

IN THE SUPREME COURT OF THE UNITED STATES

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ARMANDO MARTINEZ,  
*Petitioner,*

v.

RICHARD MARTINEZ AND ATTORNEY GENERAL OF NEW MEXICO,  
*Respondent.*

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ON PETITION FOR WRIT OF CERTIORARI  
AFTER DIRECT APPEAL FROM  
THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO  
THE HONORABLE MARTHA VAZQUEZ  
UNITED STATES DISTRICT JUDGE  
CASE NO. 21-CV-0848  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT  
CASE NO. 24-2105

UNOPPOSED MOTION TO DIRECT CLERK OF COURT  
TO ACCEPT PETITION  
FOR WRIT OF CERTIORARI OUT OF TIME

SCOTT M. DAVIDSON  
COUNSEL FOR PETITIONER ARMANDO MARTINEZ  
THE LAW OFFICE OF SCOTT M. DAVIDSON, PH.D., ESQ.  
1011 LOMAS BOULEVARD NW  
ALBUQUERQUE, NM 87102  
505-255-9084

Petitioner Armando Martinez, by and through counsel of record, Scott M. Davidson, respectfully requests this Honorable Court to direct the Clerk of the Court to accept his writ of certiorari out of time. As grounds therefor, Mr. Martinez states as follows:

1. On August 22, 2025, the United States Courts of Appeals for the Tenth Circuit issued its order and judgment affirming the district court's denial of habeas corpus relief under 28 U.S.C. § 2254.

2. A petition for Writ of Certiorari was due on November 20, 2025.

3. The motion for leave to proceed in forma pauperis, petition and appendices were timely filed electronically on November 20, 2025, but they were mailed on November 22, 2025 for delivery on November 24, 2025.

4. The State of New Mexico, by and through Jane Bernstein, Assistant Solicitor General of the State of New Mexico, does not oppose the relief requested in this motion.

5. It is in the interest of justice and the fair administration of these certiorari proceedings to direct the Clerk of the Court to accept Mr. Martinez's petition out of time.

WHEREFORE, for the following reasons, Mr. Martinez respectfully requests that the Court direct the Clerk to accept the petition for writ of certiorari out of time.

Respectfully submitted,

/s/ Scott M. Davidson (electronically filed)

SCOTT M. DAVIDSON

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## CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of December 2025, I electronically filed this unopposed motion with the Clerk of the Court for the United States Supreme Court. I further certify that I sent on the 12th day of December 2025 via FedEx to this Court, for delivery no later than the 15th day of December 2025, this unopposed motion.

/s/ Scott M. Davidson (electronically filed)

SCOTT M. DAVIDSON

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