

IN THE SUPREME COURT OF THE UNITED STATES

No. _____

LEZLIE A. DAY, Applicant

v.

GREGORY E. DAY, Respondent

**APPLICATION FOR A 45-DAY EXTENSION OF TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI**

Supreme Court of Virginia Record No. 260125 | Court of Appeals of Virginia Record No. 1626-25-4

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

Applicant Lezlie A. Day, proceeding pro se, respectfully requests a 45-day extension of time, from September 28, 2026 through November 12, 2026, to file a petition for a writ of certiorari seeking review of the Supreme Court of Virginia's June 30, 2026 order in *Day v. Day*, Record No. 260125, arising from Court of Appeals of Virginia Record No. 1626-25-4. This application is made under 28 U.S.C. § 2101(c) and Supreme Court Rules 13.5, 22, and 30.

Judgment to be reviewed. On June 30, 2026, the Supreme Court of Virginia dismissed Applicant's petition for appeal under Virginia Rule 5:14(a), stating that the appeal was not perfected because the notice of appeal had not been filed in the Court of Appeals. Applicant did not seek rehearing of that order. Counting 90 days from June 30 produces September 28, 2026.

Reasons for extension and extraordinary circumstances. Applicant is unrepresented and disabled. Since a May 2024 upper-extremity injury, she has undergone four surgeries in 2024 and 2025 and has continued to deal with significant functional limitations affecting her neck, arms, and dominant hand. She now has five additional staged surgeries being scheduled. Four are upper-extremity procedures that were postponed while her neurosurgeon at Johns Hopkins evaluated her cervical-spine condition and determined the sequence of treatment. Her neurosurgeon has now advised that a C3-C4 fusion with instrumentation is needed imminently, but that the four upper-extremity surgeries should be completed first. All four upper-extremity surgeries had previously been scheduled; surgical dates including May 1 and June 5, 2026, were canceled because legal matters required Applicant's attention.

Applicant's medical care has also been delayed and complicated by reliance on Medicaid after loss of the company health-insurance coverage that, under the February 10, 2020 court order, she was to be maintained on. Applicant contends that the termination violated that order. She further states that a document was submitted representing that an employee had replaced her as group plan administrator in 2018, although Applicant remained plan administrator in 2021 and, with BenefitMall's assistance, reinstated herself twice. Applicant disputes the authenticity and accuracy of the document used to support the change in plan-administrator status.

Applicant has no earned income. She has not received the last four months of court-ordered medical-support payments, and her spousal-support payments have been late each month. Applicant states that these failures violate existing court orders and have caused late fees and additional costs when she must process funds immediately upon receipt. She has also incurred substantial legal expenses while having no income. These financial burdens directly affect her ability to pay for printing, mailing, transportation, communications, temporary accommodations, and other filing costs.

Applicant further states that for approximately three years she has repeatedly brought to the trial court's attention what she contends was perjury and material misrepresentation concerning income. According to Applicant, the court stated that the issue was 'for another day' and has not adjudicated it, while motions in which she has sought relief have repeatedly been denied or dismissed. These unresolved matters have compounded the financial and procedural burdens affecting her ability to prepare this filing.

Applicant has also been homeless and living in unstable temporary accommodations, without dependable workspace or computer access, and has experienced interruptions in telephone and service access. Her neck and dominant-hand limitations materially affect typing, document handling, record review, and sustained preparation of legal filings.

Timing. Applicant was actively attempting to complete and submit this application on September 28, 2026. Her efforts were further impeded by significant hand difficulties, lack of assistance, and an error at the printing facility while she was preparing the filing.

Need for additional time. The requested 45 days would permit Applicant, or counsel if obtained, to review and organize the state-court record, evaluate the jurisdictional and procedural issues created by the state-court rulings, determine which federal issues may properly be presented to this Court, and prepare a focused petition while managing the medical, financial, and housing circumstances described above. The request is made in good faith and not for delay.

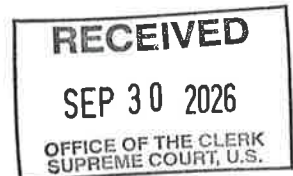
Applicant respectfully requests that the time to file a petition for a writ of certiorari be extended 45 days, through November 12, 2026, or for such shorter period as the Chief Justice deems appropriate.

Respectfully submitted,

Lezlie A. Day, Applicant, Pro Se
Mailing address:

Telephone: 703-755-5545 | Email: LezlieDay5@gmail.com

Dated: September 28, 2026



VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the
City of Richmond on Tuesday, the 30th day of June, 2026.*

LEZLIE A. DAY,

APPELLANT,

against

Record No. 260125

Court of Appeals No. 1626-25-4

GREGORY E. DAY,

APPELLEE.

FROM THE COURT OF APPEALS OF VIRGINIA

Finding that the appeal was not perfected in the manner provided by law because the appellant failed to file the notice of appeal in the Court of Appeals, the Court dismisses the petition for appeal filed in the above-styled case. Rule 5:14(a).

Justice Mann took no part in the resolution of this petition.

A Copy,

Teste:

Muriel-Theresa Pitney, Clerk

By:

Ervin Pajalic

Deputy Clerk

VIRGINIA:

In the Court of Appeals of Virginia on Friday the 19th day of December, 2025.

Lezlie A. Day,

Appellant

against

Record No. 1626-25-4

Circuit Court No. CL-2019-4587

Gregory E. Day,

Appellee.

From the Circuit Court of Fairfax County

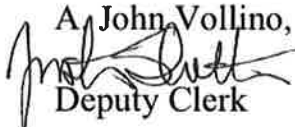
The record reflects that a notice of appeal in this case was not timely filed with the clerk of the trial court. Accordingly, this case is dismissed. *See Turner v. Commonwealth*, 2 Va. App. 96 (1986).

This order shall be certified to the trial court.

A Copy,

Teste:

By:

A. John Vollino, Clerk

Deputy Clerk

VIRGINIA:

3

In the Court of Appeals of Virginia on Friday the 9th day of January, 2026.

Lezlie A. Day,

Appellant,

against

Record No. 1626-25-4
Circuit Court No. CL-2019-4587

Gregory E. Day,

Appellee.

Upon a Petition for Rehearing

Before Judges Beales, White and Senior Judge Clements

On consideration of the petition of the appellant to set aside the judgment rendered herein on the 19th day of December, 2025 and grant a rehearing thereof, the said petition is denied.

A Copy,

Teste:

A. John Vollino, Clerk

By:



Deputy Clerk

IN THE SUPREME COURT OF THE UNITED STATES

LEZLIE A. DAY, Applicant
v.
GREGORY E. DAY, Respondent

PROOF OF SERVICE

I, Lezlie A. Day, declare that on September 28, 2026, I served one complete copy of my Application for a 45-Day Extension of Time to File a Petition for a Writ of Certiorari, together with the accompanying materials, on the following party or counsel:

Name: Gregory Day

Party represented (if counsel): _____

Address: 1800 Jonathon Way #820
Reston Va 20190

Telephone: 703 963 1635

Method of service: ☒ U.S. Mail ☐ Personal Service ☐ Commercial Carrier

I state that all parties required to be served have been served. I declare under penalty of perjury that the foregoing is true and correct. Executed on September 28, 2026.


Lezlie A. Day