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SUPREME COURT OF THE UNITED STATES

Hamza v. Yandik

USAP2 No. 23-1197

Supreme Court, U.S.
FILED
SEP 18 2025
OFFICE OF THE CLERK

Petitioner's Response to Clerk's Notice and Request for Leave to File Out-of-Time (Medical Emergency) and to Proceed In Forma Pauperis

To the Clerk of the Court:

Petitioner, Amir M. Hamza, respectfully submits this response to the Clerk's notice returning his petition as untimely and asks, considering extraordinary and uncontrollable circumstances, that the Court accept the petition for filing out of time or otherwise provide appropriate relief. See Clerk's letter dated August 26, 2025 (acknowledging postmark of August 20, 2025, and stating the petition was due June 5, 2025, following a lower-court order dated March 7, 2025).

Supreme Court

Grounds for Relief

1. Medical Emergency and Incapacity. In the relevant period, Petitioner suffered a major automobile accident precipitated by a stroke, resulting in significant functional impairment. These conditions materially prevented Petitioner from timely preparing, organizing, and mailing the petition.
2. Indigency and Pro Se Status. Petitioner is a poor person proceeding pro se and has been unable to retain counsel to handle the matter. Because of continuing limitations in activities of daily living, Petitioner is in the process of applying

for HomeCare services to assist with basic needs, further demonstrating the extent and persistence of his incapacity during the filing window.

3. Petitioner has been granted leave to proceed *in forma pauperis* in the U.S. District Court for the Northern District of New York and in the U.S. Court of Appeals for the Second Circuit. Petitioner had previously been informed that a separate *in forma pauperis* application was not required but now understands that Supreme Court Rule 39 requires a separate IFP submission in this Court and therefore files the required affidavit and motion to proceed *in forma pauperis* here.

**Good-Faith Efforts and Lack of Prejudice.**

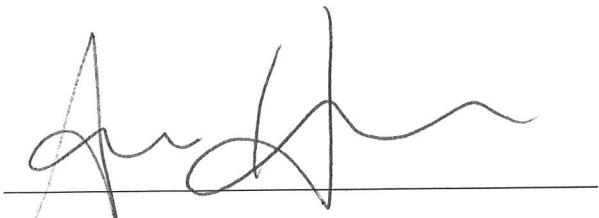
Petitioner acted in good faith to complete and mail the petition as soon as he was physically able and respectfully submits that acceptance would not prejudice any party.

**Requested Relief**

Petitioner respectfully requests that the Court:

- A. Grant leave to file the petition for a writ of certiorari out of time due to medical incapacity and indigency; or, if the Court concludes it lacks authority to grant such relief,
- B. Direct that this submission be docketed as an application to the Circuit Justice for such relief as may be available; or, in the alternative,
- C. Provide guidance on any permissible procedure by which the petition may be considered notwithstanding the medical emergency (including any mechanism to seek relief in the lower court that would permit timely review here).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Amir M. Hamza", is written over a horizontal line.

Amir M. Hamza  
16 Elm Street, P.O. Box 281  
Philmont, NY 12565  
702-592-2647

Dated: 18 September 2025

SUPREME COURT OF THE UNITED STATES

Amir M. Hamza, Petitioner,

v.

William Yandik, Stephen Yandik, Eileen Yandik, Green Acres Farm, Respondent.

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

**Affidavit of Incapacity and Good Cause to File Out-of-Time**

I, Amir M. Hamza, being duly sworn, depose and say:

1. **Identity and Status.** I am the Petitioner in this matter. I proceed *pro se* and am indigent.
2. **Medical Emergency.** On or about December 4, 2024, I suffered a stroke that precipitated a major automobile accident. As a result, I experienced significant and continuing impairments affecting cognition, mobility, and activities of daily living.
3. **Resulting Incapacity.** During the relevant filing window for my petition for a writ of certiorari, my medical condition materially limited my ability to research, draft, organize, and timely file legal papers. I required assistance for routine tasks and could not reliably manage deadlines.
4. **Ongoing Care Needs.** Because of these limitations, I am applying for HomeCare services to assist with daily needs. This application was initiated and remains pending.
5. **Indigency and Lack of Counsel.** I am a poor person and have been unable to retain counsel despite diligent efforts. My financial condition and medical limitations prevented me from securing paid legal assistance within the filing period.

6. **Good-Faith Efforts.** As soon as I was medically able, I completed and mailed my petition. Any delay was due solely to circumstances beyond my control. I have acted at all times in good faith, and no party will be prejudiced by acceptance of my filing out of time.
7. **Requested Relief.** I respectfully request that the Court accept my petition for a writ of certiorari for filing out of time in light of these extraordinary and uncontrollable circumstances, and that I be permitted to proceed **in forma pauperis**.

I declare that the foregoing is true and correct to the best of my knowledge, information, and belief.

Date: 18 September 2025

Signature:

Amir M. Hamza  
16 Elm Street, P.O. Box 281  
Philmont, NY 12565  
Tel: 702-592-2647 | Email: amirmhamza@gmail.com

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