

No. \_\_\_\_\_

CAPITAL CASE

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# In the Supreme Court of the United States

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In re DYLAN ROOF,

*Petitioner.*

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## Application for an Extension of Time to File A Petition for a Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

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To the Honorable John G. Roberts, Jr., Chief Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Fourth Circuit:

Pursuant to Rule 13.5 of the Rules of the Supreme Court, Dylann Roof, through counsel, respectfully requests a sixty-day extension of time to file his petition for a writ of certiorari, up to and including Monday, April 13, 2026.

### **Judgment Below**

On May 5, 2025, Mr. Roof petitioned the United States Court of Appeals for the Fourth Circuit for a writ of mandamus seeking Judge Richard Gergel's recusal from all further proceedings in this case, including deciding the pending 28 U.S.C. §2255 Motion. The petition was denied on August 13, 2025. *In re Roof*, No. 25-2, 2025 WL 2335967 (4th Cir. Aug. 13, 2025); Exhibit A. Mr. Roof subsequently filed a motion for rehearing en banc. On November 13, 2025, the request for rehearing en banc was denied due to a lack of quorum for en banc review. *See Exhibit B.*

### **Jurisdiction**

The Court's jurisdiction to review this matter rests on 28 U.S.C. §§ 1254, 1651. Pursuant to 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 February 11, 2026.

### **Statement**

Counsel is seeking an extension for several reasons: the gravity and complexity of the ongoing and separate litigation of Mr. Roof's §2255 Motion, lead counsel's recent medical leave, and the lingering effects of the recent lapse in

appropriations to appointed counsel under the Criminal Justice Act (CJA).

The underlying post-conviction matter in this case is uniquely complex. Mr. Roof, who is subject to a federal death sentence, filed an eighteen-claim §2255 Motion with over 200 exhibits. In response, the government filed a brief in opposition that totaled over 400 pages, requiring extensive time to review and analyze. Mr. Roof's reply is due on March 2, 2026.

Complicating the matter, lead counsel, Angela Elleman, was hospitalized and underwent a three-hour surgery on October 30, 2025. As a result, Ms. Elleman was out of the office for several weeks—unable to work on this matter or speak with Mr. Roof. Even after Ms. Elleman returned to work, her ongoing recovery, which required a liquid diet for over six weeks, meant that her stamina and ability to work long hours were significantly compromised. Ms. Elleman's recovery has been a slow and arduous process. Ms. Elleman, who is the supervising attorney for the capital §2255 unit, also has additional commitments involving other cases and administrative duties.

Additionally, many CJA counsel continue to feel the effects of having to work several months without pay last year. The lapse in appropriations to the judiciary meant court-appointed CJA counsel had to alter their practices to adjust to this reality. Ms. HaLevi's lack of payment in this case from July to November 2025 necessitated her taking on additional paid cases, limiting her availability to work on Mr. Roof's case.

Unfortunately, the considerable limitations imposed by Ms. Elleman's surgery and medical unavailability and Ms. HaLevi's time constraints have severely hampered counsel's ability to devote the necessary time to the complex litigation in this case. Counsel cannot manage those challenges while juggling both Mr. Roof's ongoing postconviction litigation and a writ of certiorari that contemplates the seriousness of the matter while also complying with the professional standards of this Court.

Accordingly, Mr. Roof, through counsel, respectfully requests this Court grant the application and extend the time allowed to file a petition for a writ of certiorari for sixty days, up to and including April 13, 2026.

Respectfully submitted,

*/s/ Angela S. Elleman*  
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