

App. No. 26A341

In The
Supreme Court of the United States

LAWRENCE ALEXANDER

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent..

PETITIONER’S APPLICATION TO FURTHER EXTEND
THE TIME TO FILE PETITION FOR A WRIT OF CERTIORARI

To the Honorable Clarence Thomas, as Circuit Justice for the United States Court of Appeals for the Eleventh Circuit:

Petitioner Lawrence Alexander, respectfully requests, under this Court’s Rule 13.5 and based on significant scheduling factors, that the time to file a Petition for a Writ of Certiorari in this in this matter be further extended for a period of twenty-eight days, to November 20, 2026.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is the Order Denying Petition for Rehearing En Banc, *United States v. Lawrence Alexander*, Nos. 23-11322, 23-12282

(June 25, 2026) (Appendix 29a). That Order followed *United States v. Lawrence Alexander*, Nos.23-11322, 23-12282 (Mar. 24, 2026) (Appendix 1a). Absent a further extension of time, the petition would be due on October 23, 2026. Good cause exists for this request. An extension of thirty days, from the original due date of September 23, 2026, was previously granted by this Court. There is good cause, within the meaning of Rule 13.5, for granting an additional twenty-eight-day extension of time for the filing of the petition, consistent with the Rule's allowance.

JURISDICTION

This Court will have jurisdiction over any timely petition under 28 U.S.C. § 1254(1). The United States Court of Appeals for the Eleventh Circuit issued its judgment on June 25, 2026. In accordance with Rule 13.5, this application is being filed more than 10 days before the current due date of October 23, 2026.

REASONS JUSTIFYING A FURTHER EXTENSION OF TIME

This case involves the question of materiality as an element of a criminal offense. The United States Court of Appeals for the Eleventh Circuit found, in error, that a statement Petitioner's company included in an administrative application was material, even though the agency correctly instructed that such a statement—concerning ownership of Petitioner's company—was not relevant to, and would not be considered in, any review of the application in which the statement was

made. This immaterial ownership assertion presents clearly an issue discussed, but not resolved by this Court, in *Kousisis v. United States*, 605 U.S. 114 (2025).

Because the false statement made in the application in Petitioner's case was completely extraneous to review of the application, and not even a matter that was potentially subject to review by the administrative agency in the context in which it was submitted, the court of appeals' decision exceeds limits placed by the other Circuits on the scope of the materiality element of a fraud or false statement offense. The court of appeals determined that the falsity of the statement itself made its submission hypothetically material, in the sense that if the agency knew the applicant was lying, the agency would have reacted adversely, a form of analysis in conflict with that of other Circuits.

Petitioner intends to file a petition for certiorari on the exceptionally important question of whether, and to what extent, factors untethered to the transactional or decisional focus of the matter in which a statement at issue was made may control the materiality analysis. Petitioner's case provides an excellent vehicle for resolving, and cabining, the scope of the materiality element under federal law.

Because materiality is an essential component of federal criminal law, and because the decision of the court of appeals in Petitioner's case reveals the need for this Court's line drawing to distinguish legal from illegal conduct, the matter is of

fundamental importance to multiple constitutional and statutory interpretation questions. The question likely warrants granting a writ of certiorari and will require substantial legal research and review by counsel, including as to circuit conflicts. The issues are complex. Briefing in the court of appeals was extensive, and the important issues and collateral impact of the decision support granting this extension of time.

The time to file a Petition for a Writ of Certiorari should be extended for twenty-eight days for the following reasons:

1. The underlying factual record, including multiple preservational arguments presented in the lower court, is substantial and counsel requires additional time to complete work on presenting the factual background of the case with manageable completeness. Additional time is also necessary and warranted for counsel to research the decisional conflicts, and prepare a clear, concise, and comprehensive petition for certiorari for the Court's review.

2. The press of other matters faced by undersigned counsel makes the submission of the petition difficult absent the requested extension. Petitioner's counsel face numerous jury trial, direct-appeal briefing, oral argument, trial, and hearing deadlines over the next three weeks, including the petition for certiorari due to be filed October 9, 2026, from 11th Cir. Nos. 22-13410, 22-14099, 23-10387, and 23-13177, and initial briefs due to be filed in 11th Cir. Nos. 23-10542, 26-10701, and

26-11940. Counsel also faces federal jury trial settings on October 19, 2026 (S.D. Fla. No. 18-cr-80124), and October 26, 2026 (S.D. Fla. No. 22-cr-20552). Counsel must present oral argument for defendant-appellee in 11th Cir. Nos. 25-14507, 26-10674 (*In re Knight First Amendment Institute et al.*), specially set for November 2, 2026.

3. The forthcoming petition is likely to be granted in light of, among other reasons, the need to address the important issue discussed above and the need for clear guidance regarding the extent to which falsity itself can make otherwise immaterial statements material.

CONCLUSION

For the foregoing reasons, the time to file a Petition for a Writ of Certiorari in this matter should be extended twenty-eight days to and including November 20, 2026.

Respectfully submitted,

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October 2026

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