

No. A-_____

In the Supreme Court of the United States

MALCOLM WILSON,

Applicant,

v.

ANGELITA CASTANEDA,

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 SEVENTH CIRCUIT**

To the Honorable Amy Coney Barrett, Associate Justice of the United States Supreme Court and Circuit Justice for the United States Court of Appeals for the Seventh Circuit:

Pursuant to 28 U.S.C. § 2101(c) and Supreme Court Rule 13.5, applicant Malcolm Wilson respectfully requests an extension of time of sixty days within which to file a petition for a writ of certiorari in this matter, to and including Monday, February 2, 2026. The United States Court of Appeals for the Seventh Circuit issued its Opinion and Judgment on July 15, 2024. *See App., infra*, A1-A16. Petitioner timely petitioned for rehearing en banc, and the Court of Appeals denied that petition on September 5, 2025. *See App., infra*, A17. The time to file a petition for certiorari in this Court accordingly expires on December 4, 2025. This application is being filed more than 10 days before that date. The jurisdiction of this Court is based on 28

U.S.C. § 1254(1). Copies of the Court of Appeals’ Opinion, and of the Court’s Order denying rehearing en banc, are attached.

On April 22, 2022, applicant Malcolm Wilson took a cane from another inmate at the Indiana State Prison (ISP) to defend himself against a third inmate who was attempting to stab Wilson. In doing so, the inmate with the cane fell to the ground and Wilson was charged with battery.

As a result of a prison disciplinary hearing in May 2022 related to the battery charge, respondent and Indiana Department of Correction Lieutenant Angelita Castaneda penalized Wilson “up to \$100,000” in medical restitution costs. But the only evidence to support the penalty was a prison official’s statement that the inmate with the cane was taken to an outside hospital for his injuries. Wilson challenges the restitution sanction as a violation of his due process rights.

The petition for a writ of certiorari will argue that review is warranted because this case presents a question of exceptional importance that has not been settled by this Court: whether due process requires a prison disciplinary board provide “some evidence” of the amount of actual or estimated loss before depriving an inmate of his trust account funds by imposing a restitution sanction.

In *Hill*, this Court explained that the due process clause requires “some evidence support[ing] the decision by the prison disciplinary board.” *Superintendent, Massachusetts Correctional Institute, Wallpole v. Hill*, 472 U.S. 445, 455 (1985). This Court has not addressed the “some evidence” standard in the context of a restitution sanction amount, but *Hill* makes clear that the purpose of the “some evidence”

standard is to guard against arbitrary government action that infringes on prisoners' due process rights by requiring that prison disciplinary decisions are not "without support or otherwise arbitrary." *Id.* at 457.

Nevertheless, the panel majority held that the restitution sanction of "up to \$100,000" was supported by "some evidence" despite no record evidence of any actual or estimated loss tied to the ultimate sanction amount, and concluded that Wilson had received due process. A7, A10.

In dissent, Judge Jackson-Akiwumi explained how the majority's reasoning was "contrary to *Hill*'s central tenet that the evidence in the record support 'the conclusion reached by the disciplinary board.'" A13 (citing *Hill*, 472 U.S. at 455-56). Second, mere "evidence of a hospital visit is not 'some evidence' of an amount owed or likely owed in restitution." *Id.* A vague statement about an outside hospital visit, untethered to any specific medical procedure or estimate or amount of medical expenses, cannot satisfy *Hill*'s due process concerns regarding the amount Wilson must pay in restitution for medical expenses. Thus, review is further warranted because the decision below cannot be reconciled with the holding of this Court in *Hill*.

Petitioner's case presents an exceptionally important question to prisoners, States, and courts alike, because the published, majority opinion "grant[s] prisons a blank check for any restitution amount imposed at a disciplinary hearing." A15. Further, the decision turns restitution on its head, straying from its purpose: to make the prison financially whole.

Good cause exists for this application. Applicant requests this extension of time to file his petition for a writ of certiorari because counsel primarily responsible for preparing the petition has had, and will continue to have, responsibility for a number of other matters: *Samsung Electronics Co. v. Maxell Corp.*, No. IPR2025-01314 (patent owner's preliminary response due December 5, 2025); *Osio v. PDVSA*, No. 25-12365 (appellee's brief due December 8, 2025); *United States v. Hemani*, No. 24-1234 (amicus brief due December 17, 2025); *Maxell Ltd. v. Samsung Electronics, Ltd.*, No. 26-1111 (appellant's opening brief due December 29, 2025); *Gregg v. State*, No. 24-SA-272 (petition for writ of certiorari due December 29, 2025). Accordingly, an extension of time is warranted.

Counsel for respondent, Robert M. Yoke, is unopposed to the proposed 60-day extension of time.

For the foregoing reasons, the application for a 60-day extension of time, to and including February 2, 2026, within which to file a petition for a writ of certiorari in this case should be granted.

Respectfully submitted.

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