

No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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DIODERSON AUGUSTIN,

*Applicant,*

v.

UNITED STATES,

*Respondent.*

---

**Application to the Hon. John G. Roberts, Jr.,  
for Extension of Time to File a  
Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Armed Forces**

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Pursuant to 28 U.S.C. § 2101(c) and Supreme Court Rules 13.5, 22, and 30.3, the Applicant, Dioderson Augustin, requests an extension of time, to and including October 31, 2026, to file a petition for a writ of certiorari. Unless an extension is granted, the deadline for filing the petition for certiorari will be September 1, 2026.

In support of this application, Applicant states the following:

1. Applicant, a member of the United States Air Force, was tried at a general court-martial. He was convicted, contrary to his pleas, of two specifications of sexual assault and one specification of indecent conduct in violation of 10 U.S.C. §§ 920, 934. Applicant was sentenced to confinement for thirty-six months, reduction to the grade of E-1, and a dishonorable discharge.

2. Following his conviction, Applicant appealed to the Air Force Court of Criminal Appeals (Air Force Court). Applicant raised two issues on appeal, including whether the convening authority impermissibly considered the gender of potential court members when detailing court members to Applicant's court-martial. The Air Force Court considered this issue and found it did not require discussion or relief. Encl. C at \*2.

3. The Court of Appeals for the Armed Forces (CAAF) denied review in Applicant's case on May 4, 2026. Encl. B. The CAAF denied Applicant's petition for reconsideration on June 3, 2026. Encl. A. This Court has jurisdiction under 28 U.S.C. § 1259(3). Copies of the CAAF's petition for reconsideration denial, petition for grant of review denial, as well as the Air Force Court's decision, of which Applicant seeks review, are attached to this application. Enclosures A-C.

4. After the CAAF denied Applicant's petition for reconsideration, Applicant's Air Force Appellate Defense Counsel received Permanent Change of Station orders and departed the Air Force Appellate Defense Division on July 24, 2026. Applicant's new Air Force Appellate Defense Counsel, Captain Joshua Lopes, was detailed as replacement appellate defense counsel.

5. While counsel has been working diligently in preparing this petition, including reviewing Applicant's record of trial, the Air Force Court's decision, and the CAAF's decision, counsel still has significant briefing obligations between now and the current due date of the petition. In addition to Applicant's case, Captain Lopes is

also detailed to forty-four other cases, including three cases pending at the CAAF and four cases pending petitions for writs of certiorari to this Court.

6. Additionally, as part of the basis for requesting an extension of time, the printing required for Applicant's petition must be processed through a federal government agency (the Air Force), which has payment and handling requirements a private firm does not. The procurement process for a printing job cannot be forecasted with certainty, often has delays, and cuts approximately two weeks out of undersigned counsel's time to finalize the petition for a writ of certiorari.

7. The extension to prepare a petition will allow counsel to fully address the complex issues raised by the decisions below and frame those issues in a manner that will be most helpful to the court.

For the foregoing reasons, Applicant respectfully requests that an order be entered extending the time to file for a writ of certiorari up to, and including, October 31, 2026.

Respectfully submitted,



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August 17, 2026