

In the
Supreme Court of the United States

DIANA REISMANN SEXTON, *Petitioner*,

v.

MARGARETT ROLLINGS, ET AL., *Respondents*.

On Writs of Certiorari to
the United States Court of Appeals for
the Fifth Circuit
4:24-CV-00852

MOTION TO FILE OUT OF TIME A
WRIT OF CERTIORARI

THE HONORABLE
TEXAS ATTORNEY GENERAL
KEN PAXTON,
BRENT WEBSTER,
RALPH MOLINA,
JAMES LLOYD,
KIMBERLY GDULA,
MARTIN ARROYO,
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Counsels For Respondents,

DIANA REISMANN SEXTON
565 S. MASON RD. No.523
Katy, TX 77450
TEL: (346) 479-5453
dianareismann@gmail.com
Pro Se litigant

Petitioner Diana Reismann Sexton respectfully submits this Motion to Direct the Clerk to File Petition for Writ of Certiorari Out of Time.

The purpose of this motion is to ask the Court to accept Mrs. Reismann Sexton petition for writ of certiorari submitted to this Court and served on opposing counsel on November 18th of 2025.

On May 15, 2025, a Panel of Justices Clement, Engelhardt and Douglas form Fifth Circuit Court of Appeals issued a ruling affirming, dismissal Order of the Honorable Hanene District Judge for the Southern District Houston Division.

The Clerk of the Fifth Circuit Court of Appeals directed petitioner to file a Petition of rehearing en banc, petitioner filed and it was returned a couple of times for correcting errors, petitioner corrected and re-send it. On last request of amend the petition, the clerk requested petitioner to reduce the length from 10,072 words to 3,900 for the next day, which petitioner did and filed on August 19th 2025.

Petitioner then, received a letter from the clerk which stated petitioner Brief for re-hearing en banc containing a Supreme court ruling error over the Argentine Sovereignty in violation of the Charming Betsey Canon was stuck.

Petitioner is a pro se litigant, is not a lawyer and has no access to PACER, petitioner only relies on over the phone information provided by the clerk. During the calls, petitioner stated the clerk to be concerned to miss the due date for Certiorari, the clerk responded it was ok, but the petitioner would not miss it.

Petitioner filed a complaint with the Chief Justice of the Fifth Circuit Court of Appeals on regard of misleading information petitioner believes it was intentional. Other Clerk of that office then directed petitioner to still file a Writ of Certiorari with this Honorable Supreme Court, and petitioner did call the SCOTUS Clerk on August 20th of 2025, and a clerk of this office explained the procedure and explained there was a certworthy question, the affirmed petitioner can file her Certiorari and had 90 days to ship it on November 18th of 2025.

To assure procedure and follow the case, petitioner called the SCOTUS clerk office as follow on:

08/20/2025 at 02:10 PM for 5 minutes
08/20/2025 at 03:25 PM for 10 minutes
08/21/2025 at 02:39 PM for 8 minutes
08/22/2025 at 12:05 PM for 2 minutes
08/25/2025 at 02:41 PM for 2 minutes
08/28/2025 at 09:09 AM for 3 minutes
09/04/2025 at 10:25 AM for 3 minutes
12/01/2025 at 11:39 AM for 3 minutes
12/03/2025 at 09:04 AM for 2 minutes
12/09/2025 at 03:25 PM for 2 minutes

In the same manner, petitioner received incoming call from SCOTUS clerk office as follow on:

08/25/2025 at 02:54 PM for 1 minute
09/04/2025 at 10:34 AM for 2 minutes

Petitioner received on December 12th of 2025 the package with petitioner writ of certiorari sent to SCOTUS, without its covers and with some broken box and broken pages of petitioner writs, with a letter from Clerk office signed by Pipa Fisher (202) 479-3019 and Mr. Scott S. Harris, Clerk, writing the Writ of Certiorari has expired.

Petitioner believes the information process to a pro se litigant who has no access to follow the case as an attorney via PACER, and has to rely on information provided by the clerk, is deceptive and mislead petitioner, petitioner filed a complaint with the Fifth Circuit Court of appeals and another complaint with the Honorable Inspector General on this regard for deceptive practice, because after all. petitioner pay taxes and believes is entitled to same equal opportunities, under the law, whether for employment, for government accurate information judicial procedures and have the same access to and in the judicial system, additionally the condition of indigent and the rule of law shall be equally applied for the fair access to justice.

As petitioner is a dual citizen of Argentina and United States, the ruling produced by the Panel of Justices Clement, Engelhardt and Douglas form Fifth Circuit Court of Appeals, on mention self-executable treaties which were violated on petitioner by her former employer manager subject of this lawsuit, affects international rights guaranteed by the international community. Petitioner researched deep in the topic and found an historic fact certworthy of a ruling of this court against Argentine Sovereignty and against the Charming Betsey Canon, this court shall have not ruled on.

For this reasons, petitioner respectfully request this court to grant this motion to file out of time for her Writ of Certiorari be admitted.

Respectfully submitted on 12/14/2025.

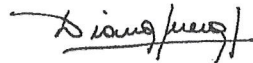
THE HONORABLE
TEXAS ATTORNEY GENERAL
KEN PAXTON,
BRENT WEBSTER,
RALPH MOLINA,
JAMES LLOYD,
KIMBERLY GDULA,
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/s/ DIANA REISMANN
SEXTON 565 S. MASON RD.
No.523 Katy, TX 77450
TEL: (346) 479-5453
dianareismann@gmail.com
Pro Se litigant

CERTIFICATE OF SERVICE

I declare the information in this Certificate of Service is true and correct, and this document was sent on 12/14/2025 by mail to the Honorable Supreme Court of United States and to Mr. Arroyo.

THE HONORBLE
KEN PAXTON
TEXAS ATTORNEY GENERAL
COUNSEL
MR. MARTIN ARROYO
For Respondents
P.O.BOX 12548,
Capitol Station Austin,
Texas 7811-2548
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/s/ DIANA I. REISMANN SEXTON
565 S MASON RD. #523,
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dianareismann@gmail.com



Diana Reismann <dianareismann@gmail.com>

Attached Petition for rehearing en banc reduced 3900 words

1 mensaje

Diana Reismann <dianareismann@gmail.com>

19 de agosto de 2025 a las 0:31

Para: pro_se@ca5.uscourts.gov, Martin Arroyo <Martin.Arroyo@oag.texas.gov>

Good night, Attached Petition for rehearing en banc reduced 3900 words.
My apologies for the time.

Diana Reismann

+1 346-479-5453

LinkedIn

WhatsApp

 **CASE 24-20296 PETITION FOR REHEARING EN BANC REDUCED TO 3900 WORDS.pdf**
396K



Diana Reismann <dianareismann@gmail.com>

Automatic reply: Attached Petition for rehearing en banc reduced 3900 words

1 mensaje

CA5 Pro Se <pro_se@ca5.uscourts.gov>

19 de agosto de 2025 a las 0:32

Para: Diana Reismann <dianareismann@gmail.com>

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565 S HASON RD
PHB 523
KATY TX 77450

(346) 479-5453

SHIP TO:
HONORABLE SUPREME COURT JUSTICES
US CLERK
1 1ST ST NE
WASHINGTON DC 20543-0001
BUSINESS

SHIPPED THROUGH:
THE UPS STORE #4694
KATY, TX 77450-2437
(281) 578-6555

SHIPMENT INFORMATION:
UPS GROUND COMMERCIAL
6 lb 8.0 oz actual wt
7.000 lb billable wt
DIMS: 12.00X9.00X4.00 IN

TRACKING NUMBER: 1ZGA174T0345018081
SHIPMENT ID: MMX1Z00Z8AS47
SHIP REF 1: - -
SHIP REF 2: - -

DESCRIPTION OF GOODS:
PAPERS

SHIPMENT CHARGES:
GROUND COMMERCIAL 24.35
SERVICE OPTIONS 0.00
CHS PROCESSING FEE 0.22

TOTAL \$24.57

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SHIPMENT INFORMATION:
USPS GROUND ADVANTAGE
0 lb 7.9 oz manual wt
0.500 lb billable wt
DIMS: 13.00X10.00X1.00 IN
USPS TRACKING

EXPECTED DELIVERY DATE:
THUR 20 NOV 2025 EOD
SHIP FROM:
DIANA REISMANN SEXTON
565 S MARSH RD
PHB 523
KATY TX 77450

TRACKING NUMBER: 9400150899561167165843
SHIPMENT ID: MX12Q06CP8HK
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(346) 479-5453

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MR. MARTIN ARROYO
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AUSTIN TX 78711-2548
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DESCRIPTION OF GOODS:
PAPERS

SHIPMENT CHARGES:
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QUESTIONS? CONTACT SHIPPED THROUGH ABOVE.
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565 S MASON RD
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(346) 479-5453

SHIP TO:
TO UNITED STATES GENERAL ATTORNEY
THE HONORABLE PAN BOND I ROOM 5614
950 PENNSYLVANIA AVE NW
WASHINGTON DC 20530-0009
BUSINESS

SHIPPED THROUGH:
THE UPS STORE #4694
KATY, TX 77450-2437
(281) 578-6555

SHIPMENT INFORMATION:
UPS GROUND COMMERCIAL
0 lb 9.7 oz actual wt
1.000 lb billable wt
DIMS: 13.00X10.00X1.00 IN

TRACKING NUMBER: 1Z6A174T0345011935
SHIPMENT ID: MMX1Z00BDTKND
SHIP REF 1: - -
SHIP REF 2: - -

DESCRIPTION OF GOODS:
PAPERS

SHIPMENT CHARGES:
GROUND COMMERCIAL 15.37
SERVICE OPTIONS 0.00
CHS PROCESSING FEE 0.22

TOTAL \$15.59

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NEED PACKAGE HELP? (LOST/DAMAGED), PROVIDE DETAILS SO WE CAN HELP:
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AND VALUES PROVIDED FOR THIS SHIPMENT ARE ACCURATE IN ALL RESPECTS.

Signature:

SHIPMENT ID: MMX1Z00BDTKND



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Cal us

24-20296

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

Diana I. Reismann Sexton,
Plaintiff—Appellant,
versus

Margaret Rollins, *in her official capacity as Manager of the Robert
Cizik Eye Clinic; University of Texas McGovern Medical
School, Robert Cizik Eye Clinic,*
Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:24-CV-852

**I-Complaint of Fifth Circuit Court Clerk Provided
Misinformation About the Case.
2- Motion to Reinstate for Rehearing En Banc**

Appellees:
Margarett Rollins
University of Texas McGovern,
Medical School, Robert Cizik
Eye Clinic

Counsel for Appellees:
Martin Arroyo of Office of the
Attorney General of Texas, Austin TX

Appellant:
Diana Reismann Sexton
Other Interested Parties:
Unknown

Counsel for Appellant:
Diana Reismann Sexton Pro se litigant
Counsel for other interested parties:
Unknown

- 1- Petitioner files **this I-Complaint about Fifth Circuit Court Clerk** who provided misinformation to appellant over Petition for Re-Hearing En Banc and **II-Motion to reinstate the Petition for Rehearing En Banc.**

Mail Information:

- 2- Petitioner called several times to Mrs. Jhonson and left messages to please return appellant call on regard the Petion for rehearing enbanc. Mrs. Johnson never called appellant.
- 3- First deficiency notice: On 06/12/2025 Petitioner received a letter from this Court clerk stating Petitioner petition for re hearing enbanc was deficient and was missing the cover page FRAP 32(a)(2)(E). Petitioner amended the brief. The Clerk did not find deficient of the length of the Petition of 10,502 words.
- 4- Petitioner called on 7/15/2025 The Clerck Office of the Honorable Court of Appeals for the Fifth Circuit and was informed that the letter with deficiencies was issued on 06/26/2025 and was shipped on 06/30/2025 and apparent distribution from New Orleans on 07/01/2025 according to the envelope post marks of USPS.
- 5- Petitioner went to her private mailbox about every two days to receive some other packages and she did not receive any letter from this Honorable Court for two weeks until 07/15/2025
- 6- Petitioner inquired the employee of the UPS store 07/15/2025 about the exact date the letter from this Honorable Court was received, and he stated that the USPS delivered the letter 07/15/2025 along with all other correspondence to other people. He further explained that the USPS employees does not even talk to the UPS employees and leave the mail and go and there is no other way to verify exact delivery date, not even a slip correspondent with the sac distributed.
- 7- Both letters were received on 07/15/2025 retrieved at 12:22 PM.
- 8- Petitioner sent this Honorable Court that pictures from appellant video captured at UPS are attached as exhibits and if this court wants, appellant can attach the video as well if required by this court.
- 9- According to statue 18 U.S.C.§ 1703 applies to the United States Postal Service (USPS).The statue of the U.S. Code specifically addresses the delay or destruction of mail or newspapers and is applicable to Postal Service officers and employees. It outlines penalties, including fines and imprisonment, for those who unlawfully tamper with, destroy, or delay mail; however by not leaving a delivery slip according to the sac or bulk delivered it should be difficult to assert whether was the local employee, the remote sender office or employee, unless the envelopes would have certain reading code that can match the sent, distribution and delivery dates for each letter, appellant is unsure if the USPS already count with that system to avoid delays.

- 10- On 07/21/2025 the Clerk sent a letter to appellant stating they received on 07/16/2025 appellant Motion for rehearing en banc out of time and the rehearing was filed timely; however the clerk never stated the length was an issue.
- 11- Second deficiency notice: On deficiency letter of 06/30/2025 received on 07/15/2025, Petitioner was informed that her Petition of rehearing en banc was deficient and needed to be cover page FRAP 32(a)(2)(E). and remove the District Court Order. Petitioner explained the cover was the second page and the first page was for mailing purposes The Clerk did not find deficient of the length of the Petition of 10,502.
- 12- Third deficiency notice: On 07/29/2025 Petitioner received a letter from this court Petitioner was informed that the Petition of rehearing en banc was deficient and needed to be added Statement of court proceedings and disposition of the case 5th Cir Rule 40.2.2.5. and Statement of facts required 5th Cir Rule 40.2.2.6. The Clerk did not find deficient of the length of the Petition.
- 13- On No notice was received: On 08/15/2025 Petitioner called the court Clerk and was told that the length of the petition for rehearing en banc needed to be 3900 words, petitioner explained over the phone It would reduce the 10,502 words to required length and also, explained petitioner had a surgery and requested a new due date, Mrs. Jhonson stated "do not worry" and blessed petitioner recovery. Petitioner explained Mrs. Jhonson that petitioner was concerned about the due date to file a Writ of Certiorari, and Mrs. Jhonson that "I must wait until the Court of Appeals decide"/sic/
- 14- Petitioner sent amended 3900 word petition for re-hearing en banc on 08/19/2025 at 00:31 AM with subsequent fulfillment of required amended deficiencies, thirty minutes passed the next working date from Friday 08/15/2025.
- 15- On 08/20/2025 petitioner called the Clerk Office and ask about the case and was informed by Mrs. Rebecca that the case was struck on Friday 08/15/2025. Petitioner explained that no one informed petitioner the petition for rehearing en banc was struck, and the due date for filing a Writ of Certiorari was on 08/15/2025. Mrs. Rebecca informed petitioner that petitioner needs to call the U.S. Supreme Court Clerk and inquire about the Certiorari and hang up to petitioner.
- 16- On 08/12/2025, Appellant called the Court Clerk to request information about the case and was informed that new deficiencies needed to be amended, appellant was informed there were 10 days from the letter with deficiencies.
- 17- On 08/15/2025 Appellant called again and was told that the length of the petition of rehearing en banc has to be fixed, appellant called several times and according to the clerk appellant fixed the deficient petition of re-hearing en banc five times, however, in any previous letters received by the court over the appellant petition of rehearing en-banc, mentions any issue with the length of the petition.
- 18- Appellant is a pro se litigant and is not available to see the case online. The letter received by the court were received with delay, appellant sent photos to the court, of delayed mail, and finally the clerk office provides wrong information to pro se litigants, entertaining with

amending deficiencies , never told at the beginning, to elapse the due time and have a constituent forfeit the right of complaint and remedy through a deceitful due process United States have installed on its court, not allowing a pacer account for free to follow the case, and *pro se litigants* must to follow whatever stupidity the clerk would provide over the phone to waste due process time ending in overlapping due date for a higher court review.

- 19- Petitioner over the phone received the deficiencies of the petition and was told that the length of from 10,502 words to 3900 words, and the Court order has to be added, in the due date of filling a Writ of Certiorari with the U.S. Supreme court.
- 20- Petitioner called the SCOTUS clerk and was informed to call the Appellate court for the fifth circuit to work out the problem with the court, according to Mrs. Rashanda.

Phone calls information:

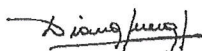
21- Petitioner had called the Appellate Court for the Fifth Circuit Clerk to request information of the status of the case on :

- 22- 08/20/2025 at 02:04 PM for 4 minutes
- 23- 08/20/2025 at 01:51 PM for 12 minutes
- 24- 08/15/2025 at 09:03 AM for 3 minutes
- 25- 08/12/2025 at 04:17 PM for 5 minutes
- 26- 08/20/2025 at 02:04 PM for 4 minutes
- 27- 08/04/2025 at 11:00 AM for 10 minutes
- 28- 08/20/2025 at 02:04 PM for 4 minutes
- 29- 07/29/2025 at 03:26 PM for 7 minutes
- 30- 07/29/2025 at 11:20 PM for 2 minutes
- 31- 07/15/2025 at 04:52 PM for 6 minutes
- 32- 07/15/2025 at 10:40 AM for 7 minutes
- 33- 07/03/2025 at 03:29 PM for 4 minutes
- 34- 06/23/2025 at 01:45 PM for 2 minutes
- 35- 06/12/2025 at 10:55 AM for 16 minutes
- 36- 06/09/2025 at 03:56 PM for 12 minutes
- 37- 06/03/2025 at 10:49 AM for 12 minutes
- 38- 08/20/2025 at 02:04 PM for 4 minutes
- 39- 05/28/2025 at 12:45 PM for 10 minutes
- 40- 05/21/2025 at 11:20 AM for 8 minutes
- 41- 05/16/2025 at 10:57 AM for 2 minutes
- 42- 05/08/2025 at 09:04 AM for 1 minute
- 43- 04/30/2025 at 01:18 PM for 2 minutes

A Total of 137 minutes, equal to 2 hours and 28 minutes of request of the case information because petitioner cannot see the case updates online. For not having a PACER account for litigation in forma pauperis to follow the case online and obtain the right information.

Petitioner appreciate the clerks; however, it results inconsistent if they inform petitioner "it is ok to file amended petition of rehearing en banc and provides a blessing" and at the same day stuck the case. Whether the verbal information shall be accurate and the same information in writing, or an online system must be allowed to indigent pro se litigants, were *we are all equal in front of the law that no one is above*. This Court administrative process is deceitful

- 44- Petitioner request this Honorable court to reinstate the case for the petition of rehearing en banc will decide to grant or deny to a petitioner exhaust the administrative way with a Writ of Certiorari, because a Strike by the court suspends petitioner due process for administrative issues related to imperfected notification, mail delays and phone call directions that a constituent must to rely upon, without the possibility to see the case online for not been available to afford a PACER account for indigency.
- 45- Petitioner respectfully remind this court, that the whole judicial system is sustained by constituents tax dollars, who have absolute right as an attorney to same equal possibilities to follow the case at no cost, otherwise the due process is deceitful relying in USPS delays, wrongful clerk information and earlier disposition of case without clarification of why while all insufficient requests were completed, leaving a Constitutional gap on complaints against the Public institutions that only political lawsuits prosper, according the attorneys on charge.
- 46- In the case this court decide not to hear Petitioner's Petition of Rehearing Enbanc, petitioner informs will proceed to file a complaint with the International Labor Organization against respondents, and UN for violation of international treaty and deceptive judicial due process.
- 47- Petitioner request to Grant this Motion to reinstate the petition of rehearing en banc to either produce a granted or denial decision.
- 48- Respectfully submitted,



/S/ DIANA I. REISMANN SEXTON
565 S MASON RD. #523, KATY, TX 77450
dianareismann@gmail.com

Copied to:

THE HONORABLE KEN PAXTON
ATTORNEY GENERAL OF TEXAS
MR. MARTIN ARROYO
COUNSEL FOR DEFENDANTS

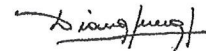
P.O.BOX 12548, Capitol Station Austin, Texas 7811-2548
(512) 475-4212/Fax (512) 320-0667

martin.arroyo@aog.texas.gov

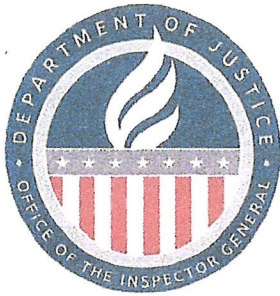
CERTIFICATE OF SERVICE

I declare that the information in this Certificate of Service is true and correct, and this document has been sent *by pro se email* given on 08/20/2025 to the Honorable Court of Appeals for the Fifth Circuit

THE HONORABLE KEN PAXTON
ATTORNEY GENERAL OF TEXAS
MR. MARTIN ARROYO
COUNSEL FOR DEFENDANTS
P.O.BOX 12548, Capitol Station Austin, Texas 7811-2548
(512) 475-4212/Fax (512) 320-0667
martin.arroyo@aog.texas.gov

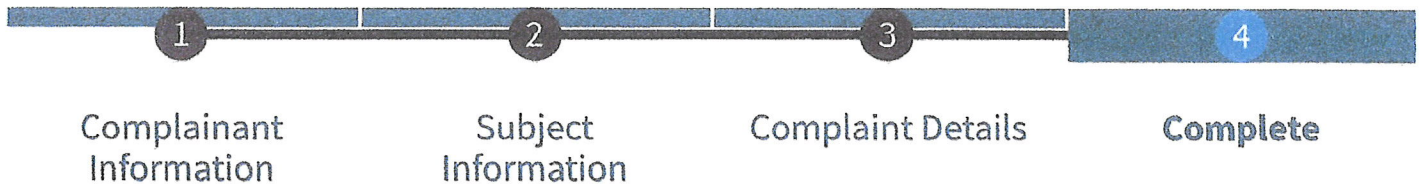


/S/ DIANA I. REISMANN SEXTON
565 S MASON RD. #523, KATY, TX 77450
dianareismann@gmail.com



U.S. Department of Justice Office of the Inspector General

MENU



Thank you for your submission. The Department of Justice, Office of the Inspector General will review your complaint and determine an appropriate course of action. Due to privacy interests, we do not provide complainants with updates on investigative matters. If you identified yourself, you will receive an acknowledgement once a determination has been made.

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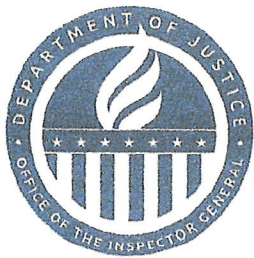
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**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

December 5, 2025

Diana I. Reismann Sexton
565 S. Mason Rd.
No. 523
Katy, TX 77450

COPY

RE: Diana I. Reismann Sexton v. Margaret Rollins, et al.
USCA5 No. 24-20296

Dear Ms. Sexton:

The above-entitled petition for a writ of certiorari was postmarked November 18, 2025 and received November 26, 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.

The time for filing a petition for a writ of certiorari is not controlled by the date of the issuance of the mandate. Rule 13.3.

Sincerely,
Scott S. Harris, Clerk
By:

COPY

Pipa Fisher
(202) 479-3019

Enclosures