

IN THE

SUPREME COURT OF THE UNITED STATES

CESAR AUGUSTO CORDON SOSA,
Petitioner,

v.

WINGZ, INC.,
Respondents.

MOTION FOR LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI OUT OF TIME

I. INTRODUCTION

Petitioner respectfully moves this Court for leave to file a petition for a writ of certiorari out of time pursuant to Rule 13.5. This request arises not from neglect or delay, but from a procedural irregularity that prevented the existence of a clear and reviewable final judgment.

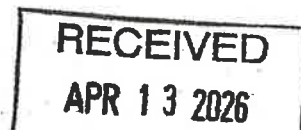
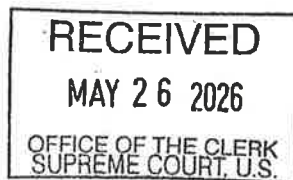
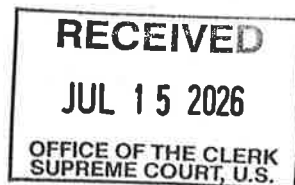
II. ERROR IN THE CALCULATION OF TIME

The Clerk's correspondence from this Court states that the time to file the petition expired on January 20, 2026, based on an assumption that an order denying a timely petition for rehearing was entered on October 22, 2025.

That premise is factually and procedurally impossible.

Petitioner's rehearing petition was not filed until November 4, 2025. Accordingly, it is legally impossible for the October 22, 2025, order to constitute a denial of rehearing.

A court cannot deny a petition that has not yet been filed.



The October 22, 2025, order can only constitute the underlying judgment, not a denial of rehearing within the meaning of Rule 13.3.

No order denying rehearing was ever entered.

III. RELEVANT PROCEDURAL HISTORY

On October 22, 2025, the United States Court of Appeals for the Ninth Circuit issued an order dismissing Petitioner's appeal.

On November 4, 2025, Petitioner timely submitted a petition for rehearing pursuant to Federal Rules of Appellate Procedure Rule 40.

On November 10, 2025, the Clerk of the Court of Appeals acknowledged receipt of the rehearing submission.

However, the petition for rehearing was never docketed and no order granting or denying rehearing was ever entered.

Despite the absence of any ruling on the rehearing petition, the mandate was issued on November 14, 2025.

IV. ABSENCE OF FINALITY UNDER RULE 13.3

Under Rule 13.3, the time to file a petition for certiorari runs from the date of denial of rehearing when a timely rehearing petition is filed.

Here, no such denial exists.

Because the Court of Appeals failed to docket or rule on the timely submitted rehearing petition, no clear final judgment exists from which the certiorari clock could properly run.

This procedural breakdown created uncertainty as to finality and deprived Petitioner of a clear opportunity to seek review within a defined timeframe.

V. GOOD FAITH AND DILIGENCE

Petitioner acted diligently and in good faith at all times.

The rehearing petition was timely submitted and acknowledged by the Clerk of the Court of Appeals. Petitioner reasonably relied on the expectation that the Court would docket and resolve the filing.

The failure of the Court of Appeals to act on the rehearing petition was entirely outside Petitioner's control.

VI. GROUNDS FOR RELIEF

This Court has authority under Rule 13.5 to permit the filing of a petition out of time where extraordinary circumstances justify relief.

The circumstances presented here constitute such extraordinary conditions:

1. A timely rehearing petition was submitted²
2. The petition was acknowledged but never docketed
3. No denial of rehearing was ever issued
4. The mandate was issued without resolving the rehearing
5. The absence of a final order created ambiguity as to jurisdictional timing

These conditions prevented compliance with Rule 13 through no fault of Petitioner.

VII. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant leave to file the petition for a writ of certiorari out of time.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Cesar", is written over a horizontal line.

Cesar Augusto Cordon Sosa

Pro Se

April 8, 2026.

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

April 1, 2026

COPY

Cesar Augusto Cordon Sosa
1508 Alameda Street
Pomona, CA 91768

RE: Cesar Augusto Cordon Sosa v. Wingz, Inc.
USCA9 No. 25-4507

Dear Mr. Sosa:

The above-entitled petition for a writ of certiorari was postmarked March 19, 2026 and received March 31, 2026. The papers are returned for the following reason(s):

The petition is out-of-time. The date of the lower court judgment or order denying a timely petition for rehearing was October 22, 2025. Therefore, the petition was due on or before January 20, 2026. Rules 13.1, 29.2 and 30.1. When the time to file a petition for a writ of certiorari in a civil case (habeas action included) has expired, the Court no longer has the power to review the petition.

The time for filing a petition for a writ of certiorari is not controlled by the date of the issuance of the mandate. Rule 13.3.

To the extent you are intending to file your petition along with the appended motion for leave to file petition for writ of certiorari out of time, you must address the below corrections:

No motion for leave to proceed in forma pauperis, signed by the petitioner or by counsel, is attached. Rules 33.2 and 39. The motion must be signed.

No notarized affidavit or declaration of indigency is attached. Rule 39. You may use the enclosed form.

The petition fails to comply with the content requirements of Rule 14. A guide for in forma pauperis petitioners and a copy of the Rules of this Court are enclosed. The guide includes a form petition that may be used.

The appendix to the petition does not contain the following documents required by Rule 14.1(i): the lower court opinion(s) must be appended from the United States District Court for the Central District of California.

Sincerely,
Scott S. Harris, Clerk
By:

Pipa Fisher
(202) 479-3019

Enclosures