

NO. 23A1114

IN THE SUPREME COURT OF THE UNITED STATES

SAMUEL SAN MIGUEL
Petitioner,

Versus.

MARSHA MCLANE, Texas Civil Commitment Office-Executive Director;
MICHAEL SEARCY; JOHN COCHRAN; COURTNEY BEARDEN;
DEBRA KEESEE
Respondents.

ORIGINAL
Supreme Court, U.S.
FILED
MAY 28 2024
THE CLERK

On petition for writ of certiorari to the
United States Court of Appeals for the Fifth Circuit

**MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR A WRIT OF CERTIORARI**

TO THE HONORABLE JUSTICE SAMUEL ALITO:

Samuel San Miguel
Petitioner Acting Pro-Se
2600 S. Sunset Ave,
Littlefield, TX 79339

IN THE UNITED STATES SUPREME COURT:

Samuel San Miguel (Herein: Petitioner), in the above styled cause humbly requests an extension of time to file petition for the Writ of Certiorari to the Fifth Circuit, pursuant to 28 USCS § 2101(a)(c), and Sup. Ct. R. 13.5. Petitioner is required to serve this request on the individual Circuit Justice for the Fifth Circuit and that being Justice Samuel Alito.

I. *San Miguel v. McLane*, No. 22-10517, 2024 U.S. App. LEXIS 4446 (5th Cir. Feb. 23, 2024) (circuit split acknowledged in panel opinion *id.*, at *12)

A. Petitioner seeks a Writ of Certiorari to the Fifth Circuit, in the above case wherein the Panel; (consisting of Chief Judge Richman, Judge Stewart, and Judge Hanks *by designation*) - while acknowledging the issue and a circuit split stated; “[..], our court has not decided whether the deliberate indifference or professional judgment standard applies to claims brought by civilly committed individuals alleging that they received inadequate medical care. Furthermore, other federal circuits are divided on the issue.” *Id.* at., *12 - chose not to decide what standard to applies to civilly committed person’s due process medical care claims in the Fifth Circuit.

i. SHOWING OF GOOD CAUSE FOR AN EXTENSION OF TIME:

1. The Fifth Circuit issued the opinion in this case on February 23, 2024,
2. In another appeal of Petitioner’s; *San Miguel v. Abbott*, 2023 U.S. App. LEXIS 20568, (5th Cir. Tex., Aug. 8, 2023), the Fifth Circuit

- RECALLED THE MANDATE on February 27, 2024, granting his Motion for reconsideration, and ordering him to file petition for rehearing on March 15, 2024. Which was denied on March 20, 2024
3. On March 28, 2024, the Court re-issued the mandate *San Miguel v. Abbott*, 2023 U.S. App. LEXIS 20568, (5th Cir. Tex., Aug. 8, 2023), Petitioner is seeking Writ of Certiorari to the Fifth Circuit in that Civil Action as well.
 4. Petitioner has not had any formal legal training, but learned the law by reading hundreds of court opinions while in solitary confinement for over a year at the Texas Civil Commitment Center where he is currently in total confinement.
 5. Petitioner also has other civil actions on appeal as well, *San Miguel et al v. Jack et al*, No. 23-50929. (5th Cir Apr. 15, 2024) (last order entered) & *Samuel San Miguel v. Michael Seary, et al.*, No. 07-24-087-CV, Docketed in the Seventh District Court of Appeals, Amarillo Texas Brief due April 16, 2024.
 6. Petitioner is litigating alone, he researches the law alone, waits weeks for a chance to call Defendant's attorneys or clerks of the court due to facility policies, he has no help in the community, as such topics case

his Mother and Grandmother stress which he refuses to put them through.

7. San Miguel is a pro se litigant, and is diligently attempting to comply with the Honorable Court in each and every cause he is a party to. He seeks no favor or deserving any special treatment, simply that the law, and truth prevail.

PRAYER

Petitioner prays the Honorable Justices grant him a 40-day extension of time to file a Writ of Certiorari to the Honorable Court.

RESPECTFULLY SUBMITTED



SAMUEL SAN MIGUEL

Pursuant to 28 U.S.C. § 1746 I Samuel San Miguel hereby declare under the penalty of perjury that the forgoing is true and correct. Executed in Littlefield, TX., and placed in TCCC institutional mail box, on May 9, 2024
Respectfully submitted



SAMUEL SAN MIGUEL

CERTIFICATE OF SERVICE

Pursuant U.S. S. Ct. Rule 29, a copy of the foregoing instrument was served upon the following by first class mail, by placing the same in the U.S. postal service pre-stamped.

Zachary C. Wilson
Tex. Asst. Attorney General
P.O. Box 12548
Austin, TX 7871

Attorney: Amber R. Pickett.
2100 Ross Ave., Ste. 2000
Dallas, Texas 75201

Christopher Lee Lindsey
Tex. Asst. Attorney General
P.O. Box 12548
Austin, TX 7871