No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

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JOEL FONSECA FLORES,

***Petitioner*,**

v.

UNITED STATES OF AMERICA,

***Respondent*.**

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ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

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APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI

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APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI

To the Honorable Clarence Thomas, Circuit Justice for the United States Court of Appeals for the Eleventh Circuit:

Pursuant to Rule 13.5 of the Rules of the Supreme Court of the United States, Petitioner, Joel Fonseca Flores respectfully requests that this Honorable Court grant a thirty (30) day extension of time, up to and including Thursday, December 17, 2026, to file his Petition for a Writ of Certiorari. *See* Sup. Ct. R. 30.1.

BASIS FOR JURISDICTION

The United States District Court for the Middle District of Florida had original jurisdiction over this criminal case under 18 U.S.C. § 3231. The United States Court of Appeals for the Eleventh Circuit reviewed that judgment under 28 U.S.C. § 1291. The Eleventh Circuit issued its decision on August 19, 2026. Appendix A.

This Court will have jurisdiction in this case over any timely filed petition for a writ of certiorari under 28 U.S.C. § 1254(1). Under Supreme Court Rules 13.1, 13.3, and 30.1, Mr. Fonseca's petition for a writ of certiorari is currently due November 17, 2026. He files this Application eight days in advance. While that is fewer than the 10 days prescribed by Supreme Court Rules 13.5 and 30.2, there are extraordinary reasons for doing so. Undersigned counsel has been attempting for several weeks to obtain a legal call with Mr. Fonseca, who is in the custody of the Bureau of Prisons, to no avail. As a result, undersigned counsel has been unable to

consult with Mr. Fonseca to finalize a decision about which issues (if any) to present in a petition for certiorari review. During the week of November 2, 2026, it appeared that undersigned counsel would be able to get a legal call with Mr. Fonseca to finalize those decisions. However, counsel then learned that Mr. Fonseca's BOP counselor (who would be responsible for scheduling a legal call) left town. On Friday, November 6, 2026, other BOP staff acknowledged—but did not answer—multiple requests for a legal call, leaving Mr. Fonseca in limbo. Because of these difficult, unusual, and unlikely-to-be-repeated circumstances, undersigned counsel is filing this application for an extension eight days rather than ten days in advance of the deadline to file the petition.

JUDGMENT TO BE REVIEWED

On August 19, 2026, the Eleventh Circuit affirmed Mr. Fonseca's judgment of conviction and sentence. See *United States v. Fonseca Flores*, No. 25-10983 & 25-11936, 2026 WL 2427051 (11th Cir. Aug. 19, 2026). A copy of the opinion is attached as Appendix A. No petition for rehearing was filed.

REASONS FOR GRANTING AN EXTENSION OF TIME

Mr. Fonseca is represented by the Federal Defender's Office for the Middle District of Florida. The district is large, active, and busy. The Appellate Division handles direct appeals, collateral challenges to state and federal judgments, and other post-conviction motions filed under 18 U.S.C. § 3582. Currently, the Appellate

Division has nearly 200 open appeals, not counting collateral challenges and miscellaneous post-conviction matters for which the Appellate Division is responsible in the district court.

In addition to representing Mr. Fonseca, the undersigned counsel has 18 other clients with pending cases. He has recently filed briefs in several cases and has upcoming deadlines in others. Also, like other attorneys in the Appellate Division, the undersigned is responsible for preparing colleagues for oral argument and providing trial support when called upon.

An extension of time would allow the undersigned counsel to consult Mr. Fonseca and finalize a decision about which issues (if any) to present in a petition for certiorari while also attending to his other duties within the Federal Defender's Office. Mr. Fonseca and the undersigned counsel respectfully submit that the facts support a finding of good cause under S. Ct. R. 13.5 for a 30-day extension of time, up to and including December 17, 2026, to file his petition for certiorari.

CONCLUSION

Wherefore, undersigned counsel respectfully asks this Honorable Court to grant a 30-day extension of time, up to and including December 17, 2026, in which to file a petition for a writ of certiorari.

Respectfully submitted,

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