

No. 26A _____

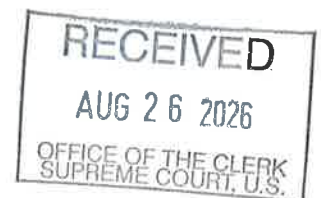
IN THE SUPREME COURT OF THE UNITED STATES

IN RE MARTIN AKERMAN,
Applicant.

**APPLICATION TO EXTEND THE TIME TO FILE A PETITION FOR A WRIT OF
CERTIORARI TO DECEMBER 14, 2026**

To the Honorable John G. Roberts, Jr., Chief Justice of the United States and Circuit Justice for the United States Court of Appeals for the Federal Circuit:

Pursuant to 28 U.S.C. § 2101(c) and Supreme Court Rules 13.5 and 22, Applicant Martin Akerman requests a 25-day extension, from November 19, 2026 through December 14, 2026, to file a petition for a writ of certiorari concerning the Federal Circuit's August 12 and August 21, 2026 orders in No. 26-2029. This is Applicant's first request to extend the time associated with those orders and is filed more than ten days before the unextended date.



CAPTION AND ORDERS BELOW

1. Applicant uses an In re caption because the contemplated petition concerns interlocutory orders, respondent identity remains disputed, and no final merits judgment has fixed the proper adverse party. The caption avoids representing that OPM, MSPB, the National Guard Bureau, or another governmental entity has already been conclusively selected as the proper respondent. It preserves the Federal Circuit's current docket information without asking the Circuit Justice to decide party alignment in this scheduling application.
2. On August 12, 2026, the Federal Circuit entered orders addressing interim relief and case management in No. 26-2029. App. A. On August 21, 2026, the en banc court denied Applicant's timely request for panel and en banc reconsideration. *Id.* Under Rule 13.3, the presumptive 90-day period runs through November 19, 2026. The requested December 14 date is within Rule 13.5's 60-day limit.
3. Any petition would need to establish the Court's jurisdiction under 28 U.S.C. § 1254(1), including the exceptional basis for review while the underlying Federal Circuit proceeding remains pending. This application requests scheduling relief only and does not ask the Circuit Justice to decide jurisdiction, finality, respondent identity, or the merits.

REASONS FOR THE EXTENSION

4. On August 21, 2026, Justice Kagan granted an extension in the related Nevada matter, No. 26A235, and fixed December 14, 2026 as the date to seek certiorari there. App. B. Using the same outside date here permits coordinated preparation of distinct Supreme Court papers arising from related military-habeas and federal-tenure proceedings. Applicant does not contend that No. 26A235 controls this application or that a single petition automatically reviews orders from different courts.
5. A prior filing history demonstrates why a short, date-certain preparation period is necessary. Under Application No. 24A278, Applicant prepared a petition for writ of certiorari arising from Federal Circuit No. 2024-130. On February 6, 2025, Applicant placed on the District of Nevada docket a notice stating that the petition had been filed with this Court. The accompanying certification states that Applicant personally delivered an original and forty petition booklets to the Supreme Court Clerk's Office that day. The complete petition follows that certification. D. Nev. No. 2:24-cv-01734-RFB-DJA, ECF Nos. 15 and 15-1. App. C.
6. The identified Supreme Court public record does not assign that February 6, 2025 petition a separate merits docket number. A June 10, 2025 Clerk letter later confirmed an original February 6 postmark and receipt again on June 5, while returning the papers for asserted failure to reflect previously requested changes. Applicant states that correction submissions were made. The Nevada-stamped record establishes at minimum that a completed petition was transmitted and preserved on another federal docket even though it never appeared on a Supreme Court merits docket.
7. That history creates a concrete administrative risk, not a request to adjudicate past Clerk action. Additional time through the date already fixed in No. 26A235 will allow Applicant and any appointed counsel to settle the jurisdictional vehicle, an accurate In re caption or other alignment, the orders presented, and compliance with the Court's filing requirements before another filing deadline expires. The 25-day extension is finite and will not prejudice any governmental participant later determined to be a proper respondent.

CONCLUSION

Applicant respectfully requests that the time to file a petition for a writ of certiorari concerning the Federal Circuit's August 12 and August 21, 2026 orders in No. 26-2029 be extended through December 14, 2026.

Respectfully submitted,



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August 22, 2026

APPENDIX INDEX

Appendix	Description
A	August 12 and August 21, 2026 Federal Circuit orders in No. 26-2029
B	August 21, 2026 order granting extension through December 14, 2026 in No. 26A235
C	February 6, 2025 Nevada-stamped ECF Nos. 15 and 15-1: notice, delivery certification, and complete petition submitted under No. 24A278
D	August 22, 2026 USPS Priority Mail label for the filing package sent to the Clerk

PROOF OF SERVICE

I certify that on August 22, 2026, pursuant to Supreme Court Rule 22.2, I deposited with the United States Postal Service by Priority Mail one original and two copies of this application and appendix—three paper copies in total—addressed to the Clerk of the Supreme Court of the United States. The Priority Mail label is reproduced at Appendix D.

I certify that on August 22, 2026, I served a true and correct copy of this application and appendix by email upon Elinor J. Kim, counsel of record in Federal Circuit No. 26-2029, at elinor.j.kim@usdoj.gov, and by depositing a copy in the United States mail, first-class postage prepaid, addressed to:

Elinor J. Kim
Trial Attorney, Commercial Litigation Branch
Civil Division, U.S. Department of Justice
P.O. Box 480, Ben Franklin Station
Washington, D.C. 20044

Service on that appearing governmental counsel is made without conceding that OPM is the proper respondent to the contemplated In re petition. A copy is also being provided to the Federal Circuit with Applicant's related extension request. These notices do not ask another tribunal to determine this Court's caption.



Martin Akerman
August 22, 2026

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

MARTIN AKERMAN,
Petitioner

v.

OFFICE OF PERSONNEL MANAGEMENT,
Respondent

2026-2029

Petition for review of the Merit Systems Protection
Board in No. DC-844E-24-0359-I-1.

ON MOTION

Before MOORE, *Chief Judge*, LOURIE, DYK, PROST, REYNA,
TARANTO, CHEN, HUGHES, STOLL, CUNNINGHAM, and
STARK, *Circuit Judges*.¹

PER CURIAM.

ORDER

¹ Circuit Judge Newman did not participate.

On August 12, 2026, Martin Akerman filed a combined petition for panel rehearing and rehearing en banc which the court construed as an en banc motion for reconsideration of the August 12, 2026, orders [ECF No. 16]. The motion was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The request for panel reconsideration is denied.

The request for en banc reconsideration is denied.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

August 21, 2026
Date

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

MARTIN AKERMAN,
Petitioner

v.

OFFICE OF PERSONNEL MANAGEMENT,
Respondent

2026-2029

Petition for review of the Merit Systems Protection
Board in No. DC-844E-24-0359-I-1.

ON MOTION

PER CURIAM.

ORDER

On July 21, 2026, the court directed the parties to address this court's jurisdiction. Martin Akerman now moves "for clarification, supervisory review, and protective preservation of unreviewed [Merit Systems Protection

Board] issues,” ECF No. 8 at 1 (capitalization omitted),¹ and “an immediate, limited stay preserving the status quo in MSPB No. DC-844E-24-0359-I-1” and to extend time to respond to the July 21, 2026 order, ECF No. 11 at 1. Mr. Akerman also requests the court docket certain motions that the court has already docketed.

To the extent Mr. Akerman argues that he is entitled to mandamus relief, that the July 21, 2026 order misunderstood or mischaracterized the basis of this case, or that his petition for review encompasses more than No. DC-844E-24-0359-I-1, he should include such arguments in his response to the court’s July 21, 2026 order. The court will grant Mr. Akerman’s request to extend that response’s deadline to 30 days from the date of entry of this order. To the extent Mr. Akerman seeks a stay of the underlying proceedings pursuant to Rule 18 of the Federal Rules of Appellate Procedure, he has not on these papers shown entitlement to such relief at least because he has failed to show likelihood of irreparable harm absent a stay. See *Sampson v. Murray*, 415 U.S. 61, 89–92 (1974).

Accordingly,

IT IS ORDERED THAT:

The motions are granted only to the extent described herein. Mr. Akerman’s response to the July 21, 2026 order is due no later than thirty days from the date of entry of

¹ Contrary to Mr. Akerman’s suggestion, the show cause order was in fact issued by a judge but signed by the Clerk of Court. See Fed. Cir. R. 45(c) (authorizing the Clerk of Court to sign a document “[f]or the [c]ourt” when directed by a judge). Similarly, for avoidance of doubt, this order is issued by three judges of the court.

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this order.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

August 12, 2026
Date

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

MARTIN AKERMAN,
Petitioner

v.

OFFICE OF PERSONNEL MANAGEMENT,
Respondent

2026-2029

Petition for review of the Merit Systems Protection
Board in No. DC-844E-24-0359-I-1.

ON MOTION

PER CURIAM.

O R D E R

Martin Akerman moves for various relief, including judicial notice, “immediate interim record preservation,” appointment of *amicus curiae*, and “conditional certification” under 28 U.S.C. § 1254(2). ECF No. 13 at 1.

The court will grant Mr. Akerman’s request for judicial notice to the extent that he may include with his response publicly available information from his case before the

United States Court of Appeals for the District of Columbia Circuit and refer to those proceedings in his response.¹ Mr. Akerman has not otherwise shown entitlement to relief.

Accordingly,

IT IS ORDERED THAT:

(1) ECF No. 13 is granted only to the extent provided in this order.

(2) These proceedings are stayed other than with respect to Mr. Akerman's deadline to respond to the court's July 21, 2026 order.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

August 12, 2026
Date

¹ On July 21, 2026, the court directed the parties to address this court's jurisdiction in connection with this matter, and on August 12, 2026, the court granted Mr. Akerman's request to extend the response deadline to September 11, 2026.

**Additional material
from this filing is
available in the
Clerk's Office.**