

No. _____

In the Supreme Court of the United States

ACUTE, INC.,

Applicant,

v.

ECI PHARMACEUTICALS, LLC,

ON APPLICATION FOR AN EXTENSION OF THE TIME
TO FILE A PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

FOR THE ELEVENTH CIRCUIT, JUSTICE CLARENCE THOMAS, PRESIDING

**APPLICATION FOR AN EXTENSION OF THE TIME
TO PETITION FOR WRIT OF CERTIORARI**

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OCTOBER MMXXVI

**APPLICATION FOR AN EXTENSION THE TIME
TO PETITION FOR WRIT OF CERTIORARI**

For the Eleventh Circuit, Justice Thomas, Presiding

Pursuant to this Court's Rule 13.5, Applicant Acute, Inc. seeks a 60-day extension of time to petition for writ of certiorari to the Eleventh Circuit's judgment in No. 25–12829, entered on July 7, 2026.

JURISDICTION

The Eleventh Circuit's judgment was entered on July 7, 2026. This Court has jurisdiction under 28 U. S. C. §1257(a).

REASONS JUSTIFYING THE EXTENSION OF TIME

Acute, Inc. retained the undersigned counsel for representation in the instant proceeding on October 5, 2026. Applicant's prior counsel only discovered today that he is not admitted to the Bar of this Court and promptly informed the applicant. This sudden discovery justifies the last-minute retention of qualified and competent counsel to represent the applicant in the instant proceedings.

In addition to being retained *on the day of the deadline* to petition for certiorari, counsel currently has multiple pending appeals, pre-trial, and upcoming trial court proceedings with deadlines to meet before various trial and appellate courts before various courts in the jurisdictions of the States of Florida, North Carolina, Texas, and United States courts in other unrelated cases. As a result of counsel's busy schedule and the extraordinary circumstances where the applicant retained counsel on the day of, it is of good cause to seek an extension of time to petition for certiorari to permit counsel to better review the extensive lower court records and

conduct thorough legal research, and would permit the best, diligent, and most well-thorough representation of Acute, Inc. Additionally, counsel is new to this case, providing further good cause in support of the foregoing causes.

The application is not sought to delay the proceedings and is presented in good faith to permit a diligent and thorough representation of Acute, Inc. ECI Pharmaceuticals, LLC would not suffer any prejudice in the event an extension were to be granted.

CONCLUSION

This Court should grant the petition extending the time to file for 60-days, to December 4, 2026.

Respectfully submitted.

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