

No. _____

IN THE SUPREME COURT
OF THE UNITED STATES

CHAS ALAN RUSSELL A.K.A.
CHAS ALAN CASPULLO, PETITIONER

v.

ERIC GUERRERO, DISTRICT
TEXAS DEPT. OF CRIM. JUSTICE, CDD
RESPONDENT.

APPLICATION TO EXTEND TIME
ON PETITION FOR A WRIT OF HABEAS TO
UNITED STATES COURT OF APPEALS FIFTH CIRCUIT
APP. NO. 25-10480

ON APPEAL FROM UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
USDC NO. 4124-CV-97

TO THE HONORABLE JUSTICE ALLOTTED TO THE FIFTH CIRCUIT:

CHAS ALAN RUSSELL A.K.A. CHAS ALAN CASPULLO, PETITIONER IN PRO SE, ON
NECESSITY HEREBY FILES HIS APPLICATION TO EXTEND TIME ON PETITION FOR
WRIT OF HABEAS TO THE UNITED STATES COURT OF APPEALS FIFTH CIRCUIT.
PETITIONER RESTS ON RULES 11, 13.5, 21, 22, AND 30 AS A BASIS FOR HIS
REQUEST.

PETITIONER HAS BEEN RULED SUBJECT BY BOTH THE UNITED STATES DISTRICT
COURT AND HAS PROCEEDED IN THE FIFTH CIRCUIT SINCE. PETITIONER'S STATUS
FINANCIAL HAS NOT CHANGED.

PETITIONER WILL SHOW THE FACTS FOR WHICH HIS APPLICATION IS BASED
TO WFT:

(1) THE DATE THE UNITED STATES COURT OF APPEALS RECEIVED MY AMENDED APPLICATION FOR C.O.A. WAS NOVEMBER 24, 2025. PETTERSON RECEIVED NOTICE AFTER THE (14) DAYS UNDER F.R.A.P. 40 HAD EXPIRED

(2) PETTERSON FILED HIS REQUEST TO EXTEND TIME TO FILE HIS MOTION FOR REHEARING ON DECEMBER 22, 2025 BY MAILBOX RULE AND AFFIDAVIT OF FILING, AND LESS THAN (14) DAYS OF RECEIPT. THAT SAME DAY PETTERSON FILED A MOTION TO RECEIVE A COPY OF THE AMENDED APPLICATION FOR C.O.A. FOR ONGOING LEGAL PURPOSES. THIS WAS THE SECOND REQUEST THE FIRST REQUEST FOR A COURTESY COPY WAS REQUESTED FROM THE CLERK WITH NO ANSWER UPON FILING OF AMENDED APPLICATION FOR C.O.A. ON AUGUST 25, 2025

(3) ON JANUARY 21, 2026 PETTERSON RECEIVED A NOTICE FROM THE CLERK "WE ARE TAKING NO ACTION ON YOUR MOTION FOR EXTENSION OF TIME TO FILE REHEARING" DATED JANUARY 9, 2026. ~~REHEAR~~

(4) ON JANUARY 21, 2026 PETTERSON RECEIVED AN ORDER FROM THE CIRCUIT JUDGE GRANTING THE COPY OF AMENDED APPLICATION FOR C.O.A. NEEDED FOR REHEARING AND ONGOING LEGAL

(5) ON JANUARY 21, 2026 PETTERSON TIMELY FILED MOTION FOR RECONSIDERATION BY COURT PANEL FOR EXTENSION ON TIME TO FILE PETITION FOR REHEARING AND REHEARING ON BANC AS A HYBRID MOTION FOR C.O.A. AS OF FEBRUARY 13, 2026 PETTERSON HAS NOT RECEIVED NOTICE OF RULING SAME.

(6) THE MOTIONS FOR EXTENSION OF TIME FOR REHEARING ARE STILL PENDING IN THE FIFTH CIRCUIT COURT OF APPEALS. PETTERSON IS UNCERTAIN IF HE WILL BE GRANTED HIS MOTION FOR REHEARING PRIOR TO THE EXPIRATION OF TIME TO FILE PETITION FOR WRIT OF HABEAS IN THIS HONORABLE COURT.

(7) ON JANUARY 21, 2026 PETTERSON MADE A REQUEST TO THE CLERK OF THE UNITED STATES SUPREME COURT TO PROVIDE (2) TWO SUPREME COURT PACKETS FOR FILING PETITION FOR WRIT OF HABEAS. TO DATE PETTERSON HAS NOT RECEIVED THEM.

(8) DUE TO THE UNUSUAL ABOVE, EXTREMELY LONG DELAYS OF THE POST OFFICE AND LACK OF ASSIGNMENT, HOLIDAYS, AND UNUSUAL WEATHER, PETITIONER IS FILING THIS REQUEST.

(9) TIME TO FILE PETITION FOR WRIT OF HABEAS CORPUS EXPIRES ON FEBRUARY 23RD 2026, UNLESS MOTION FOR RETARDING IS ACCEPTED FIRST. PETITIONER IS FILING THIS APPLICATION (10) DAYS, BY MAILBOX RULE, ON FEBRUARY 13, 2026, TO ENSURE HE DOES NOT RUN OUT OF TIME TO FILE HABEAS CORPUS PETITION TIME.

(10) PETITIONER IS REQUESTING A (60) SIXTY DAY EXTENSION OF TIME TO FILE PETITION FOR WRIT OF HABEAS CORPUS OR UNTIL SUCH TIME AS HIS RETARDING HAS REVERT THE (90) NINETY DAYS.

(11) PETITIONER IS NOT FILING THIS APPLICATION TO DELAY THE PROCEEDINGS BUT TO ENSURE FAIR HEARING AND A REASONED METHOD OF INQUIRY TO HIS CONSTITUTIONAL CLAIMS AND TO PREVENT A FURTHER MISCHANCE OF JUSTICE.

JURISDICTION

JURISDICTION OF THIS COURT IS INVOKED UNDER 28 U.S.C. § 1254 AND 28 USC § 2101.

CONCLUSION

AN APPLICATION TO EXTEND TIME ON PETITION FOR WRIT OF HABEAS CORPUS TO THE UNITED STATES COURT OF APPEALS FIFTH CIRCUIT SHOULD BE GRANTED.

RESPECTFULLY SUBMITTED THIS 13TH DAY OF FEBRUARY 2026



CHAD RUSSELL AKA.

CHAD CHAPARILLO # 2262766

9601 SPUR 591

COURT REPORT MAIL 9589 0710 5270 0011 0300 48

RETURN RECEIPT 9590 9402 9295 4295 0845 20

AMARILLO, TX 79107-9606

IN THE UNITED STATES
Supreme Court
No. _____

CHRIS ALAN RUSSELL A.K.A.
CHRIS ALAN CAPABELLO
PETITIONER,

v.

ERIC GUERRERO, Director
TEXAS DEPT. CORR. JUSTICE, C.D.O.
RESPONDENT

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT APP. NO. 25-10480

ON APPEAL FROM UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
USDC No. 4:24-CV-97

DECLARATION OF INMATE FILING

I AM AN INMATE CONFINED IN AN INSTITUTION TODAY THE 13TH DAY OF FEBRUARY 2026, I AM DEPOSITING "APPLICATION TO GRANT TIME ON PETITION FOR A WRIT OF HABEAS CORPUS TO UNITED STATES COURT OF APPEALS FIFTH CIRCUIT" IN THIS CASE IN THE INSTITUTIONS MAIL SYSTEM. CERTIFIED MAIL IS BEING PREPARED BY EITHER ME OR THE INSTITUTION ON MY BEHALF.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. (SEE 28 USC § 1746, 18 USC § 1621).

SIGNED ON FEBRUARY 13, 2026

CORRECTED MAIL 9589 0710 5270 0011 0300 48
RETURN RECEIPT 9590 9402 9295 4295 0845 20

FEBRUARY 19, 2026

SUPREME COURT UNITED STATES
OFFICE OF THE CLERK
ONE 1ST STREET N.E.
WASHINGTON, D.C. 20543

Re: CASPERO V. GUSTAFSON
Fifth Cir. CO.A. # 25-10480
U.S.D.C. # 4:24-CV-97

TO WHOM IT MAY CONCERN:

AS OF FEBRUARY 17, 2026 MY LIST OF ASSIGNMENT CHANGED. I FILED, BY MAILBOX
RULE, "APPLICATION TO EXTEND TERM ON PETITION FOR WRIT OF HABEAS
TO THE UNITED STATES COURT FIFTH CIRCUIT" ON FEBRUARY 13, 2026. PLEASE
UPDATE MY ADDRESS TO SEND RULINGS AND CORRESPONDENCE TO THE ADDRESS
BELOW.

Respectfully Submitted

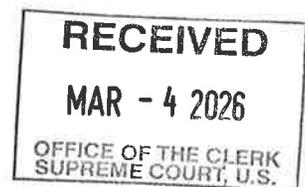
CHAS ALAN RUSSELL A.K.A.

CHAS ALAN CASPERO

DALBY WIST

805 N. AVENUE F

POST, TEXAS 79356



**United States Court of Appeals
for the Fifth Circuit**

United States Court of Appeals
Fifth Circuit

FILED

November 24, 2025

Lyle W. Cayce
Clerk

No. 25-10480

CHAD ALAN CAPPIELLO,

Petitioner—Appellant,

versus

ERIC GUERRERO, *Director, Texas Department of Criminal Justice,
Correctional Institutions Division,*

Respondent—Appellee.

Application for Certificate of Appealability
the United States District Court
for the Northern District of Texas
USDC No. 4:24-CV-97

ORDER:

Chad Alan Cappiello, Texas prisoner # 02262766, seeks a certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. § 2254 application, challenging his conviction for theft of property from elderly persons in an amount between \$30,000 and \$150,000, for which he was sentenced to 47 years of imprisonment. In his COA motion, he raises claims that (i) the State tortiously interfered with the respective contracts between him and the victims; (ii) the indictment was defective; (iii) his rights under the Confrontation Clause were violated; (iv) the evidence was

No. 25-10480

insufficient to sustain his conviction; (v) the prosecutors engaged in misconduct; (vi) he was denied effective assistance of trial counsel; (vii) he was denied effective assistance of appellate counsel; and (viii) in affirming his conviction the state appellate court's opinion was unreasonable and misapplied the clear-error standard of review.

A COA may issue only if the movant has made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *see Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). When the district court denies relief on the merits, a movant must show that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). When the district court denies relief on procedural grounds, a COA should issue if a movant establishes, at least, that jurists of reason would find it debatable whether the application states a valid claim of the denial of a constitutional right and whether the district court was correct in its procedural ruling. *Id.*

Cappiello fails to meet the requisite standard. *See id.* His motion for a COA is DENIED.

/s/ Catharina Haynes
CATHARINA HAYNES
United States Circuit Judge

CERTIFICATE OF SERVICE

PETTERSON, NORBY SWears THAT A TRUE COPY OF THE FOREGOING ~~PROCEED~~
"APPLICATION TO EXTEND TIME ON PETERSON FOR WRIT OF HABEAS CORPUS TO
UNITED STATES COURT OF APPEALS FIFTH CIRCUIT" HAS BEEN FORWARDED
TO THE OFFICE OF THE ATTORNEY GENERAL TEXAS, CRIMINAL APPEALS
DIVISION ATTN: SARAH HARD, POSTAGE PREPAID TO P.O. Box 12548
AUSTON, TX 78711-2548.

Respectfully Submitted THIS 13TH DAY OF FEBRUARY 2026.



CHAD ALAN RUSSELL A.K.A.
CHAD ALAN CAPASOLO, #2262729
9601 SAUL 591
AUSTON, TX 79107-9600

CORRECTION MAIL 9589 0710 5270 0011 0300 48
RETURN RECEIPT 9590 9402 9295 4295 0845 20