

No. _____

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

DAVID AREVALO,
Applicant,

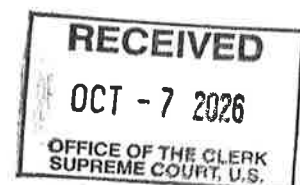
v.

**AKIMA, LLC; FRS LLC; LESLIE LEROY; JARED VENABLE; V2X,
INC.; JOHN KALAFICE; SAYIED ALI; JAMISON SULLIVAN,**
Respondents.

**APPLICATION TO EXTEND THE TIME TO FILE A PETITION FOR A
WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE FOURTH CIRCUIT**

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

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

Pursuant to Rules 13.5, 22, and 30.2 of the Rules of this Court, Applicant David Arevalo, proceeding pro se, respectfully requests a 60-day extension of time, to and including Friday, December 18, 2026, within which to file a petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit in *Arevalo v. Akima, LLC*, No. 25-2026.

JUDGMENT SOUGHT TO BE REVIEWED

1. On July 20, 2026, the Fourth Circuit (Wilkinson, Richardson, and Quattlebaum, JJ.) issued an unpublished per curiam opinion and entered judgment affirming the orders of the United States District Court for the Eastern District of Virginia (Brinkema, J.) entered July 30, 2025, and July 31, 2025, in *Arevalo v. Akima, LLC*, No. 1:25-cv-00244-LMB-LRV. The per curiam opinion stated only that the panel discerned no reversible error in the district court's dispositive rationale. A copy of the opinion is attached as Appendix A, and a copy of the judgment is attached as Appendix B.

2. No petition for rehearing was filed in the court of appeals, and no order respecting rehearing was entered. The mandate issued on August 11, 2026.

JURISDICTION AND CURRENT DEADLINE

3. This Court has jurisdiction under 28 U.S.C. § 1254(1). Under Rules 13.1 and 13.3, the time to file a petition for a writ of certiorari runs from the July 20, 2026 entry of judgment and expires on Monday, October 19, 2026. This application is filed at least ten days before that date, as Rule 13.5 requires. Applicant has not previously sought an extension of time in this matter.

NATURE OF THE CASE

4. Applicant was employed as a Telecom Engineer II in Kuwait under a federal LOGCAP contract. Following his termination, he filed charges of discrimination with the Equal Employment Opportunity Commission and then brought this action alleging claims under Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act, together with state-law tort claims,

against Respondents. The district court dismissed the complaint, and the Fourth Circuit affirmed without separate analysis.

5. The petition is expected to present substantial questions concerning the timeliness rules that govern Title VII and ADA actions, which the ADA adopts by reference. 42 U.S.C. § 12117(a). Applicant filed two separate EEOC charges: Charge No. 531-2024-01207, directed to Akima, LLC and FRS LLC, and Charge No. 570-2024-03324, which named V2X, Inc. The EEOC issued a notice of right to sue on the V2X charge on December 9, 2024, and Applicant filed suit on February 7, 2025, within the 90-day period prescribed by 42 U.S.C. § 2000e-5(f)(1). The amended complaint pleaded Charge No. 570-2024-03324 as the charge against V2X. V2X's motion to dismiss did not assert a limitations defense. The district court nonetheless dismissed the Title VII and ADA claims against V2X as untimely, measuring the 90-day period from the notice issued on the separate Akima/FRS charge on the reasoning that the claims in the two charges overlapped, even though the Akima defendants' own limitations argument was confined to claims against Akima and FRS.

6. The petition is therefore expected to ask whether a district court may dismiss Title VII and ADA claims as time-barred on a limitations ground that the defendant never raised, without notice to the plaintiff or an opportunity to respond, and whether a court may resolve timeliness against a plaintiff at the pleading stage by judicially noticing the assumed contents of an administrative charge that is outside the record. This Court has held that the charge-filing and timing requirements of Title VII are non-jurisdictional, claim-processing rules subject to waiver and forfeiture. *Fort Bend County v. Davis*, 587 U.S. 541 (2019); *Zipes v. Trans World Airlines, Inc.*, 455 U.S. 385, 393 (1982). It has also held that a court's authority to raise a forfeitable limitations defense on its own is narrow and requires fair notice and an opportunity for the parties to be heard. *Day v. McDonough*, 547 U.S. 198, 210 (2006); *Wood v. Milyard*, 566 U.S. 463, 472–73 (2012). These questions warrant careful presentation.

REASONS FOR GRANTING AN EXTENSION

7. Good cause exists for a 60-day extension, for the following specific reasons.

8. Applicant is not represented by counsel. Because the court of appeals affirmed in a brief unpublished per curiam opinion that does not set out its reasoning, a petition must reconstruct and address the district court's rationale across two separate orders and a record spanning more than forty district-court docket entries and thirty-eight appellate docket entries. Preparing a petition that complies with Rule 14, including the required appendix of the opinions and orders below, and that presents the questions concisely and accurately, requires more time than remains before October 19, 2026.

9. During the same period, Applicant is the claimant in two consolidated proceedings under the Defense Base Act before the United States Department of Labor, Office of Administrative Law Judges (OALJ Nos. 2025-LDA-04145 and 2025-LDA-07140), in which active record and evidentiary work continues and demands substantial time. In addition, Applicant is a combat veteran with a service-connected disability, which affects the pace at which he can complete sustained written work.

10. Applicant must also determine the proper form of filing under Rule 33.1 or Rule 39 and make the corresponding arrangements for preparation, printing, and service, which the requested extension would allow him to complete in an orderly way.

11. The requested extension will not prejudice Respondents. Respondents prevailed below, the court of appeals' mandate has issued, and the judgment is in effect. Applicant seeks no stay. The extension would not delay any proceeding in any court. This application is made in good faith and not for purposes of delay.

CONCLUSION

For these reasons, Applicant respectfully requests that the time to file a petition for a writ of certiorari in this matter be extended by 60 days, to and including Friday, December 18, 2026.

Respectfully submitted,



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Dated: October 5, 2026

APPENDIX A

Unpublished Per Curiam Opinion

United States Court of Appeals for the Fourth Circuit, No. 25-2026
(filed July 20, 2026)

UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 25-2026

DAVID AREVALO,

Plaintiff - Appellant,

v.

AKIMA, LLC; FRS LLC; LESLIE LEROY; JARED VENABLE; V2X, INC.;
JOHN KALAFICE; SAYIED ALI; JAMISON SULLIVAN,

Defendants - Appellees,

and

ETHICS DEPARTMENT,

Defendant.

Appeal from the United States District Court for the Eastern District of Virginia, at
Alexandria. Leonie M. Brinkema, District Judge. (1:25-cv-00244-LMB-LRV)

Submitted: July 16, 2026

Decided: July 20, 2026

Before WILKINSON, RICHARDSON, and QUATTLEBAUM, Circuit Judges.

Affirmed by unpublished per curiam opinion.

David Arevalo, Appellant Pro Se. Alexander C. Landin, KULLMAN FIRM, PC, New
Orleans, Louisiana; Jason Branciforte, Morgan L. Kinney, Meredith Lynn Schramm-

Strosser, LITTLER MENDELSON PC, Washington, D.C., for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Arevalo appeals the district court's orders (a) dismissing Arevalo's civil complaint alleging various employment discrimination and state-law tort claims; and (b) denying the relief sought by Arevalo in the sur-reply, which the district court received after entry of its dispositive order.* Upon review of the record, we discern no reversible error in any aspect of the court's dispositive rationale. Accordingly, we affirm the district court's orders. *Arevalo v. Akima, LLC*, No. 1:25-cv-00244-LMB-LRV (E.D. Va., July 30, 2025 & July 31, 2025). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

* The parties have filed multiple motions in this court. First, Arevalo asks that we take judicial notice of various Fourth Circuit opinions, allow him to file an initial amendment to the informal brief, and extend the reply period, and we grant those motions. Defendant V2X, Inc., moves to strike the late reply, which we deny given the granted filing extension. After Defendants filed their informal responses, Arevalo sought leave to file another supplemental brief, which we deny. Finally, Arevalo moves to amend the caption as related to the spelling of Defendant Ali's first name, which we deny as unnecessary.

APPENDIX B

Judgment

United States Court of Appeals for the Fourth Circuit, No. 25-2026
(entered July 20, 2026)

FILED: July 20, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-2026
(1:25-cv-00244-LMB-LRV)

DAVID AREVALO

Plaintiff - Appellant

v.

AKIMA, LLC; FRS LLC; LESLIE LEROY; JARED VENABLE; V2X, INC.; JOHN
KALAFICE; SAYIED ALI; JAMISON SULLIVAN

Defendants - Appellees

and

ETHICS DEPARTMENT

Defendant

J U D G M E N T

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

No. _____

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

DAVID AREVALO, Applicant,
v.
AKIMA, LLC, et al., Respondents.

PROOF OF SERVICE

I, David Arevalo, certify that on October 5, 2026, as required by Supreme Court Rules 22.2 and 29, I served the enclosed Application to Extend the Time to File a Petition for a Writ of Certiorari, with its appendices, on each party to the above proceeding or that party's counsel, by delivering an envelope containing the document to FedEx, a third-party commercial carrier, for delivery within three calendar days, addressed as follows:

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mkinney@littler.com
Counsel for Respondent V2X, Inc., et al.

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



David Arevalo
Executed on October 5, 2026