

No. _____

SUPREME COURT OF THE UNITED STATES

SAMUEL LEE SMITH, JR.,

Petitioner,

v.

MIAMI-DADE COUNTY, WALMART INC.,

Respondents,

**MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF
CERTIORARI**

Petitioner SAMUEL LEE SMITH, JR., proceeding pro se, respectfully moves this Court for a sixty-day extension of time within which to file a petition for writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit dismissing his appeal.

I. IDENTIFICATION OF JUDGMENT AND JURISDICTIONAL BASIS

Petitioner seeks review of the order entered by the United States Court of Appeals for the Eleventh Circuit, in Petitioner's appeal in Case No. 26-12012 on July 14th, 2026, denying the Petitioner an appellate case number and

treating the Petitioners timely filed Notice of Appeal as a Motion to proceed In Forma Pauperis. After the United States Court of Appeals for the Eleventh Circuit denial, the undersigned filed a Motion of Confession of error on July 10th, 2026, United States Court of Appeals for the Eleventh Circuit Judge Judge Kevin C. Newsome, Judge Elizabeth Lee “Lisa” Branch, Judge Robert Joshua Luck denied that Motion as moot. Petitioner cites 5 U.S.C. § 3331 for violation of their oath of office by denying the undersign right of access to Courts. The United States Constitution ensures that the Petitioner has a right to be free from government interference. The United States Court of Appeals for the Eleventh Circuit procedural actions conflicts the founding document of the United States, The Declaration of Independence.

The United States Court of Appeals order became final. Under Supreme Court Rule 13.1, petitioner's petition for writ of certiorari is currently due on 90 days from finality. This Court's jurisdiction would be invoked.

The underlying case arose from a Fourth Amendment violation. An unlawful detention and false arrest occurred to the colored male who is a member of a protected class. On January 23, 2022, the Petitioner went shopping at Walmart located at 15601 SW 127th Ave, Miami, FL 33177. Petitioner went to the pharmacy area to get some items while he was at Walmart. While Petitioner was shopping, he was racially stereotyped and profiled by Walmart employee(s) and Miami Dade Police Department officer as a black male, who selected unknown merchandise from the pharmacy section and placed those items inside of his fabric bag, carried

on his person. Petitioner proceeded to the closest cash register near to the pharmacy area to pay for his items. Walmart stated they hired a Miami-Dade Police officer to perform security at its store. The Walmart employee(s) notified the police officer that Petitioner had placed items in his fabric bag, carried on his persons. Petitioner was waiting in line to pay for his items with the cashier, the police officer was discriminating against him and racially profiling the Petitioner. After Petitioner finished paying for his items, the police officer blocked him from leaving the premises, she then detained him and assaulted him by aggressively grabbing his arm and forcefully directing the Petitioner to a location area. The police officer then took Petitioner to a room to unlawfully search him. Petitioner did not consent to the search and seizure. The police officer ripped the bag of Petitioner's shoulder and searched it without his consent. The police officer did not find any stolen goods during the search and seizure. After Petitioner left the store, sat inside of his vehicle and called the Miami-Dade Police Department numerous times to have an officer to be dispatched to report the discriminatory act. The report should have stated "he was profiled for shoplifting and his rights were violated." Officers were dispatched from the non-emergency unit and none met with the Petitioner first, responding officers fail to follow training protocol and instead engaged in law enforcement and government corruption. Petitioner emphasizes 18 U.S.C §§ 1961-1968. The Miami-Dade Police Department generated a factually falsified offense incident report, which is a falsely falsified public record. Petitioner mentions 18 U.S.C. § 1001 falsification of fraudulent documents by law

enforcement officials. Any scheme or conspiracy to cover up criminal activity by government official is prohibited under Federal law 18 U.S.C. § 2. The Petitioner initiated the 911 call. The dispatched officers blatantly lied and failed to generate a honest and factual police report. Petitioner cites 18 U.S.C. § 1621 for Perjury. Petitioner was not trespassed after leaving the store. After the Petitioner reported the matter the Officers congregated along with the Walmart employee, who then was informed that he was trespassed and could not return to that Walmart store. Petitioner emphasizes 18 U.S.C. § 242 deprivation of rights and 18 U.S.C § 241. Petitioner was provided a bad faith heinous case card. Petitioner mentions 18 U.S.C. § 1623 False Declaration Federal Law. The Defendants acted with deliberate indifference to the Petitioner's constitutional rights to be free of unlawful searches and unlawful seizure. Also, Defendants failed to properly implement and enforce policies and procedures that would prevent unlawful searches and seizures against citizens. Petitioner affirms all employees and officers acted fundamentally inconsistent to the agencies mission that constitutes as ABUSE OF AUTHORITY.

II. TIMELINESS OF THIS APPLICATION

This application is filed before the current deadline for filing the petition for writ of certiorari.

III. GOOD CAUSE EXISTS FOR A SIXTY-DAY EXTENSION

A. Legal Standard

Under Supreme Court Rule 13.5, a Justice may extend the time to file a petition for writ of certiorari for a period not exceeding 60 days upon a showing of good cause. USCS Supreme Ct R 13 Applications to extend the time to file a petition for writ of certiorari are not favored. USCS Supreme Ct R 13 Nevertheless, the Rule contemplates that good cause may exist in appropriate circumstances, and the sixty-day extension authority demonstrates that the Court recognizes situations warranting relief from strict filing deadlines.

The application must set out the basis for jurisdiction in this Court, identify the judgment sought to be reviewed, include a copy of the opinion and any order respecting rehearing, and set out specific reasons why an extension of time is justified. USCS Supreme Ct R 13 The application must clearly identify each party for whom an extension is being sought, as any extension granted would apply solely to the party or parties named in the application. USCS Supreme Ct R 13

B. Petitioner's Serious Medical Emergency Constitutes Good Cause

Petitioner is currently experiencing a serious and ongoing medical emergency requiring immediate neurological evaluation and treatment. Petitioner must seek urgent care from a neurologist due to symptoms that materially impair his ability to prepare legal filings and effectively proceed with legal matters. The nature of petitioner's symptoms is such that he cannot engage in the sustained cognitive work necessary to research, draft, and prepare a petition for writ of certiorari.

This medical emergency is not a matter of convenience or preference for

additional time. Rather, it is an acute condition demanding immediate professional attention and potentially ongoing treatment. Petitioner has been advised that further neurological evaluation is required, he may need to refrain from legal work pending diagnosis and treatment, though the duration cannot be predicted with precision at this stage.

Petitioner's medical emergency is fundamentally different from the insufficient reasons that have been rejected in prior extension applications. In one case, a Circuit Justice denied an extension where counsel cited a voluminous record and planned absence as reasons, holding these did not constitute good cause because counsel should have familiarity with the record from prior briefing and planned absences should not affect the orderly administration of deadlines. *Penry v. Tex.*, 515 U.S. 1304 In another case, an extension was denied where the only reason given was counsel's desire for additional time to research constitutional issues. *Kleem v. INS*, 479 U.S. 1308 Unlike those cases involving professional scheduling or desire for more preparation time, petitioner faces an involuntary medical crisis that prevents him from performing legal work altogether.

C. Pro Se Status and Complete Absence of Alternative Means

Petitioner is proceeding pro se and has no counsel to assist him in preparing his petition. As a pro se litigant, petitioner is solely responsible for all aspects of researching, drafting, and filing his petition for writ of certiorari. He has no alternative means to prepare the required documents.

The Supreme Court has recognized that procedural rules are based on the assumption that litigation is normally conducted by lawyers. *McNeil v. United States*, 508 U.S. 106 While the Court has held that procedural rules in ordinary civil litigation should not be interpreted to excuse mistakes by those who proceed without counsel, the Court has also recognized that some procedural rules must give way because of unique circumstances. *McNeil v. United States*, 508 U.S. 106

Unlike represented parties who may rely on counsel to continue legal work during periods of personal difficulty, petitioner has no such alternative. When a pro se litigant is incapacitated by a medical emergency, the inability to prepare filings is absolute. Petitioner cannot delegate this work to counsel because he has none and lacks the financial resources to retain counsel. If the extension is denied, petitioner will be effectively barred from seeking review not because his claims lack merit, but because he is physically unable to perform the necessary legal work due to a medical emergency beyond his control.

D. Good Faith, Diligence, and Commitment to Compliance

Petitioner makes this request in good faith and not for purposes of delay or tactical advantage. He is seeking to preserve his right to seek Supreme Court review while addressing a medical crisis that demands immediate attention. Petitioner has already pursued his claims through the district court and appellate process despite significant procedural obstacles, including denial of in forma pauperis status and dismissal of his appeal for want of prosecution due to inability

to pay fees. His request for an extension demonstrates responsible action to ensure that his petition will be prepared with appropriate care rather than rushed to meet a deadline while he is incapacitated.

Petitioner commits to the following:

Filing his petition for writ of certiorari as soon as he is medically able to do so, without waiting for the full sixty-day extension period to expire if his condition permits earlier work.

Providing medical documentation from a medical professional which suggested seeing a treating neurologist and getting more professional evaluation.

Notifying the Court promptly if his medical condition improves sufficiently to permit earlier filing than the extended deadline.

E. The Requested Extension Is Modest and Defined

Petitioner requests a sixty-day extension, which is the maximum period authorized by Supreme Court Rule 13.5. USCS Supreme Ct R 13 This defined period provides reasonable time for petitioner to undergo neurological evaluation, receive medical guidance, and begin recovery while maintaining orderly administration of the Court's docket. The extension establishes a clear deadline sixty days from the current deadline, promoting certainty in docket management.

If, after sixty days, petitioner's medical condition has not improved sufficiently

to permit work on the petition, petitioner may seek an additional extension supported by medical documentation from his treating neurologist. This approach allows the Court to evaluate petitioner's circumstances in stages with concrete medical evidence, rather than requiring speculation about an indefinite future.

F. No Prejudice to Respondents

Granting a sixty-day extension does not materially prejudice respondents. A delay in the filing of a certiorari petition, which itself is discretionary and not a matter of right, does not undermine the finality of the judgments below or impose any substantial burden on the respondents. Moreover, granting the extension serves the orderly administration of justice by allowing petitioner to prepare a complete and thoughtful petition rather than forcing him to choose between meeting a deadline while incapacitated or forfeiting his right to seek review.

When the judicial process becomes the only effective means of resolving a dispute, denial of access raises grave problems for legitimacy. *Boddie v. Connecticut*, 401 U.S. 371

IV. CONCLUSION

For the foregoing reasons, petitioner respectfully requests that this Court grant a sixty-day extension of time to file his petition for writ of certiorari, extending the current deadline and for such other relief as the Court deems just and proper.

Respectfully submitted,

/s/ Samuel Lee Smith, Jr.,

Samuel Lee Smith, Jr.,

Petitioner Pro se

16614 SW 99 Court

Miami, Florida 33157

Email gysam7@gmail.com

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-12012
Non-Argument Calendar

SAMUEL LEE SMITH, JR.,

Plaintiff-Appellant,

versus

MIAMI-DADE COUNTY,

a municipality,

WALMART, INC.,

a Foreign for-Profit Corporation,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:26-cv-20464-DSL

Before NEWSOM, BRANCH, and LUCK, Circuit Judges.

PER CURIAM:

Samuel Smith, pro se, appeals from the district court's May 27, 2026 order directing him to respond to the defendants' motions to dismiss his amended complaint.

We lack jurisdiction over Smith's appeal because it is not taken from a final or otherwise appealable order. See 28 U.S.C. § 1291 (providing that appellate jurisdiction is generally limited to "final decisions of the district courts"); *id.* § 1292 (providing that appellate jurisdiction includes specific interlocutory orders made appealable by statute or jurisprudential exception). First, the May 27 order is not appealable under 28 U.S.C. § 1291 because it did not end the litigation on the merits, as Smith's complaint remains pending in the district court. See *CSX Transp., Inc. v. City of Garden City*, 235 F.3d 1325, 1327 (11th Cir. 2000) (explaining that final orders generally end litigation on the merits). Additionally, it is not appealable under the collateral order doctrine because it is not effectively unreviewable on appeal from a final judgment. See *Plaintiff A v. Schair*, 744 F.3d 1247, 1253 (11th Cir. 2014) (explaining that a ruling that does not conclude the litigation may be appealed under the collateral order doctrine if, among other things, it would effectively be unreviewable on appeal from a final judgment).

Accordingly, this appeal is DISMISSED, sua sponte, for lack of jurisdiction. All pending motions are DENIED as moot.

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Samuel Lee Smith Jr — PETITIONER
(Your Name)

VS.

MIAMI-DADE COUNTY WALMART INC — RESPONDENT(S)

PROOF OF SERVICE

I, Samuel Lee Smith Jr, do swear or declare that on this date, October 10th, 2026, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

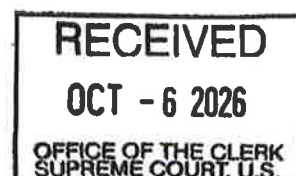
The names and addresses of those served are as follows:

Gabriela Lazaro - gabriela.lazaro@csklegal.com, Padra Valdes - padra.valdes@csklegal.com
Jennifer Azar - jennifer.azar@miamidade.gov, Jeanette Herandi - jeanette.herandi@miamidade.gov
geteldine.teresa.bonzon-keenan-gbk@miamidade.gov, David Seymour Leibowitz - leibowitz2@flsd.uscourts.gov

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10th, 2026

SAMUEL IS THE MAN
(Signature)



**Additional material
from this filing is
available in the
Clerk's Office.**