

IN THE SUPREME COURT OF THE UNITED STATES

Jason A. Czekalski
Plaintiff - Appellant

v.

William L. Wrenn, former Commissioner, New
Hampshire Department of Corrections, et al.

MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI

NOW COMES to appellant, Jason A. Czekalski, pro se, and files this Motion for Extension of Time to File Petition for Writ of Certiorari, and states as follows:

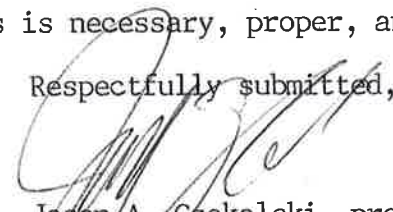
1. On October 2, 2025, appellant received a final order from the United States Court of Appeals for the First Circuit in the matter of Jason A. Czekalski v. William Wrenn, et al., Docket Number 22-1328.
2. On October 8, 2025, on his first day back in the Law Library at the New Hampshire State Prison for Men (MHSP-M), appellant filed a letter with the clerk of this Court requesting the forms needed for an inmate to file a pro se, in forma pauperis Petition for Writ of Certiorari with this Court.
3. Appellant had requested these forms because the NHSP-M Law Library did not have them, in either paper or electronic form.
4. Appellant requested two (2) sets of the forms as he intended to provide a set to the Law Library for its files.
5. Appellant never received a response to his request to the clerk, and so sent a second letter on or about November 7, 2025, which has also gone unanswered.
6. Based on this Court's rules, appellant has until December 31, 2025, to file his Petition for Writ of Certiorari.
7. That deadline cannot be met as of now because appellant has not received the appropriate forms.
8. this inability to meet the filing deadline is through no fault of the

appellant but is instead the result of actions by either the clerk's office or of the NHSP-M mailroom (which is notorious for problems with legal mail).

WHEREFORE, appellant respectfully requests this honorable court to:

- A. Provide appellant with two (2) sets of the forms required for filing a pro se inmate in forma pauperis Petition for Writ of Certiorari;
- B. Provide appellant with an extension of 90 days after he receives those forms to file his petition; and
- C. Grant other and such relief as is necessary, proper, and just.

Respectfully submitted,


Jason A. Czekalski, pro se
#95579
P.O. Box 14
Concord, NH 03302

CERTIFICATE OF SERVICE

I hereby certify that a copy of this motion has been mailed this day to the defendants through their counsel the New Hampshire Department of Justice.

12/12/25
Date



Jason A. Czekalski

United States Court of Appeals For the First Circuit

No. 22-1328

10/26
12/31/25

JASON A. CZEKALSKI,

Plaintiff - Appellant,

v.

WILLIAM L. WRENN, former Commissioner, New Hampshire Department of Corrections, in his individual capacity; HELEN HANKS, Commissioner, NH Department of Corrections, in her individual capacity; CHRISTOPHER H. KENCH, Director of Security, NH Department of Corrections, in both his individual and official capacities; PAULA MATTIS, Director of Forensic Services, NH Department of Corrections, in both her individual and official capacities; JON FOUTS, Director of Security, NH State Prison for Men, in both his individual and official capacities,

Defendants - Appellees.

Before

Montecalvo, Lynch, and Kayatta,
Circuit Judges.

ORDER OF COURT

Entered: October 2, 2025

By judgment entered April 22, 2025, the court summarily affirmed the judgment of the district court. Appellant Jason A. Czekalski then filed a "motion for reconsideration," which the court construed as a petition for panel rehearing and denied by order entered July 14, 2025. Consistent with Federal Rule of Appellate Procedure 41(b), the court proceeded to issue mandate on July 22, 2025. Several weeks after issuance of mandate, appellant filed the current "Petition for En Banc Review Under Rule 40." Per Federal Rule of Appellate Procedure 40(a), "a party seeking both forms of rehearing must file the petitions as a single document." Appellant failed to comply with this provision. Moreover, appellant made the current filing weeks after mandate had issued, despite acknowledging that he received a copy of the court's order denying panel rehearing "on July 18, 2025."

At this juncture, the current filing may be construed, at most, as a motion requesting that the original panel recall the mandate. See Bos. & Maine Corp. v. Town of Hampton, 7 F.3d 281, 282 (1st Cir. 1993) ("Although Rule 40 does grant the appellate courts authority to extend the time for filing a petition for rehearing, a court can do so only while it has jurisdiction over the case. We lack jurisdiction here. The mandate issued in this case on April 20, 1993, and '[i]ssuance of the mandate formally marks the end of appellate jurisdiction.' . . . Mandate having issued in the case before us, [] it is no longer sub judice and we lack authority to consider a petition for rehearing.") (quoting Johnson v. Bechtel Associates Professional Corp., 801 F.2d 412, 415 (D.C. Cir. 1986)); see also United States v. Fraser, 407 F.3d 9, 10 (1st Cir. 2005) ("Fraser's untimely petition for rehearing from the November 2004 decision is before us. It cannot be granted because mandate has issued. We will treat the untimely petition as a motion to recall mandate, over which we do have jurisdiction.") (citation omitted).

Because appellant has not demonstrated the sort of "extraordinary circumstances" that might warrant recall of mandate, the current motion is **DENIED**. Kashner Davidson Sec. Corp. v. Mscisz, 601 F.3d 19, 22 (1st Cir. 2010) (standard).

By the Court:

Anastasia Dubrovsky, Clerk

cc:

Jason A. Czekalski

Lynmarie C. Cusack

Francis Charles Fredericks Jr.

Seth Michael Zoracki

Nathan W. Kenison-Marvin

Samuel R. V. Garland