

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

PAUL RIVERA,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

**APPLICATION TO JUSTICE SONIA SOTOMAYOR
FOR AN EXTENSION OF TIME TO FILE A PETITION
FOR A WRIT OF CERTIORARI**

To the Honorable Sonia Sotomayor, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Second Circuit:

Paul Rivera, proceeding pro se and presently incarcerated, respectfully applies under Supreme Court Rule 13.5 for a 60-day extension of time, from October 20, 2026 to December 19, 2026, in which to file a petition for a writ of certiorari seeking review of the July 22, 2026 order of the United States Court of Appeals for the Second Circuit in *Rivera v. United States*, No. 25-2919.

1. JUDGMENT TO BE REVIEWED AND JURISDICTION

On July 22, 2026, the United States Court of Appeals for the Second Circuit denied Applicant's motion for a certificate of appealability under 28 U.S.C. § 2253(c), denied the remaining motions, and dismissed the appeal. A copy of that order is attached as Exhibit A.

The Second Circuit issued its mandate on September 29, 2026. A copy of the mandate is attached as Exhibit B.

This Court's jurisdiction would be invoked under 28 U.S.C. § 1254(1). Under Supreme Court Rule 13.1, the current deadline for a petition for a writ of certiorari is October 20, 2026, calculated from the July 22, 2026 order.

2. NO TIMELY REHEARING PETITION WAS FILED

Applicant did not file a timely petition for panel rehearing or reconsideration after the July 22, 2026 order. Applicant is separately seeking leave from the Second Circuit to file an out-of-time motion for panel reconsideration and, to the extent necessary, to recall the mandate. Applicant does not rely on that separate request to extend or toll the present certiorari deadline unless the Second Circuit actually entertains the untimely reconsideration request.

3. GOOD CAUSE EXISTS FOR THE REQUESTED EXTENSION

Applicant is incarcerated and has proceeded pro se. He has not had counsel monitoring post-disposition deadlines or preparing a petition for certiorari on his behalf.

Applicant did not receive the Second Circuit's July 22, 2026 order on the date it was entered. Before he received the mailed copy, a family member who had reviewed the PACER docket informed him

that the Court of Appeals had denied his request. Applicant later received the order through institutional mail but does not now recall the exact date of delivery.

When Applicant received and reviewed the order, he understood that the certificate of appealability had been denied and that the appeal had been dismissed. He did not understand that he could seek reconsideration from the Second Circuit or that review in this Court remained available subject to short filing deadlines.

Applicant only recently learned that Supreme Court review remained procedurally available. He is now attempting to preserve that right while also preparing the separate Second Circuit reconsideration request.

The underlying post-conviction matter is extensive. The district court's October 25, 2025 decision addressed claims under 28 U.S.C. § 2255 and Federal Rule of Criminal Procedure 33, including ineffective-assistance, prosecutorial-misconduct, evidentiary-hearing, witness-credibility, and newly discovered evidence issues. Applicant needs additional time to review the lower-court record, identify the questions properly presented for certiorari, prepare the required appendix, and comply with this Court's rules governing a pro se in forma pauperis petition.

Applicant seeks the extension in good faith and not for purposes of delay. The requested extension will permit preparation of a compliant petition while avoiding a rushed filing that would not adequately present the jurisdictional and federal questions raised by the record.

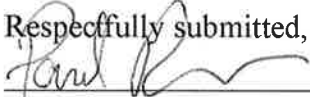
4. TIMELINESS OF THIS APPLICATION

Supreme Court Rule 13.5 ordinarily requires an extension application to be filed at least 10 days before the petition is due. The tenth day before October 20, 2026 fell on Saturday, October 10, 2026, and Monday, October 12, 2026 was a federal legal holiday. Under Supreme Court Rule 30, the ordinary 10-day date therefore runs to Tuesday, October 13, 2026. Applicant respectfully presents this application under Rules 13.5 and 30.

RELIEF REQUESTED

For these reasons, Applicant respectfully requests that the time to file a petition for a writ of certiorari be extended by 60 days, from October 20, 2026 to December 19, 2026, subject to the computation provisions of Supreme Court Rule 30.

Respectfully submitted,



Paul Rivera, pro se

Register No. 46704-053

USP Tucson

P.O. Box 24550

Tucson, AZ 85734

Date: 10/27/2026

EXHIBITS

Exhibit A: United States Court of Appeals for the Second Circuit order dated July 22, 2026, Case No. 25-2919, denying certificate of appealability and dismissing appeal.

Exhibit B: United States Court of Appeals for the Second Circuit mandate issued September 29, 2026, Case No. 25-2919.

Attach the actual copies immediately behind this page in the order listed above.

E.D.N.Y. – Bklyn
24-cv-1110
13-cr-149
Matsumoto, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 22nd day of July, two thousand twenty-six.

Present:

Beth Robinson,
Myrna Pérez,
Sarah A. L. Merriam,
Circuit Judges.

Paul Rivera,

Petitioner-Appellant,

v.

25-2919

United States of America,

Respondent-Appellee.

Appellant, pro se, moves for a certificate of appealability (“COA”), appointment of counsel, and an extension of time for appointed counsel to appear and file supplemental submissions. As to the denial of Appellant’s 28 U.S.C. § 2255 motion, upon due consideration, it is hereby ORDERED that the COA motion is DENIED and the appeal is DISMISSED because Appellant has not “made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c); *see also Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). As to the remainder of the appeal, it is further ORDERED that remaining motions are DENIED and the appeal is DISMISSED because it “lacks an arguable basis either in law or in fact.” *Meadows v. United Services, Inc.*, 963 F.3d 240, 243 (2d Cir. 2020) (quoting *Neitzke v. Williams*, 490 U.S. 319, 325 (1989)); *see also Pillay v. INS*, 45 F.3d 14, 17 (2d Cir. 1995).

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk of Court




MANDATE

E.D.N.Y. – Bklyn
24-cv-1110
13-cr-149
Matsumoto, J.

United States Court of Appeals FOR THE SECOND CIRCUIT

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Petitioner-Appellant,

v.

25-2919

United States of America,

Respondent-Appellee.

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A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit




FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk of Court




MANDATE ISSUED ON 09/29/2026

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PAUL RIVERA, Applicant,

v.

UNITED STATES OF AMERICA, Respondent.

DECLARATION OF SERVICE

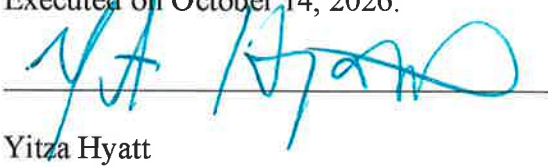
I, Yitza Hyatt, declare under penalty of perjury under 28 U.S.C. § 1746 that on October 14, 2026, I served one complete copy of Paul Rivera's Application for an Extension of Time to File a Petition for a Writ of Certiorari, including its exhibits, by depositing it in the United States Mail with first-class postage prepaid, addressed as follows:

Solicitor General of the United States
Room 5616
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001
Telephone: (202) 514-2217

I further declare 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 October 14, 2026.



Yitza Hyatt

