

IN THE SUPREME COURT OF THE UNITED STATES

IN RE: SAMIRKUMAR J. SHAH, M.D.,
Applicant.

APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Third Circuit:

Pursuant to **28 U.S.C. § 2101(c)** and Rules **13.5, 22, and 30** of the Rules of this Court, Applicant **Samirkumar J. Shah, M.D.** respectfully requests a **60-day extension of time**, from September 3, 2026, to and including **November 2, 2026**, within which to file a Petition for a Writ of Certiorari seeking review of the judgment of the United States Court of Appeals for the Third Circuit in **In re Samirkumar J. Shah, No. 25-3186**.

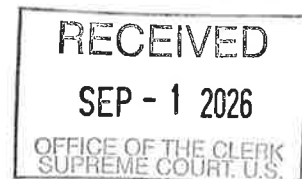
The Court of Appeals denied Applicant's Petition for Writ of Mandamus on **February 25, 2026**. Applicant timely sought rehearing and rehearing en banc. The Court of Appeals denied rehearing en banc on **June 5, 2026**.

Accordingly, the Petition for a Writ of Certiorari is presently due on **September 3, 2026**. This Application is submitted on **August 22, 2026**, more than ten days before that deadline.

In support of this Application, Applicant states as follows:

I. JUDGMENT FOR WHICH REVIEW IS SOUGHT

1. Applicant filed a Petition for Writ of Mandamus in the United States Court of Appeals for the Third Circuit in November 2025. The proceeding was docketed as **In re Samirkumar J. Shah, No. 25-3186**, and arose from proceedings in the United States District Court for the Western District of Pennsylvania, **No. 2:16-cr-00110-001**.
2. The mandamus petition concerned the prolonged pendency of Applicant's motion under **28 U.S.C. § 2255** and related proceedings in the District Court.
3. On **February 25, 2026**, a panel of the Third Circuit consisting of Chief Judge Chagares and Circuit Judges Hardiman and Scirica issued a per curiam opinion and order denying the Petition for Writ of Mandamus.



4. The Court of Appeals recognized that mandamus may be warranted where undue delay becomes tantamount to a failure to exercise jurisdiction, but concluded that the circumstances existing at that time did not satisfy that standard.
5. Significantly, the Court of Appeals expressly denied the mandamus petition **without prejudice to Applicant's filing another mandamus petition if the District Court did not act without undue delay.**
6. At the time of the February 25, 2026 decision, Applicant's motion seeking recusal of the District Judge remained pending. The Court of Appeals therefore declined to act upon Applicant's request concerning recusal while that issue remained pending before the District Court.
7. Applicant thereafter sought rehearing and rehearing en banc and submitted additional materials concerning the issues presented.
8. On **April 2, 2026**, Circuit Judge Thomas M. Hardiman granted Applicant's motions to file exhibits to the Petition for Rehearing and to supplement and consolidate the Petition for Rehearing and Rehearing En Banc.
9. Additional submissions were placed on the appellate docket while Applicant's rehearing request remained pending.
10. On **May 22, 2026**, the Court of Appeals denied certain additional motions associated with the rehearing proceedings.
11. On **June 5, 2026**, the United States Court of Appeals for the Third Circuit denied Applicant's **Petition for Rehearing En Banc.**
12. The February 25, 2026 opinion and order denying mandamus are attached to this Application as **Appendix A.**
13. The June 5, 2026 order denying rehearing en banc is attached as **Appendix B.**

II. JURISDICTION AND TIME FOR FILING

14. This Court's jurisdiction to review the judgment of the United States Court of Appeals for the Third Circuit would be invoked under **28 U.S.C. § 1254(1).**
15. Because Applicant timely sought rehearing, the period within which to petition for a writ of certiorari runs from the Court of Appeals' denial of rehearing on **June 5, 2026.**
16. Applicant's present deadline to file a Petition for a Writ of Certiorari is therefore **September 3, 2026.**
17. Applicant respectfully requests the maximum **60-day extension**, extending the deadline through and including **November 2, 2026.**
18. This Application is submitted on **August 22, 2026**, more than ten days before the presently applicable filing deadline.

III. GOOD CAUSE FOR THE EXTENSION

19. Good cause exists for the requested extension.
20. Applicant is personally preparing the contemplated Petition for a Writ of Certiorari. The petition arises from an unusual and procedurally extensive mandamus proceeding involving an underlying federal criminal case, a pending proceeding under **28 U.S.C. §**

2255, allegations of prolonged delay, and issues concerning judicial recusal and reassignment.

21. The appellate proceedings themselves contain multiple stages. Following the February 25, 2026 decision, Applicant sought rehearing and rehearing en banc and submitted supplemental materials. On April 2, 2026, Circuit Judge Hardiman granted Applicant's motions to file exhibits and to supplement and consolidate the rehearing submissions. The rehearing process ultimately concluded on June 5, 2026.
22. Applicant requires additional time to carefully examine the complete appellate and district-court record and determine the precise questions appropriate for presentation to this Court.
23. The contemplated petition potentially implicates the standards governing extraordinary writs, undue delay in adjudicating federal post-conviction proceedings, judicial recusal and reassignment, and the circumstances under which appellate intervention may be appropriate in the administration of a pending § 2255 proceeding.
24. Additional time is necessary to research the relevant decisions of this Court and the Courts of Appeals, determine the appropriate scope of the questions presented, accurately describe the procedural record, and prepare a petition that complies with this Court's Rules.
25. Additional time is also necessary to assemble and organize the appendix, including the relevant orders and opinions of the Court of Appeals and other portions of the record necessary to permit the Court to understand the procedural posture and questions presented.
26. The requested extension is particularly appropriate because the February 25, 2026 decision itself contemplated the possibility of further mandamus proceedings should circumstances materially change. Applicant must therefore carefully distinguish the judgment for which certiorari review is sought from subsequent developments and present the procedural history accurately and without conflating separate proceedings.
27. Applicant seeks the requested extension in good faith to permit careful preparation of the Petition for a Writ of Certiorari and not for purposes of unnecessary delay.
28. The requested extension will allow Applicant to present the contemplated petition in an accurate, organized, and complete manner and will not materially prejudice the United States.
29. For these reasons, Applicant respectfully submits that good cause exists for the requested extension under Rule 13.5.

IV. REQUEST FOR RELIEF

Applicant respectfully requests that the time within which to file a Petition for a Writ of Certiorari seeking review of the judgment of the United States Court of Appeals for the Third Circuit in **No. 25-3186** be extended for **60 days**, from **September 3, 2026, through and including November 2, 2026**, or for such other period as the Circuit Justice deems appropriate.

Respectfully submitted,

SAMIRKUMAR SHAN 8/22/26

SAMIRKUMAR SHAH 8/22/26

SAMIRKUMAR J. SHAH, M.D.

Applicant

54 Long Meadow Drive

Pittsburgh, Pennsylvania 15238

Telephone: (412) 286-5403

Email: drsamirshah@comcast.net

Dated: August 22, 2026

CERTIFICATE OF SERVICE

I, **Samirkumar J. Shah, M.D.**, certify that on **August 22, 2026**, I caused a true and correct copy of the foregoing **Application for an Extension of Time Within Which to File a Petition for a Writ of Certiorari**, together with the accompanying appendix and materials, to be served by **United States First-Class Mail, postage prepaid**, upon:

Solicitor General of the United States

United States Department of Justice

950 Pennsylvania Avenue, N.W.

Washington, DC 20530-0001

and

United States Attorney's Office

Western District of Pennsylvania

Joseph F. Weis, Jr. U.S. Courthouse

700 Grant Street, Suite 4000

Pittsburgh, Pennsylvania 15219

I certify that the foregoing is true and correct.

Executed on **August 22, 2026**.

SAMIRKUMAR SHAH 8/22/26

SAMIRKUMAR J. SHAH, M.D.

Applicant

54 Long Meadow Drive

Pittsburgh, Pennsylvania 15238

Telephone: (412) 286-5403

Email: drsamirshah@comcast.net

APPENDIX

Appendix A

Opinion and Order of the United States Court of Appeals for the Third Circuit, **In re Samirkumar J. Shah, No. 25-3186**, dated February 25, 2026.

Appendix B

Order of the United States Court of Appeals for the Third Circuit denying Petition for Rehearing En Banc, **No. 25-3186**, dated June 5, 2026.

Appendix C

Order of Circuit Judge Thomas M. Hardiman granting Applicant's motions to file exhibits and to supplement and consolidate the Petition for Rehearing and Rehearing En Banc, dated April 2, 2026.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-3186

IN RE: SAMIRKUMAR J. SHAH,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the Western District of Pennsylvania
(Related to Crim. No. 2:16-cr-00110-001)

Submitted Pursuant to Rule 21, Fed. R. App. P.
January 15, 2026

Before: CHAGARES, *Chief Judge*, HARDIMAN, and SCIRICA, *Circuit Judges*

(Opinion filed: February 25, 2026)

OPINION*

PER CURIAM

In June 2019, petitioner Samirkumar Shah was convicted of healthcare fraud under 18 U.S.C. § 1347. In January 2024, while he was serving his sentence for that crime, he filed a motion pursuant to 28 U.S.C. § 2255 challenging his conviction and sentence. He

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

filed an amended motion in September 2024.¹ In September 2025, Shah asked the District Court for a status update as to his § 2255 motions. The court advised him that the motions remained pending, and that he would be advised when the court resolved them.

Shah then filed a petition for a writ of mandamus in this Court, alleging extraordinary delay in the adjudication of his § 2255 motion.

While a writ of mandamus may be warranted where “undue delay is tantamount to a failure to exercise jurisdiction,” *Madden v. Myers*, 102 F.3d 74, 79 (3d Cir. 1996), the delay in resolving Shah’s § 2255 motion does not meet that standard. As noted above, the District Court advised Shah as recently as September 2025 that his § 2255 motion and attempt to amend it were still pending, and that he would be notified when they were resolved. After that, Shah filed a motion to recuse the District Judge. That motion is also pending in the District Court. We are confident that the District Court will decide the motions in due course.

We will thus deny Shah’s mandamus petition without prejudice to his filing another mandamus petition if the District Court does not act without undue delay.²

¹ Meanwhile, Shah and the government were actively litigating Shah’s motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2). The District Court entered an order in August 2024 reducing his sentence from seventy-eight months to seventy months. Shah was released from custody in November 2024.

² All pending motions are denied. To the extent that Shah asks us to order the District Judge to recuse himself, we decline to act on any such request because the recusal motion he filed in the District Court is pending there.

AMENDED HLD-008

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

No. 25-3186

IN RE: SAMIRKUMAR J. SHAH,
Petitioner

On a Petition for Writ of Mandamus from the
United States District Court for the Western District of Pennsylvania
(Related to Crim. No. 2:16-cr-00110-001)

Submitted Pursuant to Rule 21, Fed. R. App. P.
January 15, 2026

Before: CHAGARES, *Chief Judge*, HARDIMAN, and SCIRICA, *Circuit Judges*

ORDER

PER CURIAM:

This cause came to be considered on a petition for writ of mandamus submitted on January 15, 2026. On consideration whereof, it is now hereby

ORDERED by this Court that the petition for writ of mandamus be, and the same is, denied. All of the above in accordance with the opinion of the Court.

DATED: February 25, 2026



A True Copy:

Patricia S. Dodszeit

Patricia S. Dodszeit, Clerk

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-3186

IN RE: SAMIRKUMAR J. SHAH,
Petitioner

(Related to W.D. Pa. No. 2:16-cr-00110-001)

SUR PETITION FOR REHEARING

Present: CHAGARES, *Chief Judge*, HARDIMAN, SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-REEVES, BOVE, MASCOTT, and SCIRICA,¹ *Circuit Judges*.

The petition for rehearing (ECF No. 30) on behalf of Petitioner in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/ Thomas M. Hardiman
Circuit Judge

Dated: June 5, 2026

Tmm/cc: Samirkumar J. Shah
Laura S. Irwin, Esq.

¹ The vote of Judge Scirica is limited to panel rehearing.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-3186

In re: SAMIRKUMAR J. SHAH,
Petitioner

(Related to W.D. Pa. No. 2:16-cr-00110-001)

Present: HARDIMAN, *Circuit Judge*

1. Motion by Petitioner to File Exhibits to Petition for Rehearing;
2. Motion by Petitioner to Supplement and Consolidate Petition for Rehearing and Rehearing En Banc.

Respectfully,
Clerk/tmm

ORDER

The foregoing Motions are GRANTED.

By the Court,

s/ Thomas M. Hardiman
Circuit Judge

Dated: April 2, 2026
Tmm/cc: Samirkumar J. Shah
Laura S. Irwin, Esq.