IN THE SUPREME COURT OF THE UNITED STATES

Curtis Gorham	Case No.:
Plaintiff-Appellant	
vs.	
Elijah Smiley, et al	
Defendants-Appellees	Date: 10/23/2026

Application for Extension of Time Within Which to File for a Writ of Certiorari to the Court of Appeals for the Eleventh Circuit

APPLICATION TO THE HONORABLE JUSTICE
CLARENCE THOMAS AS CIRCUIT JUSTICE

Curtis M. Gorham
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Plaintiff-Appellant, pro se

Elijah Smiley, Judge,
Gary Lavine, Dr.
Defendants-Appellees.

United States Court of Appeals for the Eleventh Circuit
On Petition For Rehearing and Petition for Rehearing En Banc
August 4th 2026, Rehearing Denied.

Appeal Number: 25-12693-FF
Case Style: Curtis Gorham v. Elijah Smiley, et al
District Court Docket No. 5:24-cv-00280-MW-MJF

JURISDICTION

The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254, and the time to file a petition for a writ of certiorari will expire without an extension on November 2, 2026. This application is timely because it is being filed 10 days prior to the date on which the time for filing the petition is to expire on 10/23/2026. 10 days until

time expires to request this motion as per the rules deadline it seems I even would qualify under the "circumstances" for a less than ten days motion.

APPLICATION FOR AN EXTENSION OF TIME

Common Reasons the Court Grants Cert include Circuit Splits: Resolving conflicting rulings on federal law or constitutional issues between different federal Courts of Appeals. National Importance: Addressing major constitutional questions or significant legal issues that affect the entire country. Departure from Precepts: Lower courts departing drastically from accepted judicial proceedings.

These are all "accurate" to my matters as there is "case law" that shows errors and abuse of discretion have taken place and even potentially "new law" is happening according to my issues that should be the case that would potentially "create" the new law nation wide now and if it was ever managed by my filings correctly as I attempted and apparently failed yet the case law is in support for the constitutional and due process and substantive rights all along.

REASONS JUSTIFYING AN EXTENSION OF TIME

Pursuant to Supreme Court Rules 13.5, 22, and 30, Petitioner respectfully requests a 60-day extension of time, up to and including January 1, 2027, to file a petition for a writ of certiorari to the United States Court of Appeals for the Eleventh Circuit to review that court's decision in the case with "rehearing denied" conclusion on August 4th 2026 per curium. (See Exhibit B).

I have 90 days to appeal it from the 8/4/26 denial of rehearing so to file the writ to SCOTUS that date is now 80 days into the deadline since the ruling and so leaving me

just 10 more days up to apparently November 2nd 2026, being the due date.

The problem is I have been "evicted" illegally by a "self help eviction" and or "illegal civil lockout" in Florida is illegal happening since several months prior and it is still on-going today. Hence I have no way to access my litigation "computer" or collect the prior clerks returned writ for amendment since it was not docketed given the initial denial of the appeals court which I then requested rehearing on herein, now to be the writ of cert instead of the original from the dismissal it is the rehearing denied going to be the writ of cert.

Hence the rehearing denial (Exhibit B) would override the initial writ sent and that is now 10 days away from being due and I am stuck being homeless and financially crippled. No printer. No court records that I wouldn't need to "pay" to download from the pacer docket. Un-affordable currently in totality would cost me around a $100 bare minimum to send the writ (I've spent similar amount on fast shipping before) if it was the "form" used I estimate but in reality I'd prefer the larger paper format and even extension of filing limits would be better even a stay and electronic filing or civil counsel. I get $900 a month on disability and it is obliterated by costs and insufficient. I don't have spare money these days at all and debts are being paused all over and new expenses occurring like car repairs as a result of the illegal lock out happening but probate should afford me some relief eventually and is moving slow and complicated due to the party who passed being a (Other) defendant in my litigations as I try to regain entry to my house of 20 years also now in abeyance by order of court for about 30 more days but no expectations given my filings on the matter that anything will occur except dismissal of the "unlawful detainer" matter, eviction or the executor of estate joins the case and gets

the "writ of possession" posted by the sheriff on the door of the house and I have 24 hours to move my stuff out. As well the injunction filed against me took time to remedy without any relief from my filings for illegal lock out and it was dismissed eventually. I have motioned to the court about this matter in cases on going in Florida to resolve the lock out but nothing has happened yet except recently today as writing this a "legal help" telephone call occurred to do intake for the matter for an attorney to represent me in the matter and regain me access to my house of 20 years. I also have finally this week filed to resolve a pending issue with the dismissal of the criminal misdemeanor case's "order" in order for me to get relief from judgment to correct it and or vacate it. Making it 3 cases here now instead of 4 and then this writ plus I was supposed to send the US District Court something and missed it but did request the appeals court stay the mandate but it was denied after August 4th rehearing denied decision all this just since arrest all since in July 2026 has been happening and after I already sent the original writ for the appeal dismissal. Now trapped in my house whatever the clerk wanted to be amended. I need to further potentially prepare for more civil litigation as well for various local parties given this incident and how probate claims settled or not. So no shortage of things to do plus I have medical issues all along and now new issues. It's never ending with this litigation now going on since the original incident in October 2018.

The last parent died so probates happening (Exhibit A) and I'm filing on that and the other family do not want me to be at home. As a result of what my parent did before death to evict me (unlawful detainer) but it was incomplete when the parent died leaving me ousted and the property I own trapped inside as a result of the family not understanding the law and or their personal reasoning's to not allow me home which is

illegal to deny an heir access. Local court isn't resolving it after several motions for relief.

Hence, I am now doing this other legal case alone and there are and or were several happening as a result of my parents actions in the prior months (to include an arrest on a misdemeanor that was dismissed) along with on-going homelessness and indigence all along and needing to know why the clerk needed me to "amend" the original writ on denial case to SCOTUS and now make a new filing for the rehearing denial in the same appeal matter. I was the "victim" in the original matter of the arrest recently involving my family and not the person who initiated a incident causing an arrest of me as a result, instead I was a victim and due to fraud or delusion by the other parties I am still victim just more so.

The case in the eleventh circuit is varied topics of importance which the court doesn't understand and refuses to. I was finally given a "civil counsel" but it's a "civil" appeal and he's a "criminal" attorney appointed and didn't file anything on my behalf. Technically, I shouldn't be doing this now alone (I should have won remanding by the appeals court) and he will not do this writ for me. The appeals court doesn't like how to presented the matters and did not engage with the "content of the merits" at all I think so a writ could resolve it. Either in large form or just the simple error(s) involved in the court's dismissal judgment.

CONCLUSION

Accordingly, the petitioner respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari for 60 days, up to and including January 1, 2027.

Dated: October 23, 2026

Exhibit A
DIN #8 from the docket of the probate case

Filing # 257176377 E-Filed 09/16/2026 11:20:13 AM Exhibit A

IN THE CIRCUIT COURT FOR BAY COUNTY, FLORIDA
PROBATE DIVISION

IN RE: ESTATE OF **Case No. 26 CP** 26001048CP

FAYE ELAINE GORHAM,

Deceased.

PETITION FOR ADMINISTRATION
(testate Florida resident – single petitioner)

Petitioner, GEORGE RAMPULLA, alleges:

1. Petitioner has an interest in the above estate as the named personal representative in decedent's Last Will. Petitioner's address is 1529 Bluegrass Lane, Lynn Haven, FL 32444, and the name and office address of petitioner's attorney are set forth at the end of this petition.

2. Decedent, FAYE ELAINE GORHAM, whose last known address was 3513 Rosewood Circle, Lynn Haven, FL 32444, and the last four digits of whose social security number are [redacted], died on July 30, 2026, at Bay Medical Center-Sacred Heart Health System, Panama City, FL. On the date of death decedent was domiciled in BAY County, Florida.

3. So far as is known, the names of the beneficiaries of this estate and of the decedent's surviving spouse, if any, their addresses and relationships to decedent, and the years of birth of any who are minors, are:

NAME	ADDRESS	RELATIONSHIP	YEAR OF BIRTH (If Minor)
Curtis Myren Gorham	2310 S. Hwy 77, Ste. 110 PMB: #170	Son	N/A

In the

United States Court of Appeals

For the Eleventh Circuit

No. 25-12693

CURTIS GORHAM,

Plaintiff-Appellant,

versus

ELIJAH SMILEY,
Judge,
GARY LAVINE,
Dr.,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 5:24-cv-00280-MW-MJF

ON PETITION FOR REHEARING AND PETITION FOR REHEARING EN BANC

Before BRANCH, LUCK, and LAGOA, Circuit Judges.

PER CURIAM:

The Petition for Rehearing En Banc is DENIED, no judge in regular active service on the Court having requested that the Court be polled on rehearing en banc. FRAP 40. The Petition for Panel Rehearing also is DENIED. FRAP 40.

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12693
Non-Argument Calendar

CURTIS GORHAM,

Plaintiff-Appellant,

versus

ELIJAH SMILEY,
Judge,
GARY LAVINE,
Dr.,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 5:24-cv-00280-MW-MJF

Before BRANCH, LUCK, and LAGOA, Circuit Judges.

PER CURIAM:

Curtis Gorham appeals the district court's order dismissing his civil complaint without prejudice as a shotgun pleading. After review, we affirm.

I. Background

Gorham, proceeding *pro se*, filed a civil complaint against "120 [unnamed] parties," containing general, conclusory allegations of "conspiracy, malicious prosecution, false arrest, poisoning by police," and issues with various actions taken in various state court cases he had in Florida. Gorham also successfully moved to proceed *in forma pauperis*. A magistrate judge *sua sponte* preliminarily screened the complaint under 28 U.S.C. § 1915(e)(2), and concluded, in relevant part, that the complaint violated the rules of civil procedure concerning pleading and joinder. The magistrate judge explained what Gorham needed to do to fix the deficiencies and dismissed the complaint without prejudice with instructions for Gorham to file an amended complaint.

Thereafter, Gorham filed a motion for rehearing of the magistrate judge's order; a motion requesting appointment of a guardian ad litem because Gorham was "incompetent"[1]; and a motion for appointment of counsel because he was indigent, "mentally incompetent," and had been found "vexatious in a hearing in the state court prior to removal to federal court." The court denied these motions.

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[1] Gorham did not specify the basis of his alleged incompetency.

Gorham then filed an amended complaint, but he did not clarify who the defendants were or what specific claims he sought to raise. Instead, he again took issue with various actions taken in his various Florida state court cases and asserted that he had "removed" the present case from state to federal court. He generally asserted that the action "include[d] but [was] not limited to a 'Mass Action' to include medical malpractice, personal injury, 42 USC 1983 Civil Rights and various other causes of action" against "100 parties," including doctors, nurses, medical practices, hospitals, hospital officials and employees, state court judges, state courts and court employees, financial institutions, various Florida police departments, and other individuals. He included allegations related to inadequate medical care that he received in Florida, issues that he had with certain judicial rulings in his state court actions, and recitations of various Florida law provisions that he believed were relevant to his cases.

A magistrate judge issued a report and recommendation ("R&R"), recommending that the amended complaint be dismissed with prejudice as an impermissible shotgun pleading. Gorham objected to the R&R, arguing that he could not file a compliant complaint because he had not been provided counsel. He maintained that counsel was necessary because this case was "a mass action based on state court fraud also by a[n] indigent litigant [who was] 'incompetent' for the past 18 years as far as the government [was] concerned." Without counsel, he maintained that his right to access the courts was denied. He then reiterated

some of his allegations related to the medical care he received in Florida and the rulings in his state court cases.

The district court adopted the R&R over Gorham's objections with the exception that it rejected the recommendation to dismiss the case with prejudice. Instead, it dismissed the complaint without prejudice thereby leaving Gorham the opportunity to refile. This appeal followed, and we appointed counsel to represent Gorham in this appeal.

II. Discussion

Gorham does not challenge the district court's determination that the amended complaint was a shotgun pleading. Instead, he takes issue generally with the district court's failure to appoint him counsel and reiterates the issues he has with various actions taken in his state court cases.

"When an appellant fails to challenge properly on appeal one of the grounds on which the district court based its judgment, he is deemed to have abandoned any challenge of that ground, and it follows that the judgment is due to be affirmed." *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680 (11th Cir. 2014).

We "review a district court's decision not to appoint counsel for abuse of discretion." *Smith v. Sch. Bd. of Orange Cnty.*, 487 F.3d 1361, 1365 (11th Cir. 2007). "A plaintiff in a civil case has no constitutional right to counsel." *Bass v. Perrin*, 170 F.3d 1312, 1320 (11th Cir. 1999). "A court may, however, pursuant to 28 U.S.C. § 1915(e)(1), appoint counsel for an indigent plaintiff." *Id.* "The district court has broad discretion in making this decision, and

should appoint counsel only in exceptional circumstances." *Id.* (citation omitted). Such exceptional circumstances exist "where the facts and legal issues are so novel or complex as to require the assistance of a trained practitioner." *Fowler v. Jones*, 899 F.2d 1088, 1096 (11th Cir. 1990).

"A district court has the inherent authority to control its docket and ensure the prompt resolution of lawsuits, which includes the ability to dismiss a complaint on shotgun pleading grounds." *Vibe Micro, Inc. v. Shabanets*, 878 F.3d 1291, 1295 (11th Cir. 2018) (quotations omitted). We review the district court's dismissal of a complaint on shotgun pleading grounds for abuse of discretion. *Id.* at 1294.

"A shotgun pleading is a complaint that violates either Federal Rule of Civil Procedure 8(a)(2) or Rule 10(b), or both." *Barmapov v. Amuial*, 986 F.3d 1321, 1324 (11th Cir. 2021). Rule 8 requires that the complaint set forth "a short and plain statement of the claim" demonstrating an entitlement to relief, and Rule 10 requires that a plaintiff "state [his] claims . . . in numbered paragraphs, each limited as far as practicable to a single set of circumstances." Fed. R. Civ. P. 8(a)(2); Fed. R. Civ. P. 10(b). Rule 10 further provides that each claim be stated in separate counts "[i]f doing so would promote clarity." *Id.* R. 10(b). As we have previously explained, there are approximately four types of shotgun pleadings. *Weiland v. Palm Beach Cnty. Sheriff's Office*, 792 F.3d 1321 (11th Cir. 2015).

> The most common type—by a long shot—is a complaint containing multiple counts where each count adopts the allegations of all preceding counts, causing each successive count to carry all that came before and the last count to be a combination of the entire complaint. The next most common type . . . is a complaint that does not commit the mortal sin of re-alleging all preceding counts but is guilty of the venial sin of being replete with conclusory, vague, and immaterial facts not obviously connected to any particular cause of action. The third type of shotgun pleading is one that commits the sin of not separating into a different count each cause of action or claim for relief. Fourth, and finally, there is the relatively rare sin of asserting multiple claims against multiple defendants without specifying which of the defendants are responsible for which acts or omissions, or which of the defendants the claim is brought against.

Id. at 1321–23 (footnotes omitted).

We have repeatedly condemned the use of shotgun pleadings. *See Barmapov*, 986 F.3d at 1324; *Magluta v. Samples*, 256 F.3d 1282, 1284 (11th Cir. 2001). And we have explained that where a party files a shotgun pleading, "the district court should strike the pleading and instruct [the party] to replead the case . . . even when the other party does not move to strike the pleading." *Jackson v. Bank of Am.*, 898 F.3d 1348, 1357–58 (11th Cir. 2018) (alteration adopted) (quotations omitted); *see also Woldeab v. DeKalb Cnty. Bd. of Educ.*, 885 F.3d 1289, 1291–92 (11th Cir. 2018) (explaining that

generally, where a more carefully drafted complaint might state a claim, the district court abuses its discretion if it does not provide a *pro se* plaintiff at least one opportunity to amend before the court dismisses with prejudice). In dismissing the improper shotgun pleading, the district court should explain how the pleading violated the rules of civil procedure so that the plaintiff can remedy those issues in his next pleading. *Vibe Micro*, 878 F.3d at 1296. However, if the plaintiff again files an amended complaint that fails to correct the identified deficiencies, then the district court may dismiss the case. *Id.* at 1295–96.

Here, to the extent that Gorham appeals the district court's denial of his motion for appointment of counsel, he failed to show that the district court abused its discretion. Although Gorham asserted that he needed counsel because he was indigent, "mentally incompetent," and had been deemed "vexatious" in state court, none of those grounds demonstrate exceptional circumstances for the appointment of counsel. Specifically, while mental incompetency may present valid exceptional circumstances warranting the appointment of counsel, Gorham failed to explain to the district court the basis for his mental incompetency allegation or how his alleged incompetence affected his ability to present his case. Furthermore, he failed to assert any novel facts or legal issues that would require the assistance of a trained practitioner. *See Fowler*, 899 F.2d at 1096. Accordingly, we conclude that the district court did not abuse its discretion in denying Gorham's motion for appointment of counsel.

Turning to the dismissal of the complaint, as an initial matter, by failing to challenge the district court's determination that his amended complaint was an impermissible shotgun pleading, Gorham arguably abandoned the issue. *Sapuppo*, 739 F.3d at 680.

Even assuming he did not abandon the issue, the district court did not abuse its discretion in dismissing the amended complaint without prejudice as a shotgun pleading. Gorham's amended complaint was a shotgun pleading because it contained conclusory, vague, and immaterial facts not obviously connected to a particular count. *Weiland*, 792 F.3d at 1321–23 (explaining that one type of shotgun pleading is one that is "replete with conclusory, vague, and immaterial facts not obviously connected to any particular cause of action"). The amended complaint also failed to separate out the causes of action or connect any causes of action with any particular defendant in violation of the rules of civil procedure. *See* Fed. R. Civ. P. 8(a)(2); Fed. R. Civ. P. 10(b). Therefore, the district court properly dismissed the complaint. *See Vibe Micro*, 878 F.3d at 1296. Moreover, the dismissal was without prejudice, which means that Gorham is free to refile his complaint. *See Dynes v. Army Air Force Exch. Serv.*, 720 F.2d 1495, 1499 (11th Cir. 1983) (explaining that generally a dismissal without prejudice is not an abuse of discretion). Accordingly, we affirm.

AFFIRMED.

Respectfully submitted,

CURTIS GORHAM

Plaintiff-Appellant

/s/ Curtis Myren Gorham CURTIS GORHAM

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"Under penalties of perjury, I declare that I have read the foregoing motion and that the facts stated in it are true to the best of my knowledge and belief."

This filing is not being filed for delay or harassment.

"Under penalties of perjury, I declare that I have read the foregoing motion and that the facts stated in it are true."

Dated this 23rd day of October, 2026.

Respectfully submitted,

_____/s/ Curtis Gorham CURTIS GORHAM 10/23/2026

(pro se)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via USPS to the Supreme Court on this 23rd day of October, 2026. Other defendants never responded all along in any federal court some as "Others" pending amendment the court never got around to it appointing me civil counsel or an accurate amended complaint or removal. Today wasting money serving them I can not "afford it" today only via the same

digital emails on file I have. SCOTUS can do service by court because I am indigent for paper service today. Dr. Lavine never even properly appeared and counsel never sent a notice of appearance. Judge Smiley is still at the same court and I sent him a "electronic" email service of this document. So I don't know if I am even supposed to serve them for this filing. I'll email them all again though.

_____/s/ Curtis Gorham CURTIS GORHAM 10/23/2026

This filing is not being filed for delay or harassment

I swear this information is true and correct and filed on 10/23/2026.

"Under penalties of perjury, I declare that I have read the foregoing motion and certificate of service and that the facts stated in it are true."

Certificate of Word Count Compliance

"Under penalties of perjury, I declare that I have read the foregoing motion and that the facts stated in it are true."

This filing uses Century Schoolbook font 12 point, double spaced and is 1,336 words long.

_____/s/ Curtis Gorham CURTIS GORHAM 10/23/2026

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