

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

IN THE

SUPREME COURT OF THE UNITED STATES

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JUAN ANTONIO PIZARRO,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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**MOTION FOR LEAVE TO FILE**  
**PETITION FOR WRIT OF CERTIORARI OUT OF TIME**

**To the Honorable the Chief Justice and  
the Associate Justices of the Supreme Court of the United States:**

Petitioner, Juan Antonio Pizarro, proceeding Sui Juris in Propria Persona, and Pro-Se, respectfully moves this Court, pursuant to Supreme Court Rules 21 and 30.2, for leave to file his Petition for Writ of Certiorari *out of time*.

The 90-day period under Rule 13.1 for filing a petition in this case expired on August 13, 2025. Petitioner tenders his petition two days beyond that deadline. The delay is the direct result of extraordinary circumstances beyond his control, and

denying this motion would foreclose the review of substantial constitutional questions and an actual-innocence claim, resulting in a miscarriage of justice.

## **I. Background**

On May 15, 2025, the United States Court of Appeals for the Eleventh Circuit entered its judgment denying Petitioner’s application for a Certificate of Appealability (“COA”) and, in the same order, denying his motion for reconsideration. Petitioner—who is not an attorney—mistakenly believed that he had 120 days from that judgment to file a petition for writ of certiorari in this Court. This misunderstanding arose from his lay familiarity with other post-judgment time periods, and was not the product of willful disregard for the Court’s rules.

From mid-May through early August 2025, Petitioner worked diligently to retain counsel experienced in Supreme Court practice. However, each attorney he consulted requested fees that far exceeded his ability to pay. The high cost of securing such representation proved prohibitive, forcing Petitioner to begin preparing to file the petition himself, though without the benefit of formal legal training.

On August 4, 2025—just nine days before what would turn out to be the actual 90-day deadline—Petitioner was arrested in a new, unrelated federal criminal matter. He was released on bail on August 6, 2025. On August 7, 2025, he was required to report to the United States Probation Office in connection with the conditions of his release. The following Monday, August 11, 2025, he met with the attorney representing him in the new criminal case. It was during this meeting that Petitioner learned for the first time that the Supreme Court’s deadline to file a

petition for writ of certiorari is 90 days from the entry of judgment—not 120 days—and that his deadline was therefore August 13, 2025, just two days away.

By then, the 10-day period for seeking a pre-expiration extension under Rule 13.5 had already passed. Petitioner now faced the immediate and daunting task of drafting a petition for writ of certiorari himself, in compliance with this Court’s detailed rules, in a matter of hours, while simultaneously dealing with the urgent demands of his new criminal case.

Despite working as quickly as possible, Petitioner could not complete the petition by August 13. He has therefore completed it at the earliest possible moment thereafter and tenders it to this Court on Friday, August 15, 2025—only two days late—together with this motion for leave to file out of time.

Petitioner emphasizes that his conviction in the underlying case resulted from his coerced waiver of indictment and guilty plea to an information, despite his factual innocence. He maintains that his plea was the product of prosecutorial misconduct, suppression of exculpatory evidence, and ineffective assistance of counsel. He implores the Court to accept his petition so that these claims, which go to the heart of the integrity of the conviction, can be heard.

## **II. Extraordinary Circumstances Warranting relief**

Supreme Court Rule 30.2 provides that an application to extend the time to file a petition for writ of certiorari “is not favored” and, if made after the expiration of the filing period, will be granted only where the Court is satisfied that “the case involves extraordinary circumstances.” This standard is met here.

When the Eleventh Circuit issued its judgment on May 15, 2025, Petitioner genuinely believed he had 120 days to secure counsel and prepare his petition. Acting on that belief, he began contacting attorneys, but could not retain one because of the high fees required to prepare a petition for writ of certiorari. This financial reality left him with the daunting prospect of preparing the petition himself, without the benefit of legal training.

While still attempting to arrange representation, Petitioner was arrested in a new, unrelated federal case on August 4, 2025, and detained until his release on bail on August 6. The very next day, August 7, he was obligated to report to the United States Probation Office. On August 11, during a meeting with counsel in the new case, he was informed for the first time that his Supreme Court deadline was not 120 days but 90 days—and that it would expire on August 13, just two days later.

By that time, the 10-day window for seeking an extension under Rule 13.5 had already passed, making it impossible to request additional time in advance.

Faced with the imminent deadline and no realistic opportunity to secure counsel, Petitioner determined to prepare and file the petition *pro se*. Given the complexity of the issues, his lack of legal training, and the immediate obligations related to his new criminal case, he could not complete the petition by August 13. He instead finished it at the earliest possible opportunity—August 15—and now tenders it with this motion.

The circumstances here are extraordinary. Petitioner's two-day delay is the result of: (1) a good-faith but mistaken understanding of the filing deadline; (2) the

inability to hire qualified Supreme Court counsel because of prohibitive fees; (3) the intervening arrest, detention, and post-release obligations in a new criminal matter during the final days before the deadline; (4) the discovery of the correct deadline only two days before it expired; and (5) the impossibility of seeking an extension once he learned of the deadline. These factors, combined with his prompt and diligent efforts once the true deadline was known, satisfy the Rule 30.2 standard.

### **III. Legal Authorities Supporting the Court's Discretion**

This Court has recognized in several decisions that, while filing deadlines serve important purposes of finality and order, they are not immutable when extraordinary circumstances exist. In *Madden v. Texas*, 498 U.S. 1301 (1991) (Scalia, J., in chambers), the Court reaffirmed that extensions are “not favored” but may be granted where circumstances beyond a litigant’s control make timely filing impracticable.

In *Knickerbocker Printing Corp. v. United States*, 75 S.Ct. 212 (1954) (Harlan, J., in chambers), the Court granted leave to file out of time where the petitioner relied on prior Clerk’s Office practices, while cautioning that such relief would not extend to cases of mere neglect or heavy workloads. The principle is that equity can permit late filing where procedural confusion or reliance on established practice leads to the delay.

Lower courts applying similar standards in habeas and post-conviction contexts have recognized that extraordinary circumstances may include serious illness, attorney misconduct, or other external impediments. In *United States v. Buckles*, 647 F.3d 883 (9th Cir. 2011), the court acknowledged that procedural rules, though

important, are not jurisdictional in the strictest sense and may yield to prevent injustice. *Susinka v. United States*, 19 F. Supp. 3d 829 (E.D. Pa. 2014), stressed that extensions should be limited to exceptional situations where the delay is truly beyond the petitioner's control. In *Fogg v. Carroll*, 465 F. Supp. 2d 336 (D. Del. 2006), the court recognized that even the Supreme Court's 90-day deadline is subject to equitable consideration in criminal cases.

Similarly, in *United States v. Wheaten*, 826 F.3d 843 (5th Cir. 2016), the court held that attorney delay in notifying a petitioner of an adverse decision could constitute extraordinary circumstances. The Eleventh Circuit in *Warmus v. United States*, 253 F. App'x 2 (11th Cir. 2007), reached the same conclusion where counsel's failure to communicate key dates impaired timely filing. By contrast, *San Martin v. McNeil*, 633 F.3d 1257 (11th Cir. 2011), emphasized that diligence is essential—something Petitioner has demonstrated by acting promptly and filing at the earliest possible time after learning the correct rule.

These authorities confirm that where, as here, a short delay is caused by a confluence of genuine mistake, financial constraints, intervening legal events, and the impossibility of seeking timely extension, the Court's exercise of discretion under Rule 30.2 is warranted to avoid manifest injustice.

#### IV. Conclusion

For the foregoing reasons, Petitioner respectfully requests that this Court grant this motion, accept his petition for writ of certiorari for filing *instanter*, and allow his substantial constitutional and innocence claims to be heard on the merits.

Respectfully submitted, in Plantation, Florida, on this the 15th day of August 2025.



/s/ Juan Antonio Pizarro  
**Juan Antonio Pizarro, Pro Se**  
**12380 NW 9th Street**  
**Plantation, Fl 33325**

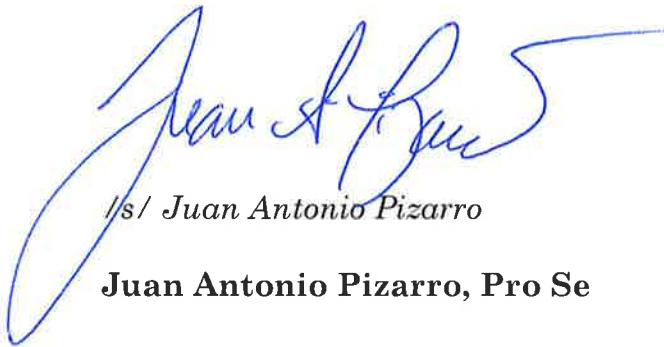
### **SWORN DECLARATION OF JUAN ANTONIO PIZARRO**

I, Juan Antonio Pizarro, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am the Petitioner in this matter. I am not an attorney and have no formal legal training.
2. On May 15, 2025, the Eleventh Circuit denied my application for a Certificate of Appealability and denied my motion for reconsideration the same day.
3. I believed in good faith that I had 120 days from that date to file a petition for writ of certiorari. My belief was based on confusion with other post-judgment deadlines.
4. I attempted to hire an attorney to prepare the petition but could not afford the fees requested by lawyers who handle Supreme Court filings.
5. On August 4, 2025, I was arrested in a new, unrelated criminal case. I was released on bail on August 6, 2025.
6. On August 7, 2025, I was required to report to the U.S. Probation Office.
7. On August 11, 2025, I met with my attorney in the new case and learned for the first time that the Supreme Court deadline in this case was 90 days from judgment, not 120. I was told the deadline was August 13, 2025.
8. By the time I learned the correct deadline, the 10-day period for requesting an extension under Rule 13.5 had already passed.

9. I worked diligently to complete the petition myself but, given my lack of legal training, the complexity of the issues, and my other legal obligations, I could not finish it by August 13.
10. I am filing the petition today, August 15, 2025, only two days late, together with this motion.
11. I have consistently maintained my factual innocence of the charges in my underlying conviction, which I believe was obtained in violation of my constitutional rights.
12. I respectfully ask the Court to accept my petition out of time so my claims may be heard.

Executed on August 15, 2025.



*Juan A. Pizarro*  
/s/ Juan Antonio Pizarro

**Juan Antonio Pizarro, Pro Se**

**SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001**

September 15, 2025

Juan Antonio Pizarro  
12380 NW 9th Street  
Plantation, FL 33325

RE: Juan Antonio Pizarro v. United States  
Motion for Leave to File Petition Out of Time

Dear Mr. Pizarro:

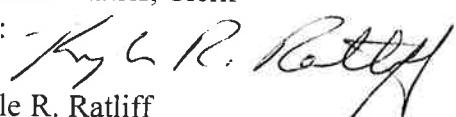
The above-entitled motion for leave to direct the Clerk to file a petition for a writ of certiorari out of time was postmarked August 15, 2025 and received August 22, 2025. The papers are returned for the following reason(s):

The petition is out-of-time. The date of the lower court judgment or order denying a timely petition for rehearing was May 15, 2025. Therefore, the petition was due on or before August 13, 2025. Rules 13.1, 29.2 and 30.1. When the time to file a petition for a writ of certiorari in a civil case (habeas action included) has expired, the Court no longer has the power to review the petition.

While you may file the above-entitled motion, the related petition for a writ of certiorari must first be corrected prior to filing the motion.

Namely, the motion to proceed in forma pauperis contains a notarized affidavit or declaration of indigency that does not comply with Rule 39.

Please use the enclosed form and resubmit all of your materials as soon as possible for the filing of the motion for leave to direct the Clerk to file the petition for a writ of certiorari out of time.

Sincerely,  
Scott S. Harris, Clerk  
By:   
Kyle R. Ratliff  
(202) 479-3029

Enclosures

