

advantages and disadvantages of testifying in his own defense based upon his proposed testimony. The Fifth circuit, additionally, granted a COA on Appellant's claim that he was provided ineffective assistance of counsel, where counsel failed to request a severance of defendants to allow appellant to obtain exculpatory testimony from a codefendant.

After accepting briefing by all parties, the Fifth Circuit Court of Appeals denied Appellant's appeal.

Appellant, timely, filed a petition for rehearing en banc, which was denied on april 16, 2024.

Appellant's writ of certiorari is due in this Court on May 13, 2024, this this request for an extension of time is timely.

II. ARGUMENT FOR AN EXTENSION OF TIME

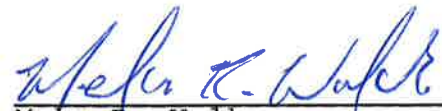
On February 15, 2024, the Fifth Circuit Court of Appeals denied Appellant's Appeal, since that time, Federal Correctional Institution, Pollock, in Pollock, LA has experienced several facility and compound wide lockdowns due to incidents that are outside of the control of Appellant. Specifically, the institution was on modified or lockdown status on at least 20 separate days due to inclimate weather, such as thunderstorms, tornados, floods, etc.. the institution was on modified or lockdown status for at least 15 separate days due to inmate fights, and other disruptive incidents. The institution was on modified or lockdown status for another separate 15 days or more due to overcrowding in special housing (SHU). The institution was on modified or lockdown status for at least 10 separate days due to power outages, and issues with the emergency generator not operating. The institution, ultimately, had to replace the generator. The institution was on modified or lockdown status for at least another 10 separate days due to staff shortages.

FCI-Pollock has a strict policy of only allowing inmates access to legal research materials, law library computers, and typewriters in the education department. When the institution is on lockdown or modified status, Appellant has no ability to work on his petition, therefore the Appellant, as a pro se petitioner has not had a fair opportunity nor adequate to time to prepare his petition. It is the Appellant's intent to file a non-frivolous petition with this Court. As such, he is in need of additional time to file his petition. Petitioner requests an additional 30-days to file his petition for writ of certiorari.

III. CONCLUSION

For each of the reasons set forth herein, and because the interest of justice and fundamental fairness requires it, Appellant urges this Court to grant his request of an extension of time to file his petition for writ of certiorari. Appellant requests an extension of 30-days.

Respectfully Submitted,



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