

No. _____

IN THE
Supreme Court of the United States

JOSE RAMOS-LERMA,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

**On Application 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**

**APPLICATION FOR AN EXTENSION OF TIME TO
FILE A PETITION FOR A WRIT OF CERTIORARI**

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**APPLICATION FOR EXTENSION OF TIME IN WHICH TO
FILE A PETITION FOR A WRIT OF CERTIORARI**

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

Under this Court's Rules 13.5 and 22, Applicant Jose Ramos-Lerma requests an extension of fifty-eight (58) days in which to file a petition for a writ of certiorari in this case. The petition would seek review of the Fifth Circuit's unpublished decision in *United States v. Ramos-Lerma*, No. 25-40580 (5th Cir. June 4, 2026), dismissing his appeal. A copy of the Fifth Circuit's decision is attached. In support of this application, Applicant states:

1. The Fifth Circuit issued its decision on June 4, 2026. No petition for panel rehearing or rehearing en banc was filed. Without an extension, the petition for a writ of certiorari would be due on September 2, 2026. With the requested extension, the petition would be due on October 30, 2026. This application is being filed 13 days before the petition is due. *See* S. Ct. R. 13.5. No prior application for an extension has been filed. This Court's jurisdiction will be based on 28 U.S.C. § 1254(1).

2. United States Magistrate Judge J. Scott Hacker appointed the undersigned under the Criminal Justice Act to represent Ramos-Lerma on appeal. On June 5, 2026, counsel sent Ramos-Lerma the Fifth Circuit's decision and advised him that any petition for a writ of certiorari would be due on September 2, 2026. On August 20, 2026, Ramos-Lerma asked counsel to seek certiorari review.

3. After reviewing the panel opinion, the appellate briefs, the relevant record, and this Court's Rule 10, appointed counsel concluded that a petition for a writ of certiorari is not warranted. Section 6 of the Fifth Circuit's Plan for Representation on Appeal Under the Criminal Justice Act permits appointed counsel who believes that filing a requested petition would be futile to seek relief from that obligation. Counsel is therefore filing contemporaneously in the Fifth Circuit a motion for leave to withdraw and to be relieved of the obligation to file a petition.

4. The requested extension is needed to preserve Ramos-Lerma's ability to seek review while the Fifth Circuit considers counsel's motion. If the Fifth Circuit denies that motion, the extension will allow counsel sufficient time to prepare the petition required by the court's CJA Plan.

If the Fifth Circuit grants the motion, Ramos-Lerma wishes to pursue certiorari review pro se.

5. Ramos-Lerma is incarcerated in federal custody. If counsel is permitted to withdraw, Ramos-Lerma will need time to obtain the relevant materials from counsel, review the proceedings below, research and prepare a petition and a motion for leave to proceed in forma pauperis, and arrange filing through the institution's legal-mail system. The current deadline does not provide sufficient time to complete those tasks after the Fifth Circuit resolves counsel's motion.

6. This application seeks to accommodate Applicant's legitimate needs and is not filed for purposes of delay. The requested extension will not affect the judgment or mandate below and will not prejudice the United States. It will permit the Fifth Circuit to resolve the status of appointed counsel while preserving Ramos-Lerma's ability to seek this Court's review if counsel is relieved.

For these reasons, Applicant requests that the due date for his petition for a writ of certiorari be extended to October 30, 2026.

Respectfully submitted,

/s/ Nelson S. Ebaugh

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