

No. _____

(Capital Case)

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM CLYDE GIBSON III,

Applicant,

v.

RON NEAL,

Respondent.

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

Oliver W. Loewy*
P.O. Box 14935
Portland, Oregon 97293
oliverwloewy@protonmail.com
(208) 283-5381
*Counsel of Record

Edward J. Rymsza
125 East Third Street
Williamsport, Pennsylvania 17701
rymsza@comcast.net
(570) 322-2113

Samuel J.B. Angell
Assistant Federal Defender
Federal Community Defender Office
601 Walnut Street, Site 545-West
Philadelphia, Pennsylvania 19106
Samuel_Angell@fd.org
(215) 928-0520

Counsel for Applicant

**TO THE HONORABLE AMY CONEY BARRETT,
ASSOCIATE JUSTICE AND CIRCUIT JUSTICE FOR THE SEVENTH CIRCUIT:**

APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Supreme Court Rule 13.5, Applicant William Clyde Gibson III, through undersigned counsel, respectfully requests a 60 day extension of time to file a petition for writ of certiorari to review the judgment of the United States Court of Appeals for the Seventh Circuit, which would move the due date from July 15 to September 14, 2026.¹ Counsel for Respondent has indicated that Respondent does not object to this application.

JUDGMENT FOR WHICH REVIEW WILL BE SOUGHT

In its March 31, 2026, opinion, the Seventh Circuit Court of Appeals reversed the Southern District of Indiana's order granting Applicant's request for a transport order under the All Writs Act, 28 U.S.C. § 1651(a). Exhibit A. The Seventh Circuit entered its judgment that same day, and it denied rehearing on April 16, 2026. Exhibits B & C.

JURISDICTION

This Court will have jurisdiction to consider Mr. Gibson's timely filed certiorari petition under 28 U.S.C. § 1254(1). Under this Court's Rules 13.1, 13.3, and 30.1, a petition for writ of certiorari is due on or before July 15, 2026. In

¹ While 60 days beyond July 15 is Sunday, September 13, Supreme Court Rule 30.1 would extend the 60-day period to Monday, September 14, 2026.

accordance with Rule 13.5, this application is being filed at least ten days in advance of the filing deadline for the petition for writ of certiorari.

REASONS JUSTIFYING AN EXTENSION OF TIME

A 60-day extension of time is needed due to the gravity and complexity of the issues in this case in addition to undersigned counsel's other pressing obligations.

This case stems from three state court judgments against Applicant Mr. Gibson, two of which impose death sentences. Former habeas counsel intentionally failed to timely or otherwise file a habeas petition in federal court. Mr. Gibson is now seeking equitable tolling of the AEDPA limitation period. To support his equitable tolling motion, Mr. Gibson moved for an order to transport him to a hospital for brain imaging, which motion he supported with declarations from three experts, a neuropsychologist, a psychiatrist, and a neuroscientist. The District Court granted the motion, and Respondent appealed that order. In reversing the District Court order, the Seventh Circuit expressed uncertainty as to what this Court held in *Twyford v. Shoop*, 596 U.S. 811 (2022). The Seventh Circuit ruled that if *Twyford* “require[s] that *any* evidence sought to be developed through an order entered pursuant to the All Writs Act ‘be admissible in connection with a particular claim for relief’ under § 2254, then the district court’s order was an abuse of discretion because Mr. Gibson did not assert that “the brain scans

would support a particular claim for federal habeas relief[.]” *Gibson v. Neal*, 171 F.4th 948, 955-56 (7th Cir. 2026) (emphasis in original). However, the court ruled, if *Twyford* does allow the development of new evidence solely to support an equitable tolling request and without regard to whether the evidence would be admissible in connection to a claim for relief from a state court judgment, then the district court’s order was an abuse of discretion because Mr. Gibson supported his request for a transport order with only a showing that the evidence would be relevant to the court’s equitable tolling determination rather than establishing a “particular and specific linkage to [his] pursuit of equitable tolling.” *Id.* at 956. Undersigned counsel anticipate presenting critical questions of federal law, including (1) whether transport orders may be entered under the All Writs Act to develop evidence solely to support an equitable tolling request and, if so, (2) whether the applicant must show more than that the evidence sought would be relevant to the equitable tolling determination, and (3) whether the Seventh Circuit Court of Appeals had jurisdiction over the appeal.

Mr. Gibson’s counsel have had to attend to other time-consuming matters over the last two months, including one counsel’s preparing for a complex multi-defendant RICO trial—the indictment’s RICO count charges those defendants scheduled for trial with thirteen predicate acts, including but not limited to five murders—scheduled to commence in January 2027 for which the discovery

produced to date consumes approximately 75,000 pages and over 1,683 hours of non-duplicative audio (which would take any one person 50 weeks to listen to), pre-Title III pings on target and non-target telephones, Pen Registers and toll captures, and Social Media Content captures, imaging of the full contents of fourteen cellular telephones, and returns of social media accounts for three targets; another counsel's preparing for a murder trial that was scheduled to commence earlier this month (and from which he was relieved only days before the trial's start) and is now preparing an opening appellate brief in a capital case due mid-July; and the third counsel's preparing a habeas petition in a capital case, an appellate brief, and a compassionate release petition. Additionally, each counsel has taken or will be taking pre-arranged vacations during the presumptive 90-day period or shortly after its expiration for filing the certiorari petition.

//

//

//

//

//

//

//

CONCLUSION

For these reasons, Applicant respectfully asks that the Court extend the time by 60 days, up to and including September 14, 2026, for filing a petition for writ of certiorari in this case.

Dated: June 29, 2026

Respectfully submitted,

/s/ Oliver W. Loewy

/s/ Edward J. Rymsza

/s/ Samuel J.B. Angell

OLIVER W. LOEWY*
EDWARD J. RYMSZA
SAMUEL J.B. ANGELL

Attorneys for Petitioner-Appellee
WILLIAM CLYDE GIBSON III

*Counsel of Record