

No. _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

LESTER THOMAS BUTCHER,
Applicant,

v.

**ERIC GUERRERO, DIRECTOR, TEXAS DEPARTMENT OF
CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,**
Respondent.

**APPLICATION TO THE HONORABLE SAMUEL A. ALITO, JR.,
ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED
STATES AND CIRCUIT JUSTICE FOR THE FIFTH CIRCUIT, FOR AN
EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF
CERTIORARI TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

Lester Thomas Butcher
Applicant Pro Se
TDCJ No. 02223373
Polunsky Unit
3872 FM 350 South
Livingston, Texas 77352

To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Fifth Circuit:

Pursuant to Supreme Court Rules 13.5, 22, and 30, Applicant Lester Thomas Butcher respectfully requests a sixty (60) day extension of time, to and including October 2, 2026, within which to file a petition for a writ of certiorari. This extension is sought for Applicant alone, who is the sole party seeking review. In support of this Application, Applicant states as follows:

I. Jurisdiction

This Application is submitted pursuant to Supreme Court Rule 13.5. Review is sought from the Fifth Circuit's denial of a certificate of appealability following the district court's denial of relief under 28 U.S.C. § 2254. The judgment sought to be reviewed is the order of the United States Court of Appeals for the Fifth Circuit in No. 25-40634, entered on March 27, 2026, denying a certificate of appealability. Rehearing En Banc was denied on May 5, 2026. Copies of the order denying a certificate of appealability and the order denying rehearing en banc are attached as Appendix A and Appendix B, respectively.

The jurisdiction of this Court would be invoked under 28 U.S.C. § 1254(1). Unless extended, the time to file a petition for a writ of certiorari expires on August 3, 2026, ninety days after the denial of rehearing en banc. See Sup. Ct. R. 13.1, 13.3, 30.1. This Application is filed more than ten days before that date. See Sup. Ct. R. 13.5, 30.2.

II. Procedural History

Applicant was convicted in the 420th Judicial District Court of Nacogdoches County, Texas. After direct review and state habeas proceedings, Applicant sought federal habeas relief in the United States District Court for the Eastern District of Texas, Lufkin Division, Civil

Action No. 9:22-cv-00096-MAC-CLS. The Fifth Circuit denied a certificate of appealability and later denied rehearing En Banc in No. 25-40634 on May 5, 2026.

III. Good Cause

Applicant is incarcerated and proceeding pro se with limited access to legal research materials and institutional resources. Additional time is necessary to review the extensive state and federal record and prepare a petition presenting substantial constitutional questions in compliance with the Rules of the Supreme Court. This request is made in good faith and not for delay. This is Applicant's first request for an extension of time.

IV. Prayer for Relief

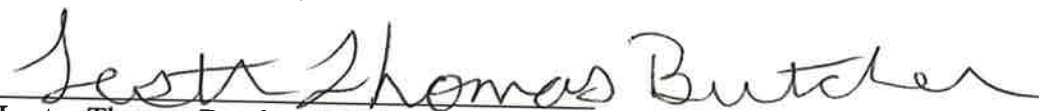
WHEREFORE, Applicant respectfully requests that the Circuit Justice grant a sixty-day extension of time, to and including October 2, 2026, within which to file a Petition for a Writ of Certiorari, and grant such other relief as the Court deems just and proper.

Declaration

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the factual statements contained in this Application are true and correct to the best of my knowledge and belief.

Executed on this 14th day of July, 2026.

Respectfully submitted,



Lester Thomas Butcher, Applicant Pro Se

TDCJ No. 02223373

Polunsky Unit

3872 FM 350 South

Livingston, Texas 77352

**CERTIFICATE OF SERVICE AND
DECLARATION OF INMATE FILING**

I, Lester Thomas Butcher, certify that on the 14th day of JULY, 2026, I caused a true and correct copy of the foregoing Application for Extension of Time to File a Petition for a Writ of Certiorari, together with all accompanying documents, to be served with first-class postage prepaid, properly addressed to counsel for the Respondent as follows:

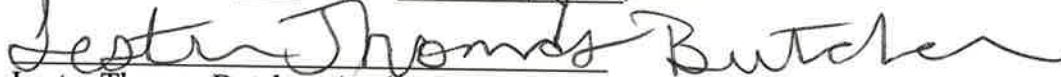
Justine Isabelle Caedo Tan
Assistant Attorney General, Criminal Appeals Division
Counsel for Respondent
Office of the Attorney General of Texas
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Telephone: (512) 936-1400

On the same date, mailed with first-class postage prepaid, addressed to the Office of the Clerk, Supreme Court of the United States, 1 First Street, N.E., Washington, D.C. 20543.

All parties required to be served have been served. I certify that service has been made in accordance with the Rules of the Supreme Court of the United States and that the foregoing constitutes the manner in which service was accomplished upon counsel for the Respondent.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on this 14th day of JULY, 2026.



Lester Thomas Butcher, Applicant Pro Se

TDCJ No. 02223373

Polunsky Unit

3872 FM 350 South

Livingston, Texas 77352

**APPENDIX
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Appendix A — Order of the United States Court of Appeals for the Fifth Circuit denying a certificate of appealability, No. 25-40634 (entered March 27, 2026).

Appendix B — Order of the United States Court of Appeals for the Fifth Circuit denying the petition for rehearing En Banc, No. 25-40634 (entered May 5, 2026).

Copies of Appendices A and B are attached hereto.

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 5, 2026

Lyle W. Cayce
Clerk

No. 25-40634

LESTER THOMAS BUTCHER,

Petitioner—Appellant,

versus

ERIC GUERRERO, *Director, Texas Department of Criminal Justice,*
Correctional Institutions Division,

Respondent—Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:22-CV-96

ON PETITION FOR REHEARING EN BANC

Before ELROD, *Chief Judge*, and JONES and HIGGINSON, *Circuit Judges*.
PER CURIAM:

Treating the petition for rehearing *en banc* as a motion for reconsideration (5TH CIR. R.40 I.O.P.), the motion for reconsideration is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing *en banc* (FED. R. APP. P.40 and 5TH CIR. R.40), the petition for rehearing *en banc* is DENIED.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

May 05, 2026

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 25-40634 Butcher v. Guerrero
USDC No. 9:22-CV-96

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Rebecca L. Leto, Deputy Clerk
504-310-7703

Mr. Lester Thomas Butcher
Mr. David O'Toole
Ms. Justine Isabelle Caedo Tan

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 27, 2026

Lyle W. Cayce
Clerk

No. 25-40634

LESTER THOMAS BUTCHER,

Petitioner—Appellant,

versus

ERIC GUERRERO, *Director, Texas Department of Criminal Justice,*
Correctional Institutions Division,

Respondent—Appellee.

Application for Certificate of Appealability
the United States District Court
for the Eastern District of Texas
USDC No. 9:22-CV-96

ORDER:

Lester Thomas Butcher, Texas prisoner # 2223373, moves this court for a certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. § 2254 application challenging his conviction and life sentence for capital murder. He contends that he was denied effective assistance of counsel at trial.

To obtain a COA, Butcher must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Where, as here, a district court has rejected a claim on the merits, an applicant “must

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demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Butcher has not made the requisite showing. *See id.* Accordingly, his request for a COA is DENIED.

/s/ Jennifer W. Elrod

JENNIFER WALKER ELROD

Chief Judge



Certified as a true copy and issued
as the mandate on Apr 20, 2026

Attest:

Jyle W. Cayce

Clerk, U.S. Court of Appeals, Fifth Circuit

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

April 20, 2026

Mr. David O'Toole
Eastern District of Texas, Lufkin
United States District Court
104 N. 3rd Street
Lufkin, TX 75901-0000

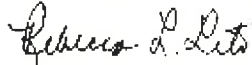
No. 25-40634 Butcher v. Guerrero
USDC No. 9:22-CV-96

Dear Mr. O'Toole,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: Rebecca L. Leto, Deputy Clerk
504-310-7703

cc w/encl:

Mr. Lester Thomas Butcher
Ms. Justine Isabelle Caedo Tan