

No. _____

IN THE
Supreme Court of the United States

HUMPHREY DANIELS III,
Applicant,

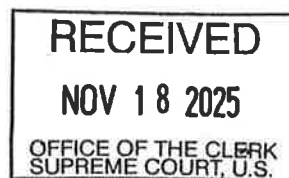
v.

UNITED STATES OF AMERICA,
Respondent.

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

Application 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 Armed Forces

HUMPHREY DANIELS III
Applicant, *pro se*
216 Aragona Drive
Fort Washington, MD 20744
(904) 864-6038



No. _____

IN THE
Supreme Court of the United States

HUMPHREY DANIELS III,
Applicant,

v.

UNITED STATES OF AMERICA,
Respondent.

**Application to the Honorable John G. Roberts, Jr.,
for Extension of Time to File a
Petition for Writ of Certiorari to the
United States Court of Appeals for the Armed Forces**

APPLICATION FOR EXTENSION OF TIME

Pursuant to Supreme Court Rules 13(5), 22, and 30, Petitioner Humphrey Daniels III, proceeding *pro se*, respectfully applies for a 60-day extension of time, to and including *February 13, 2026*, to file a Petition for a Writ of Certiorari to review the final order of the United States Court of Appeals for the Armed Forces (“CAAF”), entered *September 16, 2025*, in *United States v. Daniels*, No. 25-0184/AF (*Appendix A*). Absent an extension, the Petition for Writ of Certiorari is due *December 15, 2025*.

This is Petitioner's first request for an extension of time. This Application is submitted more than ten days before the current due date, in full compliance with Rule 13.5.

In support of this application, Petitioner states the following:

1. On *August 11, 2025*, the United States Court of Appeals for the Armed Forces (CAAF) denied Petitioner's petition for grant of review in *United States v. Daniels*, No. 25-0184/AF (*Appendix A*). During the reconsideration period, CAAF granted Petitioner's motion to proceed *pro se* and accepted his supplemental filings, including a Motion for Leave to File a Supplement, a Motion to Attach Exhibits, and a Petition for Reconsideration presenting newly discovered evidence of an undisclosed pre-trial structural conflict of interest.
2. On *September 16, 2025*, CAAF issued its final order denying the Petition for Reconsideration and the accompanying motions, which presented official Permanent Change-of-Station (PCS) orders, a sworn declaration of non-waiver and non-disclosure, and related materials verifying that the conflict had not been disclosed at trial. The Government filed no response to those constitutional claims. The *September 16, 2025*, order constitutes the final judgment for purposes of review under 28 U.S.C. § 1259(3) (*Appendix B*).
3. These proceedings arise from *United States v. Daniels*, a companion case to *United States v. Briggs*, 592 U.S. 371 (2020). Copies of the CAAF's *August 11* and *September 16, 2025*, orders are attached to this Application as Appendices A and B.

GOOD CAUSE FOR EXTENSION

1. A Structural Conflict Originated at the Highest Level of the Military Legal System

Before Applicant's 2017 military trial, the Judge Advocate General (TJAG)—a three-star general officer and the highest-ranking lawyer in the service—approved a Permanent Change-of-Station (PCS) reassignment of Applicant's detailed military defense counsel to the Government's appellate division. This impending reassignment was not disclosed to Applicant or to the trial court.

On Day 1 of trial, according to the authenticated record of trial, when asked by the military judge to confirm her qualifications, defense counsel affirmatively replied:

"I am both qualified and certified under Article 27(b) and sworn under Article 42(a), Uniform Code of Military Justice. I have acted in no manner which might tend to disqualify me in this hearing."

Article 27(b) concerns the independence and qualification of defense counsel; Article 42(a) requires counsel to swear an oath of impartial duty; and Rule for Courts-Martial 901(d) requires disclosure of any circumstance bearing on disqualification.

The pre-trial reassignment to the Government's appellate division was not disclosed on the record. Immediately after trial, the conflict was internally recognized when counsel began her new job and her new supervisors "walled off" her access to the case; however, that recognition was not disclosed externally to the Applicant, convening authority, or any appellate court. During the same period, attorneys in that division litigated against Applicant in the appellate process from 2017–2025.

This government-induced structural conflict was therefore not visible in the certified record and remained undiscovered throughout eight years of direct appellate review—including when the Court of Appeals for the Armed Forces and this Court, in *United States v. Briggs*, 592 U.S. 371 (2020), reviewed the case. Because the conflict was never disclosed, neither the trial judge nor any reviewing authority had the opportunity to evaluate counsel’s divided loyalties, and appellate review proceeded on an incomplete and inaccurate record.

2. The Question Presented Is One of Exceptional Institutional Importance

The forthcoming Petition for Writ of Certiorari will present what appears to be one of the first *verifiable* allegations of “fraud on the court” in the military appellate process.

The question lies at the intersection of two doctrines this Court has never addressed together:

- *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944)
- *Cuyler v. Sullivan*, 446 U.S. 335 (1980)

The issue is novel, serious, and institutionally significant:

Whether a government-induced structural conflict that was never disclosed to any tribunal constitutes fraud on the court requiring supervisory correction.

3. Additional Time Is Needed to Prepare the Record and Supporting Materials

The forthcoming Petition requires precise integration of official personnel and duty-assignment records, relevant portions of the trial transcript, sworn declarations confirming nondisclosure and non-waiver, and appendices establishing the timeline

of concealment. Because these materials originate from different stages of the military justice process and were not previously assembled into a unified record, additional time is necessary to compile and verify them in a manner consistent with Supreme Court Rule 14.

Applicant is proceeding *pro se*, and the factual and procedural posture of the case is unusually complex. The requested extension will ensure accuracy, clarity, and full conformity with the Court's formatting and record-presentation requirements.

CONCLUSION

For the foregoing reasons, Applicant respectfully asks that the time to file the Petition for Writ of Certiorari be extended up to, and including, February 13, 2026.

Respectfully submitted,

Humphrey Daniels

Humphrey Daniels III
Applicant, *pro se*
216 Aragona Drive
Fort Washington, MD 20744
(904) 864-6038

November 13, 2025

Appendices:

- A. Order of the U.S. CAAF - Denying Petition for Grant of Review (Aug. 11, 2025)
- B. Final Order of the U.S. CAAF - Denying Petition for Reconsideration and Motions to Attach/Supplement (Sept. 16, 2025)

APPENDIX A

(U.S. CAAF Order Denying Petition for Review)

**United States Court of Appeals
for the Armed Forces
Washington, D.C.**

United States,

Appellee

USCA Dkt. No. 25-0184/AF

Crim.App. No. 39407

v.

ORDER DENYING PETITION

Humphrey

Daniels III,

Appellant

On consideration of the petition for grant of review of the decision of the United States Air Force Court of Criminal Appeals, it is by the Court, this 11th day of August, 2025,

ORDERED:

That the petition is hereby denied.

For the Court,

/s/ Malcolm H. Squires, Jr.
Clerk of the Court

cc: The Judge Advocate General of the Air Force
Appellate Defense Counsel (Golseth)
Appellate Government Counsel (Washburn)

APPENDIX B

*(Final U.S. CAAF Order Denying Reconsideration and Motions to
Attach / Supplement)*

**United States Court of Appeals
for the Armed Forces
Washington, D.C.**

United States,

Appellee

USCA Dkt. No. 25-0184/AF

Crim.App. No. 39407

v.

ORDER

Humphrey
Daniels III,

Appellant

On consideration of Appellant's motion to file a pro se petition for reconsideration, motion to file pro se motions accompanying the petition for reconsideration, motion to attach exhibits to the petition for reconsideration, motion to compel supplementation of the record (convening authority declaration), motion to compel supplementation of the record (verification from AFLOA/JAJG), motion to compel verification from the Judge Advocate General, and petition for reconsideration, it is, by the Court, this 16th day of September, 2025,

ORDERED:

That the motion to file a pro se petition for reconsideration and motion to file pro se motions accompanying the petition for reconsideration are hereby granted;

That the motion to attach and the motions to compel are denied; and

U.S. v. Daniels, Dkt. No. 25-0184/AF

That the petition for reconsideration is denied.

For the Court,

/s/ David A. Anderson
Deputy Clerk of the Court

cc: The Judge Advocate General of the Air Force
Appellate Defense Counsel (Moreno)
Appellate Government Counsel (Washburn)
Appellant (Pro Se)

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CERTIFICATE OF SERVICE

I certify that on this date, I served a copy of this Application for an Extension of Time to File a Petition for a Writ of Certiorari by first-class mail, postage prepaid, to:

Solicitor General of the United States

U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

and filed the original plus two copies with:

Clerk of the Supreme Court of the United States

1 First Street, N.E.
Washington, D.C. 20543

Respectfully submitted,

Humphrey Daniels

Humphrey Daniels III
Applicant, *pro se*
216 Aragona Drive
Fort Washington, MD 20744
(904) 864-6038

Dated: November 13, 2025