

No. _____
(Capital Case)

In The
Supreme Court of the United States

JEFFREY A. WEISHEIT, Appellant/Petitioner

v.

RON NEAL, Warden, Indiana State Prison, Appellee/Respondent

.

**APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR
WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SEVENTH CIRCUIT**

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

APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of the Court, Applicant Jeffrey A. Weisheit respectfully requests a 60-day extension of time to file his petition for a writ of certiorari, up to and including Friday, February 27, 2026.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The order and judgment for which review is sought was issued by the United States Court of Appeals for the Seventh Circuit on September 29, 2025, in *Weisheit v. Neal*, No. 23-2906. Exhibit A (Doc. 54). This is the order summarily denying Petitioner-Appellant's Petition for Rehearing En Banc (Doc. 51). The original opinion affirming the Southern District of Indiana's denial of Applicant's 28 U.S.C. § 2254 petition for writ of habeas corpus was issued on August 13, 2025. Exhibit B (Doc. 47).

JURISDICTION

This Court will have jurisdiction over any timely filed petition for certiorari pursuant to 28 U.S.C. § 1254(1). Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for writ of certiorari is due to be filed on or before April 28, 2025. In accordance with Rule 13.5, this application is being filed at least ten days in advance of the filing date for the petition for a writ of certiorari.

REASONS JUSTIFYING AN EXTENSION OF TIME

An extension of time is necessary due to the gravity and complexity of the issues in this case in addition to undersigned counsel's pressing obligations in other capital representation.

This case emanates from a 2013 trial in Clark County (following change of venue from Vanderbergh County), Indiana, of Mr. Weisheit, who suffers serious mental illness following a history of repeated serious brain trauma. At trial, Mr. Weisheit's dysfunctional representation was marked by sustained conflicts on the representation between lead and co-counsel and serious physical maladies of counsel, including the death of initial first chair, a heart attack suffered by replacement first chair at the courthouse at a critical juncture of the trial, and second chair's esophageal cancer diagnosis requiring regular chemotherapy in addition to his pressing administrative duties. The present appeal also raises thorny procedural questions involving the unusual course and circumstances of habeas corpus proceedings in the district court.

Mr. Voisin has had deadlines and other commitments in several capital cases, including *Grayson v. Cain*, No. 25-70001 (5th Cir.), *Walker v. Cain*, No. 97-cv-29-HSO (S.D. Miss.), *Davis v. Guerrero*, No. 3:21-cv-02333-B-BM (N.D. Tex.), and *Brooks v. Raybon*, No. 1:17-cv-01532-MHH (N.D. Ala.).

Mr. Perkovich, since conclusion of these proceedings in the court of appeals, has conducted, inter alia, briefing in successive capital post-conviction proceedings in the Mississippi Supreme Court, *Carr v. State*, 2023-DR-0503, in addition to other matters listed below with respect to Mr. Welling's obligations. Presently, Mr. Perkovich is conducting pleading and motion practice in a capital post-conviction matter in December, *State of Alabama v. Newton*, CC-2001-000049.61 (Macon Cnty Cir. Ct.), motion practice in another federal capital habeas corpus action, *Cade v. Director, TDCJ*, 3:17-cv-03396-G-BT (N.D. Tex.), and preparing for an impending resentencing hearing in *State of Michigan v. Terry D. Dumas*, LC No. 11-008346-02-FC (Wayne Cir. Ct.), and a post-conviction hearing in *State of Maryland v. Dante Jeter*, No. 109198026 (Baltimore City Cir. Ct.).

In addition, Messrs. Perkovich and Welling represent two separate capital petitioners in initial post-conviction cases in Arizona. The first, *State v. Joseph*, CR2005-014235-001, involves an imminent evidentiary hearing on intellectual disability. *State v. Joseph*, CR2005-014235-001. The second initial post-conviction proceeding in question has the petition for post-conviction relief due by May 7, 2026. *State v. Montoya*, CR2017006253-001. Further, Mr. Welling and Mr. Perkovich are appointed in capital state successor post-conviction litigation in Arizona, in *State v. McCray*, CR2001-015915. They filed their reply in support of

the amended petition on December 2, 2025, and anticipate litigation of post-petition discovery and litigation on the need for Mr. McCray's present competency.

Further, Mr. Welling has obligations in other capital successor post-conviction cases in Arizona. In *State v. Patterson*, CR2006-114651-001, Mr. Welling filed the reply in support of the amended petition on November 18, 2025. In *State v. Chappell*, CR2004-037319-001, petitioner's Motion for Rehearing, filed on October 24, 2024, is pending in the post-conviction court. In *State v. VanWinkle*, CR2008-128068-001, the amended petition is currently due on June 8, 2026.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests this Court grant an extension of 60 days, up to and including February 27, 2026, within which to file a petition for writ of certiorari in this case.

Respectfully submitted,

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