

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

John Edward Kupler, Petitioner

vs.

Supreme Court of North Carolina, Respondents

APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF HABEAS CORPUS

The Petitioner pro se John Edward Kupler, seeks an extension of time to file a Petition for Writ of Habeas Corpus from the Supreme Court of North Carolina, pursuant to Supreme Court Rules 13.5, 21, 22 and 30, and the jurisdiction in this Court is under 28 USC § 1257(a). The specific reasons why an extension is justified are as follows:

1. Petitioner is a state court prisoner under the exclusive custody and control of the North Carolina Department of Adult Correction - Division of Institutions ("DAC"), and who has no alternatives but to depend on DAC mailroom staff to eventually deliver Petitioner mail items to the United States Post Office to be mailed to their designations.
2. Petitioner filed: (1) Petition for Writ of Habeas Corpus, and (2) Petition for Writ of Mandamus or Prohibition, in the North Carolina Court of Appeals; both of which were denied by orders entered 2-3-26 and are attached hereto and designated Exhibits A and B, respectively.

3. Petitioner appealed to the Supreme Court of North Carolina from the denial of Petition for Writ of Certiorari (captioned State v. Kuplen), and denial of Petition for Writ of Mandamus or Prohibition (captioned Kuplen v. Gerding, Pollard and Wood) ("Kuplen v. Gerding, et al"); and orders were entered 6-17-26: (1) dismissed Petitioner Notice of Appeal; (2) denied Petition for Discretionary Review; (3) allowed Petitioner indigent status; (4) dismissed as moot Petitioner appointment of Appellate Counsel; and (5) denied Petitioner for Suspension of Rules; all of which are attached hereto and designated Exhibits C to G, respectively. These orders cite State v. Kuplen, and no orders were entered in Kuplen v. Gerding, et al. However, no petitions for rehearing are allowed in criminal cases.

4. Petitioner has corresponded with Respondents reference the status of Kuplen v. Gerding, et al, and based upon, but not limited to, their responses they have led Petitioner to believe they never received the documents of Kuplen v. Gerding, et al, or there is no Docket Sheet existing under that case caption or listed under State v. Kuplen, and/or other type procedural gymnastics. Moreover, the North Carolina Court of Appeals has failed to respond to Petitioner status inquiries.

5. Petitioner personally addressed with DAC mailroom staff and its supervisor who failed to answer if they delivered to the US. Post Office the documents of Kuplen v. Gerding, et al (envelope marked 1 of 2), with the documents of State v. Kuplen (envelope marked 2 of 2), to be mailed to the Respondents. Consequently, DAC administrative grievances are pending against DAC mailroom staff (No. 4180-2026-HR-31912) and its supervisor (No. 4180-2026-HR-31911) and they both failed to answer what legal mail items were received by them from Petitioner (and witnessed placing in mailbox) on 3-3-26.

6. Conversely, Kuplen v. Gerding, et al., has become Respondents' impediment to Petitioner constitutional right of access to the courts based upon, but not limited to, it is a vital component of Petitioner content of a Petition for Writ of Certiorari to be considered by this Court where Respondents have decided an important federal question in a way that conflicts with relevant decisions of this Court. For example: Bonds v. Smith, 97 Sct. 1491 (1997) and its progeny; cf. Lewis v. Casey, 116 Sct. 2124 (1996).

7. Petitioner was until 9-15-26 to file the pro se prisoner certiorari packet the Clerk provided on 3-20-26, and Respondents' procedural gymnastics are not in good faith and, as a direct result, Petitioner has the right to file any petition for writ of certiorari with the Clerk that is [not] jurisdictionally out of time to be considered by this Court accordingly.

WHEREFORE, based upon circumstances beyond Petitioner control, Petitioner seeks an extension of time to file a Petition for Writ of Certiorari from the Supreme Court of North Carolina for sixty (60) days up to and including 11-16-26.

Respectfully Submitted,



JOHN EDWARD KUPLEN, Petitioner Pro Se

Prison Number 0230328

Hyde Correctional Institution

PO Box 278, Swan Quarter, NC 27885

I declare under 28 USC § 1746 that the foregoing is true and correct.
Executed on: 9-1-2026



JOHN EDWARD KUPLEN, Affiant Pro Se
Prison Number 0230328