

IN THE
Supreme Court of the United States

MAHMOUD KHALIL,

Applicant,

— V. —

DONALD J. TRUMP, ET AL.,

Respondents.

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

**REPLY IN FURTHER SUPPORT OF THE APPLICATION FOR AN EXTENSION OF
TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI**

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To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court and Circuit Justice for the Third Circuit:

1. On July 15, 2026, Applicant filed an application for a 30-day extension of time to file a petition for a writ of certiorari, from August 20 to September 21. In part, the application relied on the potential for several other circuits to soon decide the same or similar questions in pending cases. *See* Appl. ¶ 10.

2. On July 17, the government opposed the application.

3. On July 21, the Second Circuit decided *Mahdawi v. Trump*, --- F.4th ---, 2026 WL 2090981 (2d Cir. July 21, 2026). The Second Circuit agreed with the majority below that 8 U.S.C. § 1252(b)(9) bars a habeas petitioner’s claim against unlawful detention in federal court. Previously, in a stay opinion issued in the same case, the Second Circuit had reached the opposite conclusion. *See Mahdawi v. Trump*, 136 F.4th 443 (2d Cir. 2025); *see also Öztürk v. Hyde*, 136 F.4th 382 (2d Cir. 2025) (same).

4. On July 23, the Fourth Circuit decided *Suri v. Trump*, --- F.4th ---, 2026 WL 2123557 (4th Cir. July 23, 2026). The Fourth Circuit disagreed with the majority below, concluding that 8 U.S.C. § 1252(b)(9) does *not* bar a habeas petitioner’s claim against unlawful detention in federal court. Previously, in a stay opinion issued in the same case, the Fourth Circuit had reached that same conclusion. *See Suri v. Trump*, 2025 WL 1806692 (4th Cir. July 1, 2025).

5. Applicant respectfully submits that these developments further justify a 30-day extension of time within which to file his petition. Together, the new opinions total more than 150 pages of new analysis directly engaging with the various

opinions of the court below and adopting arguments that the opinions below did not address. Allowing Applicant sufficient time to account for the effect and persuasiveness of the new opinions in his forthcoming petition is appropriate, notwithstanding that “counsel is well familiar” with Applicant’s case. Opp. at 7. And while much of the government’s opposition to the application inappropriately rests on its view of the merits of the decision below, there is little doubt that the two new opinions undermine the government’s position that “this case [cannot] satisfy the Court’s ordinary certiorari criteria.” *Id.* at 8.

* * *

For the foregoing reasons, Applicant Mahmoud Khalil respectfully requests an extension of the time to file a Petition for a Writ of Certiorari in this case for 30 days, up to and including September 21, 2026.

Dated: July 24, 2026

Respectfully submitted,

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