

# IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2026

MAXWELL CHIBUEZE EZENWA,  
Petitioner,

v.

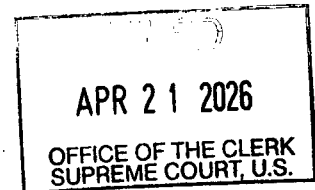
UNITED STATES OF AMERICA; and SHERYL FRYER,  
Respondents.

On Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Fifth Circuit

Fifth Circuit No. 25-20314  
S.D. Texas No. H-24-1510

ORIGINAL

26-5861



## PETITION FOR A WRIT OF CERTIORARI

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## QUESTIONS PRESENTED

1. Whether, under *Houston v. Lack*, 487 U.S. 266 (1988), and Federal Rule of Appellate Procedure 4(c)(1), a pro se prisoner's notice of appeal is deemed filed when it is delivered to prison officials for forwarding, and whether a court of appeals must determine that filing date before dismissing the appeal as untimely.
2. Whether the Fifth Circuit erred in dismissing Petitioner's civil appeal for lack of jurisdiction without addressing the prison-mailbox filing rule applicable to an incarcerated pro se litigant, where the appeal concerned dismissal of federal constitutional claims arising from alleged wrongful arrest, prosecution, seizure of property, and related conduct.

## LIST OF PARTIES

Pursuant to Supreme Court Rule 14.1(b)(i), the parties to the proceeding in the court whose judgment is sought to be reviewed are:

1. Maxwell Chibueze Ezenwa, Plaintiff-Appellant/Petitioner.

2. United States of America, Defendant-Appellee/Respondent.

3. Sheryl Fryer, Defendant-Appellee/Respondent.

No party identified above has a stock ticker symbol.

## CORPORATE DISCLOSURE STATEMENT

Petitioner is an individual proceeding pro se.

The United States of America is a governmental party and is not required to provide a corporate disclosure statement.

Respondent Sheryl Fryer is an individual.

No publicly held corporation owns 10% or more of any party identified above.

## DIRECTLY RELATED PROCEEDINGS

Pursuant to Supreme Court Rule 14.1(b)(iii), Petitioner identifies the following proceedings directly related to this case:

### 1. United States District Court for the Southern District of Texas, Houston Division

Maxwell Chibueze Ezenwa v. United States of America, et al.

Civil Action No. H-24-1510

Judgment/order entered May 10, 2024.

The district court dismissed Petitioner's claims against the United States with prejudice and dismissed the claims against Sheryl Fryer as described in its May 10, 2024 Memorandum Opinion and Order.

### 2. United States Court of Appeals for the Fifth Circuit

Maxwell Chibueze Ezenwa v. United States of America; Sheryl Fryer

No. 25-20314

Decision entered January 30, 2026.

The Fifth Circuit dismissed the appeal for lack of jurisdiction after concluding that Petitioner's notice of appeal from the district-court judgment was untimely.

No state-court proceeding is the subject of this petition.

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## TABLE OF AUTHORITIES

### Supreme Court Cases

*Bowles v. Russell*, 551 U.S. 205 (2007)

*Fallen v. United States*, 378 U.S. 139 (1964)

*Houston v. Lack*, 487 U.S. 266 (1988)

*Parissi v. Telechron, Inc.*, 349 U.S. 46 (1955)

*Heck v. Humphrey*, 512 U.S. 477 (1994)

*Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971)

## Fifth Circuit Cases

*Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997)

*Johnson v. McElveen*, 101 F.3d 423 (5th Cir. 1996)

*Mosley v. Cozby*, 813 F.2d 659 (5th Cir. 1987)

## Rules and Statutes

28 U.S.C. § 1254(1)

28 U.S.C. § 1331

28 U.S.C. § 1915

28 U.S.C. § 1915(e)(2)

28 U.S.C. § 2107

Fed. R. App. P. 3

Fed. R. App. P. 4(a)

Fed. R. App. P. 4(c)

Sup. Ct. R. 10

Sup. Ct. R. 12

Sup. Ct. R. 13

Sup. Ct. R. 14

Sup. Ct. R. 29

Sup. Ct. R. 33.2

Sup. Ct. R. 39

## BASIS FOR JURISDICTION

The United States Court of Appeals for the Fifth Circuit entered judgment in No. 25-20314 on January 30, 2026. The Fifth Circuit dismissed Petitioner's appeal for lack of jurisdiction after determining that Petitioner's notice of appeal from the district court's judgment was untimely.

This Court has jurisdiction under 28 U.S.C. § 1254(1) to review by writ of certiorari a final judgment of a United States court of appeals.

Petitioner seeks review of only the Fifth Circuit judgment in No. 25-20314.

The underlying district-court proceeding was H-24-1510, United States District Court for the Southern District of Texas, Houston Division.

The district court entered its relevant Memorandum Opinion and Order on May 10, 2024.

The Fifth Circuit entered its judgment on January 30, 2026.

Petitioner's original petition for certiorari was postmarked April 21, 2026. The Supreme Court Clerk returned the petition by letter dated September 15, 2026, identifying form and content deficiencies. Petitioner submits this corrected petition pursuant to Supreme Court Rule 14.5 within the period specified by the Clerk.

The 2026 Rules expressly provide that a timely petition returned for a form deficiency may be corrected and resubmitted within 60 days of the Clerk's letter and deemed timely.

## CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

### United States Constitution

#### Fifth Amendment

"No person shall be . . . deprived of life, liberty, or property, without due process of law."

U.S. Const. amend. V.

#### Fourth Amendment

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated."

U.S. Const. amend. IV.

#### Sixth Amendment

"In all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defence."

U.S. Const. amend. VI.

#### Fourteenth Amendment

"No State shall . . . deprive any person of life, liberty, or property, without due process of law."

U.S. Const. amend. XIV, § 1.

## First Amendment

"Congress shall make no law . . . abridging the freedom of speech, or of the press."

U.S. Const. amend. I.

The First, Fourth, Fifth, Sixth, and Fourteenth Amendments are identified because they were implicated by the underlying allegations and proceedings. The immediate question before this Court, however, concerns the Fifth Circuit's dismissal of the appeal as untimely.

## 28 U.S.C. § 1254(1)

Section 1254(1) provides jurisdiction for this Court to review by writ of certiorari final judgments or decrees of United States courts of appeals.

## Federal Rule of Appellate Procedure 4(c)(1)

Rule 4(c)(1) establishes a special filing procedure for an inmate confined in an institution. It provides, in substance, that an inmate's notice of appeal may be timely when deposited in the institution's internal mail system by the filing deadline and the required declaration or notarized statement is supplied.

## STATEMENT OF THE CASE

### A. The underlying federal action

Petitioner, proceeding pro se, filed a civil action in the United States District Court for the Southern District of Texas, Houston Division, Civil Action No. H-24-1510, against the United States of America and Sheryl Fryer.

The complaint included allegations concerning wrongful arrest, prosecution, imprisonment, constitutional violations, and alleged reporting by Sheryl Fryer. The district court construed portions of the complaint as arising under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971), and also considered state-law claims.

The district court's May 10, 2024 order dismissed Petitioner's claims against the United States with prejudice and dismissed the claims against Sheryl Fryer as stated in the order.

The district court relied, among other things, upon the rule announced in *Heck v. Humphrey*, 512 U.S. 477 (1994), in addressing claims that implicated Petitioner's criminal conviction.

### B. The appeal

Petitioner sought appellate review in the United States Court of Appeals for the Fifth Circuit.

The appeal was docketed as No. 25-20314.

The Fifth Circuit record identifies Petitioner as Maxwell Chibueze Ezenwa and the respondents as the United States of America and Sheryl Fryer.

Petitioner also sought leave to proceed in forma pauperis.

The Fifth Circuit ultimately addressed jurisdiction rather than the merits of Petitioner's underlying constitutional and civil claims.

### C. The Fifth Circuit's January 30, 2026 decision

On January 30, 2026, the Fifth Circuit issued a per curiam decision.

The court stated that an untimely notice of appeal in a civil case deprives the court of jurisdiction and relied upon *Bowles v. Russell*, 551 U.S. 205 (2007).

The court concluded:

"Because Ezenwa did not file a timely notice of appeal from the district court's judgment dismissing his complaint, this court lacks jurisdiction over the instant appeal."

The Fifth Circuit therefore dismissed No. 25-20314 for lack of jurisdiction and denied Petitioner's IFP motion as moot.

The Fifth Circuit did not adjudicate the merits of Petitioner's underlying allegations concerning the Fourth, Fifth, Sixth, or Fourteenth Amendments.

## REASONS FOR GRANTING THE WRIT

This petition presents an important question concerning the application of the prison-mailbox rule to an incarcerated, pro se litigant.

The Supreme Court established in *Houston v. Lack*, 487 U.S. 266 (1988), that a pro se prisoner's notice of appeal is filed when the prisoner delivers it to prison authorities for forwarding, rather than when the document is later received and file-stamped by the court.

Congress and the federal appellate rules subsequently incorporated a specific inmate-filing procedure in Federal Rule of Appellate Procedure 4(c)(1). That rule expressly applies to notices of appeal in both civil and criminal cases.

The question presented therefore concerns the proper determination of the filing date of a pro se inmate's notice of appeal.

The Court's review is warranted to ensure that the rule governing incarcerated litigants is applied consistently and that the jurisdictional consequences of a filing deadline are determined using the legally prescribed filing date.

## ARGUMENT

### I. THE COURT SHOULD GRANT REVIEW TO CLARIFY THE APPLICATION OF THE PRISON-MAILBOX RULE TO PETITIONER'S APPEAL.

In *Houston v. Lack*, this Court recognized the unique circumstances facing prisoners proceeding without counsel.

A prisoner cannot personally deliver a notice of appeal to the district-court clerk. Instead, the prisoner must entrust the document to prison officials for forwarding.

The Court therefore held that a pro se prisoner's notice of appeal is filed when delivered to prison authorities for forwarding to the court.

That principle was not merely a discretionary equitable rule. It established the legal point at which filing occurs for an incarcerated pro se litigant.

The current Federal Rule of Appellate Procedure 4(c)(1) provides an express mechanism for applying that principle.

The Rule provides that an inmate confined in an institution may establish timely filing by depositing the notice in the institution's internal mail system on or before the last day for filing and satisfying the Rule's declaration or notarized-statement requirements.

Accordingly, determining whether Petitioner's appeal was timely requires examination of the applicable inmate filing date.

### II. THE FIFTH CIRCUIT'S JURISDICTIONAL ANALYSIS SHOULD BE REVIEWED IN LIGHT OF RULE 4(c)(1).

The Fifth Circuit relied upon *Bowles v. Russell* for the proposition that an untimely civil notice of appeal deprives the court of jurisdiction.

Petitioner does not dispute that jurisdictional filing requirements must be respected.

The issue is when the notice was legally filed.

A jurisdictional deadline cannot be applied without first identifying the legally applicable filing date.

For an incarcerated pro se appellant, Rule 4(c)(1) specifically addresses that question.

Thus, the relevant inquiry is not necessarily the date on which the district court physically stamped the notice, but whether the inmate satisfied Rule 4(c)(1)'s requirements.

This distinction is significant because *Houston* expressly recognized that a prisoner loses control over the document once it is delivered to prison authorities for forwarding.

### III. *HOUSTON* v. *LACK* DIRECTLY RECOGNIZES THE UNIQUE POSITION OF PRO SE PRISONERS.

The circumstances identified by this Court in *Houston* are especially relevant to Petitioner.

The Court explained that an incarcerated pro se litigant cannot personally monitor delivery to the court clerk in the manner available to an ordinary litigant.

The Court therefore adopted a bright-line rule under which delivery to prison authorities constitutes filing.

That rule protects against attributing institutional mailing or processing delays to the prisoner.

The current Rule 4(c)(1) provides an additional procedural mechanism for demonstrating the date of deposit.

The Supreme Court should clarify that an appellate court considering timeliness must apply the rule governing inmate filing rather than treating the court-stamped receipt date as necessarily controlling.

### IV. THE QUESTION IS PARTICULARLY IMPORTANT IN A PRO SE CIVIL-RIGHTS CASE.

Petitioner's underlying civil action was filed pro se and concerned alleged constitutional violations.

The district court's opinion reflects that Petitioner alleged wrongful arrest, wrongful prosecution, false imprisonment, and other claims concerning his criminal proceeding.

The district court dismissed the federal claims without reaching a trial on the allegations.

The Fifth Circuit likewise did not address the merits because it dismissed the appeal on jurisdictional grounds.

Consequently, the timeliness question became dispositive.

If the Fifth Circuit's filing-date determination is incorrect under *Houston* and Rule 4(c)(1), Petitioner would have been deprived of appellate consideration of the district-court judgment without consideration of the merits.

### V. THE UNDERLYING CONSTITUTIONAL ISSUES PROVIDE IMPORTANT CONTEXT, BUT THE PRESENT PETITION SEEKS REVIEW OF THE FIFTH CIRCUIT JUDGMENT.

Petitioner recognizes the distinction between the merits of the underlying civil action and the jurisdictional question decided by the Fifth Circuit.

The underlying complaint raised allegations involving, among other matters:

- alleged wrongful arrest;
- alleged seizure of personal property;
- alleged constitutional violations;
- alleged wrongful prosecution;
- alleged prosecutorial misconduct;
- alleged deprivation of property;
- alleged deficiencies concerning evidence and proceedings; and
- alleged harm arising from reporting concerning Petitioner's criminal case.

The district court treated certain claims as implicating Petitioner's criminal conviction and applied *Heck v. Humphrey*.

But the Fifth Circuit did not determine whether those underlying claims were meritorious.

Petitioner therefore does not ask this Court in this petition to decide those factual questions in the first instance.

Instead, Petitioner asks this Court to determine whether the Fifth Circuit correctly applied the law governing the filing date of a notice of appeal by a pro se prisoner.

If the Court grants review and determines that the appeal was timely, the appropriate disposition would be to vacate the Fifth Circuit's dismissal and remand for further proceedings.

## VI. THE PETITION SATISFIES THE PURPOSE OF RULE 10 BECAUSE IT CONCERNS AN IMPORTANT FEDERAL PROCEDURAL QUESTION.

Supreme Court Rule 10 identifies circumstances that may warrant certiorari, including an important federal question decided in a manner requiring the Court's supervisory authority.

The Court's Rules also caution that certiorari ordinarily is not granted merely to correct factual findings or ordinary misapplications of settled law.

Petitioner therefore presents a narrow legal question concerning the interaction between:

1. *Houston v. Lack*;
2. Federal Rule of Appellate Procedure 4(c)(1);
3. the jurisdictional character of appellate deadlines under *Bowles v. Russell*; and
4. the dismissal of an appeal filed by an incarcerated pro se litigant.

The question affects the access of incarcerated litigants to federal appellate review and can be resolved by this Court without requiring the Court to determine Petitioner's underlying factual

Petitioner further respectfully requests that, upon review, the Court determine whether the Fifth Circuit correctly applied the jurisdictional rule of *Bowles v. Russell* after determining the legally operative filing date under *Houston v. Lack* and Federal Rule of Appellate Procedure 4(c)(1).

If the Court determines that the Fifth Circuit did not properly apply the governing filing-date rule, Petitioner respectfully requests that the Court **vacate the judgment of the Fifth Circuit and remand the case for further proceedings consistent with the Court's opinion.**

Petitioner seeks no equitable exception to a jurisdictional deadline. He seeks application of the federal rules determining when an incarcerated pro se litigant's notice of appeal is legally filed.

Respectfully submitted,

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