

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

ELIESER SORI RODRIGUEZ,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

**ON APPLICATION FOR EXTENSION OF TIME TO FILE
A PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

**APPLICATION TO THE HONORABLE CLARENCE THOMAS,
ASSOCIATE JUSTICE OF THE SUPREME COURT AND
CIRCUIT JUSTICE FOR THE ELEVENTH CIRCUIT,
FOR A 60-DAY EXTENSION OF TIME**

ELIESER SORI RODRIGUEZ

Reg. No. 58913-510

FCI Oakdale II

P.O. Box 5010

Oakdale, Louisiana 71463

Applicant, pro se

Telephone: None available to incarcerated Applicant

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APPLICATION FOR EXTENSION OF TIME

TO THE HONORABLE CLARENCE THOMAS, ASSOCIATE JUSTICE OF THE SUPREME COURT AND CIRCUIT JUSTICE FOR THE ELEVENTH CIRCUIT:

Applicant Elieser Sori Rodriguez, proceeding pro se and incarcerated at FCI Oakdale II, respectfully applies under Supreme Court Rule 13.5 for a 60-day extension of time, from August 20, 2026, through October 19, 2026, within which to file a petition for a writ of certiorari seeking review of the United States Court of Appeals for the Eleventh Circuit's order denying a certificate of appealability in No. 25-13238. This application is timely under Rules 13.5, 29.2, and 30.2 if deposited in the institution's internal mail system no later than August 10, 2026.

JURISDICTION AND RELEVANT DATES

1. In an order signed July 31, 2025, and entered August 1, 2025, the United States District Court for the Southern District of Florida denied Applicant's pro se motion under 28 U.S.C. § 2255 in D.C. No. 2:24-cv-14360-RLR, related to criminal case No. 2:23-cr-14016-RLR-1. Applicant sought a certificate of appealability in the Eleventh Circuit, No. 25-13238.

2. On April 27, 2026, the Eleventh Circuit denied Applicant's request for a certificate of appealability. A copy of that order is attached as Appendix A.

3. Applicant timely sought reconsideration under Eleventh Circuit Rules 22-1(c) and 27-2. On May 22, 2026, a two-judge panel denied reconsideration. A copy of that order is attached as Appendix B.

4. Supreme Court Rule 13.3 provides that when a timely petition for rehearing is filed in the lower court, the 90-day period to seek certiorari runs from the denial of rehearing. The Eleventh Circuit's April 27, 2026 order denying a certificate of appealability issued as the mandate under Eleventh Circuit Rule 41-4, and the Clerk's transmittal expressly directed pro se parties to Eleventh Circuit Rule 27-2 and its 21-day period for a motion to reconsider, vacate, or modify the order. Under Eleventh Circuit Rules 22-1(c) and 27-2, reconsideration is the rehearing-type procedure available to seek further review of a COA denial, because a COA denial may be reconsidered but may not be the subject of panel rehearing

or rehearing en banc. Applicant timely filed that motion, and on May 22, 2026, Circuit Judges Luck and Kidd denied reconsideration by the Court after reviewing the April 27 order. The 90-day period therefore runs from May 22, 2026, making the petition due August 20, 2026; the requested 60-day extension would extend the deadline through October 19, 2026.

5. This Court has jurisdiction under 28 U.S.C. § 1254(1). See *Hohn v. United States*, 524 U.S. 236, 253 (1998) (holding that this Court has jurisdiction to review a court of appeals' denial of a certificate of appealability).

6. No prior application for an extension of time has been made in this case.

GOOD CAUSE FOR THE REQUESTED EXTENSION

7. Applicant is incarcerated, is proceeding without counsel, and must conduct legal research, obtain and review records, prepare papers, and file through institutional legal mail with limited access to legal materials and copying resources.

8. The contemplated petition concerns the proper application of the certificate-of-appealability standard to plea-validity ineffective-assistance claims and the denial of an evidentiary hearing under 28 U.S.C. § 2255(b). The issues arise from record-based allegations concerning counsel's pre-plea investigation and advice, objective documentary conflicts, evidence concerning Carlos Liriano Burgos, the factual proffer, and the plea colloquy. Preparing a Rule 14-compliant petition requires careful review of the underlying § 2255 record and the appellate rulings.

9. Applicant has also been required, during the same short period, to respond to newly initiated removal proceedings arising from the same federal convictions. The Department of Homeland Security issued a Notice to Appear dated July 22, 2026; the immigration case was docketed on July 27, 2026; and an initial master calendar hearing is scheduled for August 10, 2026. Applicant must simultaneously seek immigration counsel, address the charging allegations, and preserve applications for protection from removal. These new, time-sensitive proceedings materially reduce the limited prison legal time and resources available to prepare the certiorari petition.

10. Applicant has acted diligently. He timely sought reconsideration of the April 27 order and now seeks this extension before expiration of the period prescribed by Rule 13.5. The requested extension is sought to permit preparation of a focused and procedurally compliant petition, not for purposes of delay.

11. A 60-day extension will not prejudice the United States. It will allow Applicant sufficient time, within the constraints of incarceration and the newly commenced immigration proceedings, to review the record and present the questions for review in the form required by this Court.

12. To the extent this application is filed fewer than 10 days before the final filing date, Applicant respectfully submits that the circumstances described above, taken together with his incarceration and institutional mail constraints, constitute the extraordinary circumstances contemplated by Rule 13.5 and the most extraordinary circumstances contemplated by Rule 30.2. DHS issued a Notice to Appear on July 22, 2026, removal proceedings were newly commenced, and Applicant's first master calendar hearing is set for August 10, 2026. As an incarcerated pro se litigant, Applicant has been required to address those new removal proceedings at the same time he is preparing this Supreme Court filing, with limited access to legal materials, copying, and institutional legal mail.

CONCLUSION

For these reasons, Applicant respectfully requests that the time to file a petition for a writ of certiorari be extended by 60 days, from August 20, 2026, through October 19, 2026.

Respectfully submitted,

Elieser Sori Rodriguez
ELIESER SORI RODRIGUEZ
Reg. No. 58913-510
FCI Oakdale II
P.O. Box 5010
Oakdale, Louisiana 71463
Applicant, pro se

Date: August 8, 2026

CERTIFICATE OF SERVICE AND FILING

I hereby certify under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. On August 08, 2026, I caused the original and two copies of the foregoing Application for Extension of Time, together with its appendices, to be delivered to a third-party commercial carrier for delivery within three calendar days to: Clerk, Supreme Court of the United States, 1 First Street, NE, Washington, DC 20543.

2. On the same date, and by the same means, I caused one complete copy of the Application and its appendices to be served upon: Solicitor General of the United States, Room 5616, Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001. Telephone: (202) 514-2217.

3. Applicant is incarcerated at FCI Oakdale II and is proceeding pro se. This certificate is made pursuant to 28 U.S.C. § 1746 and Supreme Court Rules 29.2, 29.4(a), and 29.5.

Executed on August 8, 2026.

Elieser Sori Rodriguez

APPENDIX
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Document	Appendix
Eleventh Circuit Order Denying Certificate of Appealability, No. 25-13238 (Apr. 27, 2026)	A
Eleventh Circuit Order Denying Reconsideration, No. 25-13238 (May 22, 2026)	B

NOTE: The complete filing PDF appends copies of the April 27, 2026 and May 22, 2026 Eleventh Circuit orders after this table of contents.

APPENDIX A

Order of the United States Court of Appeals
for the Eleventh Circuit
Denying Certificate of Appealability

No. 25-13238
Entered April 27, 2026

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

April 27, 2026

Elieser Sori Rodriguez
FCI Oakdale II - Inmate Legal Mail
PO BOX 5010
OAKDALE, LA 71463

Appeal Number: 25-13238-E
Case Style: Elieser Rodriguez v. USA
District Court Docket No: 2:24-cv-14360-RLR
Secondary Case Number: 2:23-cr-14016-RLR-1

The enclosed copy of this Court's order denying the application for a Certificate of Appealability is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Any pending motions are now rendered moot in light of the attached order.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

Enclosure(s)

DIS-4 Multi-purpose dismissal letter

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13238

ELIESER SORI RODRIGUEZ,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 2:24-cv-14360-RLR

ORDER:

Elieser Rodriguez moves for a certificate of appealability (“COA”), in order to appeal the district court’s denial of his pro se 28 U.S.C. § 2255 motion. The district court denied the motion on the merits, in part, and as procedurally defaulted, in part.

To obtain a COA, a petitioner must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). When the district court denied a constitutional claim

on the merits, a movant must show 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) (quotations omitted). When it denied a claim on procedural grounds, the movant must show that reasonable jurists would debate whether: (1) the petition states a valid claim of the denial of a constitutional right; and (2) the district court was correct in its procedural ruling. *Id.*

Here, reasonable jurists would not debate the district court’s denial of Rodriguez’s § 2255 motion. *See id.* First, he has not stated a valid claim under *Brady v. Maryland*, 373 U.S. 83 (1963), regarding the government’s failure to disclose Carlos Burgos’s statement, as he alleges that his counsel could have obtained Burgos’s testimony with due diligence. *See United States v. Vallejo*, 297 F.3d 1154, 1164 (11th Cir. 2002). Second, his claim that counsel should have investigated Burgos as a potential witness, and investigated various discrepancies in the government’s factual allegations, is waived by his guilty plea. *Wilson v. United States*, 962 F.2d 996, 997 (11th Cir. 1992).

Third, counsel was not ineffective for failing to call his codefendants as witnesses at the sentencing hearing to “impeach” them and challenge a U.S.S.G. § 3B1.1(c) leadership-role enhancement, because Rodriguez has not shown that no competent counsel would have failed to call the codefendants in addition to making extensive arguments challenging the enhancement. *See United States v. Freixas*, 332 F.3d 1314, 1319-20 (11th Cir. 2003).

25-13238

Order of the Court

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Fourth, Rodriguez's claim that the district court erred in treating his ineffective assistance of counsel claims as procedurally defaulted fails, because the district court did not find that those claims were procedurally defaulted. Fifth, the district court appropriately relied on the factual proffer and Rodriguez's statements during the plea colloquy, and Rodriguez has not established that he was entitled to an evidentiary hearing during the § 2255 proceedings. See *United States v. Medlock*, 12 F.3d 185, 187 (11th Cir. 1994); *Blackledge v. Allison*, 431 U.S. 63, 73-74 (1977); *Schriro v. Landrigan*, 550 U.S. 465, 474 (2007).

For these reasons, Rodriguez's motion for a COA is DENIED. His motion for an expedited decision on his COA motion is DENIED as moot.



UNITED STATES CIRCUIT JUDGE

APPENDIX B

Order of the United States Court of Appeals
for the Eleventh Circuit
Denying Reconsideration

No. 25-13238
Entered May 22, 2026

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

May 22, 2026

Elieser Sori Rodriguez
FCI Oakdale II - Inmate Legal Mail
PO BOX 5010
OAKDALE, LA 71463

Appeal Number: 25-13238-E
Case Style: Elieser Rodriguez v. USA
District Court Docket No: 2:24-cv-14360-RLR
Secondary Case Number: 2:23-cr-14016-RLR-1

The enclosed order has been ENTERED.

Electronic Filing

All counsel must file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Although not required, non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at www.pacer.gov. Information and training materials related to electronic filing are available on the Court's website.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

MOT-2 Notice of Court Action

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13238

ELIESER SORI RODRIGUEZ,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 2:24-cv-14360-RLR

Before LUCK and KIDD, Circuit Judges.

BY THE COURT:

Elieser Rodriguez moves for reconsideration of this Court's April 27, 2026, order denying him a certificate of appealability. After careful review, the motion for reconsideration is DENIED, as Rodriguez has offered no new evidence or arguments of merit to warrant relief.