

No. _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

THOMAS GERARD MAUTONE,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

Ninth Circuit No. 26-945

**APPLICATION TO JUSTICE ELENA KAGAN
FOR AN EXTENSION OF TIME TO FILE A PETITION
FOR A WRIT OF CERTIORARI**

To the Honorable Elena Kagan, Associate Justice of the
Supreme Court of the United States and Circuit Justice
for the United States Court of Appeals for the Ninth Circuit

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APPLICATION FOR EXTENSION OF TIME

TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE NINTH CIRCUIT:

Pursuant to Supreme Court Rules 13.5, 22, and 30, Applicant Thomas Gerard Mautone, proceeding pro se, respectfully requests a 60-day extension of time within which to file a petition for a writ of certiorari seeking review of the July 16, 2026 order of the United States Court of Appeals for the Ninth Circuit in No. 26-945. The current deadline is October 14, 2026. A 60-day extension would run through December 13, 2026, a Sunday, making the requested filing date Monday, December 14, 2026, under Rule 30.1. This application seeks an extension solely for Thomas Gerard Mautone.

JURISDICTION AND ORDER SOUGHT TO BE REVIEWED

The Ninth Circuit entered the order sought to be reviewed on July 16, 2026, denying Applicant a certificate of appealability from the denial of his motion under 28 U.S.C. § 2255. A copy of that order is attached as Appendix A. Applicant did not file a petition for rehearing. This Court would have jurisdiction under 28 U.S.C. § 1254(1). See *Hohn v. United States*, 524 U.S. 236, 253 (1998) (holding that this Court has jurisdiction under § 1254(1) to review a court of appeals denial of a certificate of appealability). Under Rule 13, the petition is presently due October 14, 2026.

GOOD CAUSE

Good cause exists because Applicant is proceeding without counsel and has been required to reconstruct a lengthy criminal and post-conviction record on his own. Applicant learned of the Ninth Circuit's July 16 order by mail on July 21, 2026. No attorney represented or advised him concerning rehearing, Supreme Court review, or the deadline for seeking certiorari.

Applicant had begun trying to assemble a usable record even before the Ninth Circuit ruled. On July 3, 2026, he asked former counsel for a complete copy of his case file in a single bulk-

downloadable location because, although materials had been shared through Clio, he could not identify a way to bulk-download the complete file. He specifically requested the evidence, discovery, filings, correspondence, emails, attachments, and related records needed to reconstruct the case accurately. That request did not result in a complete consolidated production. On September 21, 2026, Applicant again contacted former counsel because he could not locate even his filed § 2255 motion. On September 22, 2026, former counsel transmitted a consolidated set of § 2255 materials. Applicant is now reviewing those materials together with the trial, direct-appeal, Rule 60(b), and certificate-of-appealability records so that any petition presented to this Court accurately reflects the preserved issues and procedural posture.

Applicant also has substantial continuing family and work obligations. He and his wife homeschool four children, and he works while operating small businesses to support his family. Those responsibilities, combined with the time required for a pro se litigant to collect, organize, and review a multi-year federal record and comply with this Court's filing and service requirements, have materially limited the time available to prepare a focused petition. Applicant has acted diligently and seeks the extension to permit accurate preparation, not for delay. For these reasons, Applicant respectfully requests that the time to file a petition for a writ of certiorari be extended by 60 days, to and including December 14, 2026.

Respectfully submitted,



Thomas Gerard Mautone, Applicant Pro Se

Dated: September 24, 2026

DECLARATION: I declare under penalty of perjury under 28 U.S.C. § 1746 that the factual statements above concerning my receipt of the Ninth Circuit order, my lack of counsel, my efforts to obtain and reconstruct the record, and my family and work responsibilities are true and correct.



Thomas Gerard Mautone

Date: September 24, 2026