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No. 25A

# In the Supreme Court of the United States

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PETER WILLIAMS,  
*Applicant,*

v.

ENVIRONMENTAL PROTECTION AGENCY, *ET. AL.*,  
*Respondents.*

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To the Honorable John G. Roberts, Jr.,  
Chief Justice of the United States and  
Circuit Justice for the District of Columbia Circuit

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## APPLICATION TO EXTEND THE TIME TO FILE A PETITION FOR A WRIT OF *CERTIORARI*

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## TABLE OF CONTENTS

Appendix .....	i
Rule 29.6 Statement .....	i
Application to Extend the Time to File a Petition for a Writ of <i>Certiorari</i> .....	1
Conclusion .....	6

## APPENDIX

<i>Williams v. Envtl. Protection Agency</i> , Nos. 23-1340, 24-1386 (D.C. Cir. Apr. 2, 2025) .....	1a
<i>Williams v. Envtl. Protection Agency</i> , Nos. 23-1340, 24-1386 (D.C. Cir. June 25, 2025) .....	4a
<i>Williams v. Envtl. Protection Agency</i> , Nos. 23-1340, 24-1386 (D.C. Cir. Oct. 10, 2025) (rhr'ing denied) .....	6a
<i>Williams v. Envtl. Protection Agency</i> , Nos. 23-1340, 24-1386 (D.C. Cir. Oct. 10, 2025) (rhr'ing <i>en banc</i> denied) .....	7a

## RULE 29.6 STATEMENT

Applicant is a natural persons without parent companies or stock.

**APPLICATION TO EXTEND THE TIME TO FILE A PETITION  
FOR A WRIT OF *CERTIORARI***

To the Honorable Chief Justice John G. Roberts, Jr., as Circuit Justice for the United States Court of Appeals for the District of Columbia Circuit:

Pursuant to Supreme Court Rule 13(5), Peter Williams (“Applicant” or “Williams”) hereby respectfully applies for a 60-day extension—to and including February 27, 2026—of the time within which to petition for a writ of *certiorari*. Unless an extension is granted, the deadline for filing the petition for a writ of *certiorari* will be January 8, 2026. Applicant files this application more than ten days prior to that current deadline.

In support of this request, Applicant states as follows:

1. In an Order dated April 2, 2025 (App. 2a-3a), the United States Court of Appeals for the District of Columbia Circuit granted the motion to dismiss Williams’ petition to review certain actions by staff of respondents Environmental Protection Agency and its Administrator (collectively, “EPA”) taken more than 60 days prior to Williams’ filing his petition for review and allowed review of only one action taken by EPA’s then-Assistant Administrator for Air and Radiation less than 60 days prior to Williams’ filing his petition for review.

2. In an Order dated June 25, 2025 (App. 4a-5a), the United States Court of Appeals for the District of Columbia Circuit denied Williams’ motion to clarify or reconsider the dismissal of EPA staff’s actions outside the 60-day window set by § 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), and—because Williams argued that the Court would lack Article III jurisdiction and statutory subject-matter

jurisdiction without including those threshold EPA staff actions, the Court dismissed the remaining claim for lack of jurisdiction. The Order dated June 25, 2025, also denied Williams' alternate request to transfer the action to the district court pursuant to 28 U.S.C. §1631.

3. By two Orders dated October 10, 2025, the panel and *en banc* court denied Williams' timely petition for rehearing and rehearing *en banc* (App. 6a-7a, respectively).

4. Without an extension, Williams' petition for a writ of *certiorari* would be due January 8, 2026. This Court has jurisdiction under 28 U.S.C. § 1254(1).

5. Applicant seeks an extension for two reasons: (1) to allow completing a request to recall the mandate in the Court of Appeals based on fraud on the court; and (2) because of the competing professional responsibilities of his counsel.

6. With respect to the fraud on the court, although EPA has studiously tried to defer filing an administrative record before the lower court considered EPA's motions to dismiss this and prior Williams-EPA matters, it now is clear that EPA staff purported to deny Williams' application in 2022 without the delegated authority of EPA's Administrator, which makes those actions reviewable with final EPA action under 5 U.S.C. § 704 ("preliminary, procedural, or intermediate agency action or ruling not directly reviewable is subject to review on the review of the final agency action"). The Clean Air Act's special statutory review requires "final action *of the Administrator*," 42 U.S.C. § 7607(b)(1) (emphasis added), not final agency action by intermediate agency staff.

7. By way of background, the Williams-EPA dispute falls at the intersection of several novel or important issues of judicial review under the Clean Air Act's review provisions:

- Prior to this Court's decision in *Harrow v. Dep't of Def.*, 601 U.S. 480, 484 (2024), Circuit precedent deemed the 60-day window as jurisdictional.
- Most appellate cases under that review fall within the review provisions of the 1977-vintage procedures in Clean Air Act § 307(d), 42 U.S.C. § 7607(d), which provide for review of EPA's failure to consider petitions for administrative reconsideration filed within the window for judicial review with the running of the 60-day window if EPA fails to address the issue. *See* 42 U.S.C. § 7607(d)(5), 7607(d)(7)(B) (allowing "rebuttal and supplementary information" for 30 days, allowing judicial review of EPA inaction on administrative petitions that EPA ignores).
- Because Williams' dispute with EPA falls outside § 307(d), he could not avail himself of § 307(d)(5) and § 307(d)(7)(B) in 2022 to seek review of EPA inaction on his administrative petition, but that administrative petition for reconsideration did not extend the time for review under *Interstate Commerce Comm'n v. Bhd. of Locomotive Eng'rs*, 482 U.S. 270, 284-85 (1987), because a 1990-vintage amendment to § 307(b)(1) that nullified the extension of finality for purposes of judicial review.
- Although unusual, APA *de novo* review applies if "the action is adjudicatory in nature and the agency factfinding procedures are inadequate," *Citizens to*

*Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 415 (1971); *Porter v. Califano*, 592 F.2d 770, 782-83 (5th Cir. 1979) (applying *de novo* APA review), which is the situation here because EPA staff relied on material that Williams—the applicant—did not submit to deny Williams’ application without notice to him of the false information on which EPA staff relied.

- Moreover, EPA staff denied Williams’ application in a letter that raised one basis for denying the application without disclosing an internal memorandum that disclosed a wholly separate basis for denying his application, which violates 5 U.S.C. § 555(e) and would delay the running of the 60-day window even if it were jurisdictional, *Indus. Union Dep’t v. Bingham*, 570 F.2d 965, 969 (D.C. Cir. 1977) (citing *Microwave Communications, Inc. v. FCC*, 515 F.2d 385 (D.C. Cir. 1974)) (“the period for seeking review of an [agency] order began only when its full text was made available”), which it is not under *Harrow*.
- Further, EPA and its counsel neither candidly acknowledged that EPA and its Administrator never delegated authority to EPA staff for the initial 2022 denial of Williams’ application nor ratified that action within the meaning of Circuit and this Court’s precedents. *Wilkes-Barre Hosp. Co., LLC v. NLRB*, 857 F.3d 364, 371 (D.C. Cir. 2017) (ratification requires “independent evaluation of the merits”); *United States v. Beebe*, 180 U.S. 343, 354 (1901) (ratification requires “full knowledge of all the facts”).
- Even if EPA and its Administrator had ratified EPA staff’s action, review of the staff’s actions would be considered with that final action, 5 U.S.C. § 704,

and the 60-day window would not commence until EPA published the final action—effective upon ratification in 2025 or later, *FEC v. NRA Political Victory Fund*, 513 U.S. 88, 98-99 (1994) (effective date of subsequently ratified action is the date of ratification, not the original date of the ratified action)—in the Federal Register pursuant to § 307(b)(1).

- Finally, the Court of Appeals acted without EPA’s certifying a record, which not only hid the fact that EPA staff lacked delegated authority for EPA staff’s 2022 actions but also plainly violated Circuit and this Court’s precedents. *Overton Park*, 401 U.S. at 419-20 (“administrative record is not … before us” so “it is necessary to remand” for “review … based on the full administrative record that was before the Secretary at the time he made his decision”); *Walter O. Boswell Memorial Hosp. v. Heckler*, 749 F.2d 788, 792 (D.C. Cir. 1984).

In sum, there is much for the Court of Appeals to reconsider and possibly narrow in a motion to recall the mandate.

8. If the Court of Appeals recalls the mandate, review in this Court would be unnecessary. Even without Williams’ prevailing on a motion to recall the mandate, a 60-day extension could allow Williams to file a single petition for a writ of *certiorari* to cover all his related issues (*i.e.*, the dismissal, the denial of transfer, and the denial of recalling the mandate).

9. With respect to counsel’s schedule, during October to December of 2025, Applicant’s counsel was the sole drafter of an appellate brief, a district court motion for a stay, a substantial updating of a lengthy complaint in federal district court, an

appellate motion to reconsider or alternatively to file a sur-reply, and memoranda to a government agency concerning issues of federal law. In addition, Applicant's counsel was the primary drafter of a federal complaint and motion for interim relief and to advance the merits pursuant to FED. R. CIV. P. 65(a)(2). Finally, Applicant's counsel was hobbled for several weeks by a pulled lumbar muscle that made typing difficult.

10. The requested 60-day extension would not prejudice EPA. To the contrary, the requested 60-day extension will conserve the parties' and this Court's resources by consolidating the issues to be considered in multiple discrete petitions into a single filing.

### CONCLUSION

WHEREFORE, for the foregoing reasons, Applicant respectfully requests a 60-day extension—to and including February 27, 2026—of the time within which Applicant may file a petition for a writ of *certiorari*.

Dated: December 28, 2025

Respectfully submitted,

/s/ Lawrence J. Joseph

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## **CERTIFICATE AS TO FORM**

Pursuant to Sup. Ct. Rules 22 and 33, I certify that the foregoing application is proportionately spaced, has a typeface of Century Schoolbook, 12 points, and contain 6 pages (and 1,441 words) respectively, excluding this Certificate as to Form, the Table of Contents, and the Certificate of Service.

Dated: December 28, 2025

Respectfully submitted,

/s/ Lawrence J. Joseph

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ENVIRONMENTAL PROTECTION AGENCY, *ET. AL.*,  
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To the Honorable John G. Roberts, Jr.,  
Chief Justice of the United States and  
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## APPENDIX TO APPLICATION TO EXTEND THE TIME TO FILE A PETITION FOR A WRIT OF *CERTIORARI*

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<i>Williams v. Envtl. Protection Agency,</i> Nos. 23-1340, 24-1386 (D.C. Cir. Apr. 2, 2025).....	1a
<i>Williams v. Envtl. Protection Agency,</i> Nos. 23-1340, 24-1386 (D.C. Cir. June 25, 2025).....	4a
<i>Williams v. Envtl. Protection Agency,</i> Nos. 23-1340, 24-1386 (D.C. Cir. Oct. 10, 2025) (rhr'ing denied).....	6a
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United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 23-1340**

**September Term, 2024**

**EPA-88FR72060**

**Filed On:** April 2, 2025

Peter Williams,

Petitioner

v.

Environmental Protection Agency and Lee M. Zeldin, Administrator, Environmental Protection Agency, in his official capacity,

Respondents

**No. 24-1386**

**EPA-89FR84583**

Peter Williams,

Petitioner

v.

Environmental Protection Agency and Lee M. Zeldin, Administrator, Environmental Protection Agency, in his official capacity,

Respondents

**BEFORE:** Pillard, Katsas, and Rao, Circuit Judges

**ORDER**

Upon consideration of the motion to consolidate No. 23-1340 and No. 24-1386, the opposition thereto, and the reply; the motions to dismiss those two cases, the opposition thereto, and the replies; the cross-motion to hold the cases in abeyance or expedite them, the opposition thereto, and the reply; the motion for summary reversal in No. 24-1386, the opposition thereto, and the reply; the motion to vacate or extend the briefing schedule in No. 23-1340 and the opposition thereto; and the emergency motion

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 23-1340**

**September Term, 2024**

**No. 24-1386**

in No. 24-1386, the opposition thereto, and the reply, it is

**ORDERED** that the motion to dismiss No. 24-1386 be granted in part and referred in part to the merits panel to which the petition for review is assigned. To the extent that petitioner challenges the denial by the Environmental Protection Agency (“EPA”) of his application for hydrofluorocarbon allowances and the EPA’s allocations of such allowances for 2022, 2023, and 2024, petitioner failed to commence No. 24-1386 within the requisite sixty days of the EPA publishing notice of those actions in the Federal Register. See 42 U.S.C. §§ 7607(b)(1), 7675(k)(1)(C); Growth Energy v. EPA, 5 F.4th 1, 12–13 (D.C. Cir. 2021) (per curiam). Neither petitioner’s request for the EPA’s reconsideration of its initial denial nor the EPA’s denial of that reconsideration petition extended petitioner’s time to bring this action. To that end, the Clean Air Act specifies that a reconsideration petition does not “extend the time within which” to petition for review. 42 U.S.C. § 7607(b)(1). And the EPA’s denial of that reconsideration petition created no challenge to the EPA’s original decision that petitioner “could not have raised” during the initial sixty-day window.” Sinclair Wyo. Ref. Co. LLC v. EPA, 114 F.4th 693, 717 (D.C. Cir. 2024) (per curiam) (quoting Honeywell Int’l, Inc. v. EPA, 705 F.3d 470, 473 (D.C. Cir. 2013)).

Next, petitioner has failed to demonstrate that he has standing to challenge the EPA’s allowance allocation for 2025. See Grocery Mfrs. Ass’n v. EPA, 693 F.3d 169, 174 (D.C. Cir. 2012). Although that allocation did not grant petitioner any allowances, any injury asserted by petitioner results from the EPA’s earlier denial of his application and from the EPA’s unchallenged regulation tying a new market entrant’s receipt of 2025 allowances to that entity’s receipt of 2023 allowances. See 40 C.F.R. § 84.11(b)(1).

However, we refer the motion to dismiss to the merits panel with respect to petitioner’s challenge to the EPA’s denial of his reconsideration petition. The parties are directed to address in their briefs the issues presented in that part of the motion to dismiss rather than incorporate those arguments by reference. It is

**FURTHER ORDERED** that the motion for summary reversal in No. 24-1386 be denied. The merits of the parties’ positions are not so clear as to warrant summary action. See Cascade Broad. Grp., Ltd. v. FCC, 822 F.2d 1172, 1174 (D.C. Cir. 1987) (per curiam). It is

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 23-1340**

**September Term, 2024**

**No. 24-1386**

**FURTHER ORDERED** that the motion to dismiss No. 23-1340 be granted.

Because calendar year 2024 has ended, petitioner's request for interim relief related to the EPA's allocation of 2024 allowances has become moot. See Daimler Trucks N. Am. LLC v. EPA, 745 F.3d 1212, 1217 (D.C. Cir. 2013). It is

**FURTHER ORDERED** that the motion to hold in abeyance or expedite be dismissed as moot with respect to No. 23-1340 and denied with respect to No. 24-1386. It is

**FURTHER ORDERED** that the motion to consolidate and the motion to vacate or extend the briefing schedule in No. 23-1340 be dismissed as moot. It is

**FURTHER ORDERED** that the emergency motion in No. 24-1386 be dismissed as moot in part and denied in part. To the extent that petitioner seeks action on the other motions by April 22, 2025, his emergency motion is moot because the court has now acted on those other motions. In all other respects, petitioner's emergency motion is denied because he has not demonstrated an entitlement to his requested relief. Once the EPA has filed a certified index to the record, petitioner may move to supplement the record if he believes it inadequate.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate in No. 23-1340 until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41. The Clerk is directed to withhold issuance of the mandate in No. 24-1386 until resolution of the remainder of the petition for review.

**Per Curiam**

**FOR THE COURT:**  
Clifton B. Cislak, Clerk

BY: /s/  
Selena R. Gancasz  
Deputy Clerk

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 24-1386**

**September Term, 2024**

**EPA-89FR84583**

**Filed On:** June 25, 2025

Peter Williams,

Petitioner

v.

Environmental Protection Agency and Lee M. Zeldin, Administrator, Environmental Protection Agency, in his official capacity,

Respondents

**BEFORE:** Pillard, Katsas, and Rao, Circuit Judges

**ORDER**

Upon consideration of the emergency motion for reconsideration or clarification or to transfer or dismiss the case, the opposition thereto, and the reply; the emergency motion to supplement the record and to appoint a special master, the opposition thereto, and the reply; the emergency motion for stay, the notice of opposition thereto, the opposition to the motion, and the corrected reply; the motion for judicial notice and the opposition thereto; and the motion for leave to file a notice of supplemental authority, it is

**ORDERED** that the motion for leave to file a notice of supplemental authority be granted. It is

**FURTHER ORDERED** that the motion for reconsideration or clarification be denied. With respect to petitioner's challenge to the denial by the Environmental Protection Agency ("EPA") of his application for hydrofluorocarbon allowances, he failed to timely commence that challenge, regardless of the jurisdictional status of the time limit. See 42 U.S.C. § 7607(b)(1). And his challenge to that denial was ripe from the moment that the EPA issued it. See Energy Future Coal. v. EPA, 793 F.3d 141, 146 (D.C. Cir. 2015). It is

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 24-1386**

**September Term, 2024**

**FURTHER ORDERED** that the motion to transfer be denied and the motion to dismiss be granted. In taking the position that this court lacks jurisdiction over the remainder of this case, petitioner has waived any argument for jurisdiction. See Shands v. Comm'r of Internal Revenue, 111 F.4th 1, 10 (D.C. Cir. 2024), cert. denied, 145 S. Ct. 1178 (2025). And it is not “in the interest of justice” to transfer this case to the district court. 28 U.S.C. § 1631. For one thing, it seems at best questionable that the district court would have jurisdiction to review petitioner’s challenge to the EPA’s denial of certain of his reconsideration petitions. See Edison Elec. Inst. v. OSHA, 411 F.3d 272, 282 n.4 (D.C. Cir. 2005). In any event, petitioner has already filed a case in the district court. See Am. Petroleum Inst. v. SEC, 714 F.3d 1329, 1337 (D.C. Cir. 2013). It is

**FURTHER ORDERED** that the remaining motions be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

**Per Curiam**

**FOR THE COURT:**  
Clifton B. Cislak, Clerk

BY: /s/  
Selena R. Gancasz  
Deputy Clerk

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 24-1386**

**September Term, 2025**

**EPA-89FR84583**

**Filed On:** October 10, 2025

Peter Williams,

Petitioner

v.

Environmental Protection Agency and Lee M. Zeldin, Administrator, Environmental Protection Agency, in his official capacity,

Respondents

**BEFORE:** Pillard, Katsas, and Rao, Circuit Judges

**ORDER**

Upon consideration of the motion to supplement the record, the opposition thereto, and the reply; the motion to extend time, the opposition thereto, and the reply; and the petition for rehearing, it is

**ORDERED** that the motion to supplement the record and the motion to extend time be denied. Petitioner has failed to demonstrate that his requested supplements would bear on whether the court should grant rehearing. It is

**FURTHER ORDERED** that the petition for rehearing be denied.

**Per Curiam**

**FOR THE COURT:**  
Clifton B. Cislak, Clerk

BY: /s/  
Daniel J. Reidy  
Deputy Clerk

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 24-1386**

**September Term, 2025**

**EPA-89FR84583**

**Filed On:** October 10, 2025

Peter Williams,

Petitioner

v.

Environmental Protection Agency and Lee M. Zeldin, Administrator, Environmental Protection Agency, in his official capacity,

Respondents

**BEFORE:** Srinivasan, Chief Judge, and Henderson, Millett, Pillard, Wilkins, Katsas, Rao, Walker, Childs, Pan, and Garcia, Circuit Judges

**ORDER**

Upon consideration of the petition for rehearing en banc, and the absence of a request by any member of the court for a vote, it is

**ORDERED** that the petition be denied.

**Per Curiam**

**FOR THE COURT:**  
Clifton B. Cislak, Clerk

BY: /s/  
Daniel J. Reidy  
Deputy Clerk

**CERTIFICATE OF SERVICE**

The undersigned certifies that, on December 28, 2025, in addition to filing the foregoing document—together with its appendix—via the Court's electronic filing system, one true and correct copy of the foregoing document and appendix was served by Priority U.S. Mail, with a PDF courtesy copy served via electronic mail on the following counsel:

Hon. John D. Sauer  
Solicitor General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001  
Telephone: 202-514-2217  
Email: SupremeCtBriefs@usdoj.gov

The undersigned further certifies that, on December 28, 2025, an original and two true and correct copies of the foregoing document and its appendix were sent via to the Court for hand delivery.

Executed December 28, 2025,

/s/ Lawrence J. Joseph  
\_\_\_\_\_  
Lawrence J. Joseph