

IN THE
SUPREME COURT of the UNITED STATES

Donald Ray Malena
Petitioner PRO Se

C-2-WD12194-1721633-A
Habeas Corpus #11.07
#23-11231-Fifth Circuit
Appeal

v
The State of Texas

Motion For Extension of Time to file Writ of Certiorari

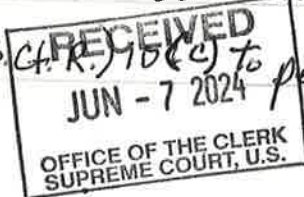
TO THE Honorable Justice of THE Supreme Court of the United States.

Come now Donald Ray Malena, petitioner, and files this motion for an extension of 60 days, pursuant to Supreme Court Rule 13.5 (S. Ct. R) in which to file the Petition for Writ of Certiorari

In support of this motion, petitioner shows the Court the following:

I

Petitioner was denied Certificate of Appealability (COA) Cause no. 23.11231 on March 7, 2024, From the denial for Relief in the District Court cause no. 23-CV-000820, 2254 Writ of Habeas Corpus on Nov. 22, 2023, which petitioner appealed to the Fifth Circuit Court of Appeals (5th C.C.A). Due to those denials petitioner has a dire need, pursuant to (S. Ct. R.) 10(c) to petition to this Court.



II

Pursuant to (S: Ct R) 13.1 which, permits 90 day after the entry of judgement in this case being March 7, 2024 to make the deadline for filing the petition for the writ of Certiorari is June 7, 2024. The petitioner has not requested any extensions prior to this request.

III

Petitioner's request for an extension is based upon the following facts:

Due to petitioner not being afforded the assistance of a postconviction counsel, he has relied on questions and answers among the law library staff and inmates that attend the unit law library and the results from the questions and answers, petitioner has been instructed to seek by request, the petition for Writ of Certiorari to be sent from the Supreme Court which, petitioner has made the request by correspondence to the Court on several times, see correspondence, dated April 5, 2024, April 25, 2024 (in which was a attachment to demonstrate the March 7, 2024 judgement and on or about March 29, 2024 the Mandate letter) May 9, 2024, in which was an attachment to show to the Court that the unit library, does not have the writ of Certiorari Form. There has been no responds from the Court, to address this issue.

IV

Due to the length of time that has expired and the complexity of petitioner's efforts, he finds it necessary to request an extension of time, pursuant to (S.Ct.R) 13.5 60 days extension to accommodate timeliness and present an opportunity to petitioner, that he ~~can~~ can find the proper avenue to obtain the Writ of Certiorari form and instructions.

Petitioner prays that after the Honorable Justice of the Court has reviewed the information in this Motion, will grant the Extension of time.

May God Bless You.

Respectfully Requesting:
Donald Ray Malena
Petitioner PRO SE

Donald Ray Malena

May 21, 2024
Date

Verification of Unsworn Declaration

I, Donald Ray Malena, Defendant pro se in this cause, state the following under penalty of perjury: I am a prisoner # 2408951, currently incarcerated in the Texas Department of Criminal Justice, Wichita Falls County, Texas, I am duly qualified and authorized in all respects to make this declaration, I have read the foregoing ^{Motion For Extension of Time} ~~Prose~~ and declare that I have personal knowledge of the facts contained therein and said facts are true and correct.

EXECUTED in Wichita Falls County, Texas, pursuant to Art. 132.001 et. seq., Texas C.P.R.C. and 28 USC at 1746, On this ~~21~~ 21 day of May, 2024

Donald Ray Malena
Defendant Pro se
Donald Ray Malena
TDCJ # 2408951 DOB. 7/15/1949
2101 FM 369 N. Allred Unit
Iowa Park, Texas 76367

Under both federal law (28 USC at 1746) and state law (Art. 132.001, Texas C.P.R.C.), inmates incarcerated in Texas may use an unsworn declaration under penalty of perjury in place of a written declaration sworn before a notary public.