

In the
SUPREME COURT OF THE UNITED STATES

AMOS J. WELLS III,
Applicant / Petitioner,

v.

ERIC GUERRERO, DIRECTOR, TEXAS DEPARTMENT OF CRIM-
INAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,
Respondent.

**Application 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**

**APPLICATION TO THE HONORABLE ASSOCIATE
JUSTICE SAMUEL A. ALITO, JR. AS CIRCUIT JUSTICE**

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APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, Applicant Amos J. Wells III respectfully requests a 30-day extension of time within which to file a petition for a writ of certiorari, up to and including Wednesday, December 17, 2025.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *Wells v. Guerrero*, No. 24-70002 (5th Cir. July 22, 2025) (attached as Exhibit 1). The United States Court of Appeals for the Fifth Circuit denied Applicant's petition for rehearing en banc on August 19, 2025 (attached as Exhibit 2).

JURISDICTION

28 U.S.C. § 1254(1) provides this Court with jurisdiction over any timely filed petition for certiorari in this case. Under Rules 13.1 and 13.3 of the Rules of this Court, a petition for a writ of certiorari is due to be filed on or before November 17, 2025. In accordance with Rule 13.5, Applicant is filing this application more than 10 days before the deadline for the petition for a writ of certiorari.

REASONS JUSTIFYING AN EXTENSION OF TIME

In this capital case, the Fifth Circuit denied Applicant's request for a certificate of appealability ("COA"). This case presents several substantial issues of law.

First, the Fifth Circuit concluded that defense counsel's concession of future dangerousness by arguing that the petitioner was genetically predisposed to behave violently was not ineffective assistance. That conclusion cannot be squared with this Court's decisions in *Strickland v. Washington*, 466 U.S. 668 (1984), and *Florida v. Nixon*, 543 U.S. 175 (2004), which held that "counsel's function * * * is to make the

adversarial testing process work in the particular case,” *Strickland*, 466 U.S. at 690. Because the evidence defense counsel presented affirmatively helped the prosecution establish a prerequisite for imposing death—future dangerousness—without any corresponding benefit to the petitioner, counsel’s decision fell outside the wide range of reasonable strategic choices that satisfy the Sixth Amendment, and the Fifth Circuit erred in concluding otherwise.

Second, the Fifth Circuit’s decision also conflicts with this Court’s decision in *Buck v. Davis*, 580 U.S. 100 (2017), which held that defense counsel fails to provide effective assistance when he or she invites the jury to sentence a defendant to death based on an immutable, irrelevant characteristic. In this case, defense counsel introduced discredited expert evidence that invited the jury to sentence petitioner to death based on his genetic makeup, even though there was no scientifically reliable connection between petitioner’s genes and future dangerousness.

Applicant respectfully requests a 30-day extension of time within which to file a petition for a writ of certiorari seeking review of the complex issues raised by the Fifth Circuit’s decision in this case, up to and including Wednesday, December 17, 2025. The reasons for Applicant’s request are as follows:

1. This is a capital case that involves an extensive record. An extension of time is necessary to permit counsel to prepare and file the petition for certiorari.
2. The extension of time is also necessary because of the press of other business with proximate deadlines. Ms. Anders is lead appellate counsel for Google, Inc. in *Arendi S.A.R.L v. Google Inc.*, No. 22-1762 (Fed. Cir.), in which oral argument

has been scheduled for November 6, 2025. Ms. Anders also represents the Public Company Accounting Oversight Board in *Doe v. Public Company Accounting Oversight Board*, No. 24-cv-780 (D.D.C.), in which the Board's cross-motion for summary judgment and opposition to plaintiff's motion for summary judgment are due on November 25, 2025. Ms. Anders is also counsel to the Bolivarian Republic of Venezuela (U.S.-recognized opposition government) in *Crystallex v. Bolivarian Republic of Venezuela*, No. 17-mc-151 (D. Del.), in which the district court is considering whether to approve a multibillion-dollar sale of Citgo to judgment creditors, and which involves substantial district-court briefing and will likely require stay litigation and expedited appellate proceedings in the near future. Ms. Anders is also serving as consulting appellate counsel to a major technology company in connection with a patent infringement suit scheduled for trial on December 5, 2025. Ms. Hu is counsel for the defendant in a sensitive matter, in which the defendant's reply brief in support of its motion for summary judgment is due November 19, 2025. Ms. Hu is also counsel for the plaintiff in *Cauthon v. State of Ohio*, No. 2022 CV 005149 (Franklin Cty. Ct of Common Pleas), in which the plaintiff's motion for summary judgment is due on November 7, 2025. Mr. Schneider is counsel for Isaac Lewis in *Lewis v. Gutierrez*, No. 24-5500 (9th Cir.), in which Mr. Schneider is presenting oral argument on November 21, 2025. Mr. Schneider is also counsel for amici in *Trump v. Cook*, No. 25A312 (U.S.), in which amici intend to file an amicus brief by October 29, 2025.

A 30-day extension for the Applicant would allow his counsel the necessary amount of time to contribute to these open matters effectively without impairing their ability to research and draft this petition for certiorari.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that this Court grant an extension of 30 days, up to and including December 17, 2025, within which to file a petition for a writ of certiorari in this case.

Respectfully submitted,

/s/ Ginger D. Anders

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