

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

BOAZ ALLYN-FEUER,
Applicant,

v.

JOHN DOE, U.S. BORDER PATROL AGENTS 1-20;
UNITED STATES OF AMERICA,
Respondents.

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

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 Fifth Circuit:

1. Pursuant to this Court's Rules 13.5, 22, and 30, Applicant Boaz Allyn-Feuer, through undersigned pro bono counsel, respectfully requests a 60-day extension of time, to and including November 20, 2026, within which to file a petition for a writ of certiorari. This is the first such request in this matter.

2. The petition will seek review of the judgment of the United States Court of Appeals for the Fifth Circuit in *Allyn-Feuer v. John Doe et al.*, No. 25-40204 (5th Cir. May 8, 2026). A copy of the opinion is attached as Appendix 1. The court of appeals denied panel rehearing and rehearing en banc on June 22, 2026; a copy of that order is attached as Appendix 2. Unless extended, the petition is due on September 21, 2026. Sup. Ct. R. 13.1, 13.3. This application is filed at least 10 days before that date. Sup. Ct. R. 13.5.
3. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).
4. There is good cause for the requested extension. Applicant retained undersigned pro bono counsel only last week. Newly retained counsel is the Director of the Supreme Court Litigation Clinic at the University of Virginia School of Law. Because the Clinic's law students will be substantially involved in the research and drafting of the petition, supervised by undersigned counsel, the additional time requested is necessary in order to review the record, evaluate the legal issues presented, and prepare and file an effective petition.
5. Boaz Allyn-Feuer is a U.S. citizen and a commercial airline pilot, who has never been arrested or convicted of a crime in his life. After visiting McAllen, Texas for a few days, Boaz was driving north alone to return to his home in

Colorado. About 48 miles north of McAllen on the afternoon of May 1st, 2021, Mr. Allyn-Feuer came upon a mandatory Border Patrol stop, at which he claims that more than a dozen border patrol officers engaged in acts that violated his constitutional rights. Mr. Allyn-Feuer filed a civil rights lawsuit against those officers and the United States, under *Bivens* and the Federal Tort Claims Act. The district court dismissed his suit, and the Fifth Circuit affirmed, holding that he failed to state a claim under *Bivens* and that an FTCA exception barred his remaining claims.

6. The Fifth Circuit's decision conflicts with this Court's decisions interpreting the Federal Tort Claims Act in *Martin v. United States*, 605 U.S. 395 (2025), and *Kosak v. United States*, 465 U.S. 848, 859 (1984). It also creates a circuit conflict with the Ninth Circuit's decision in *Gasho v. United States*, 39 F.3d 1420 (9th Cir. 1994), which held that the Customs exception in § 2680(c) does *not* bar an intentional tort claim arising out of arrests by customs agents. The decision has broad implications, as the panel acknowledged, because under its rationale, Border Patrol agents essentially have "carte blanche to commit any intentional tort while at any similar border checkpoint," a result that the panel characterized as "troubling." Appx. 1, at 7.

7. For the foregoing reasons, Applicant respectfully requests a 60-day extension of time within which to file a petition for a writ of certiorari, to and including November 20, 2026.

Respectfully submitted,

/s/ Lori Alvino McGill

Lori Alvino McGill

Supreme Court Litigation Clinic

University of Virginia School of Law

580 Massie Road

Charlottesville, VA 22903-1738

lavino@law.virginia.edu

September 11, 2026

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AGENTS 1-20;

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PROOF OF SERVICE

I, Lori Alvino McGill, declare under penalty of perjury under the laws of the United States of America that on September 11, 2026, as required by Supreme Court Rules 22.2 and 29, I served one copy of the foregoing Application for a 60-Day Extension of Time To File a Petition for a Writ of Certiorari on counsel of record for respondents by U.S. mail to:

Lance G. Duke, Assistant U.S. Attorney
United States Attorney's Office
Southern District of Texas
800 North Shoreline Blvd., Suite 500
Corpus Christi, TX 78401

All parties required to be served have been served. 28 U.S.C. § 1746.

/s/ Lori Alvino McGill

Lori Alvino McGill