

UNITED STATES SUPREME COURT

Reuben McDowell
Appellant,

v.

P.A. Civ. No. 3-20-cv-01599

Superintendent, SCI,
Laurel Highlands

APPLICATION FOR EXTENSION OF TIME TO FILE
A PETITION FOR WRIT OF CERTIORARI

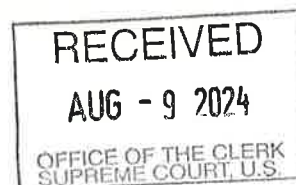
NOW, comes Petitioner Reuben McDowell, and moves this Court for an order expanding the time to file a petition for a writ of certiorari and says:

1. The Third Circuit entered an order on May 3, 2024 denying Petitioner's Petition for rehearing of its decision denying a certificate of appealability.

2. Petitioner wants to file a petition for writ of certiorari because of the conflict between the Third Circuit and the case of *Ethridge v. Bell* 49 F.4th 674 (CA2 2022), which requires a district court to notify a Petitioner that it planned to rely on *Stone v. Powell*, even though Respondent did not use this defense.

3. Petitioner wrote to the clerk of this court asking for Pro se forms needed to file a pro se certiorari petition.

4. The Clerk of the Court sent this information but the mail



center returned Petitioner's mail to the Court. See attached Exhibit

5. as a result Petitioner needs additional time to prepare his petition for Certiorari.

WHEREFORE, Petitioner prays that the time to file Petitioner's Petition for Writ of Certiorari be extended from August 1, 2024, to September 29, 2024.

Dated: July 30, 2024


Reuben McDowell MP7284

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 23-3269

REUBEN MCDOWELL,
Appellant

v.

SUPERINTENDENT LAUREL HIGHLANDS SCI; DISTRICT ATTORNEY
LYCOMING COUNTY

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(No. 3-20-cv-01599)
District Judge: Honorable Joseph F. Saporito, Junior

PETITION FOR REHEARING

BEFORE: CHAGARES, *Chief Judge*, JORDAN, HARDIMAN, SHWARTZ, KRAUSE,
RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-
REEVES and CHUNG, *Circuit Judges*

The petition for rehearing filed by Appellant Reuben McDowell in the above-captioned matter has been submitted to the judges who participated in the decision of this Court and to all other available circuit judges of the Court in regular active service. No judge who concurred in the decision asked for rehearing, and a majority of the circuit judges of the Court in regular active service who are not disqualified did not vote for

rehearing by the Court en banc. It is now hereby **ORDERED** that the petition is **DENIED**.

BY THE COURT

s/ Paul B. Matey
Circuit Judge

Dated: May 3, 2024
JK/cc: Reuben McDowell
All Counsel of Record

BLD-090

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 23-3269

REUBEN MCDOWELL,
Appellant

v.

SUPERINTENDENT LAUREL HIGHLANDS SCI; DISTRICT ATTORNEY
LYCOMING COUNTY

(M.D. Pa. Civ. No. 3-20-cv-01599)

Present: BIBAS, MATEY, and CHUNG, Circuit Judges

Submitted is Appellant's Motion for a Certificate of Appealability
in the above-captioned case.

Respectfully,

Clerk

ORDER

The request for a certificate of appealability is denied. Jurists of reason could not debate that the District Court, for the reasoning it provided in its order, properly dismissed Appellant's Rule 59(e) motion. See Slack v. McDaniel, 529 U.S. 473, 484 (2000). This is because Appellant failed to cite an intervening change in the law, new evidence in his case, or a clear error of law or fact. See Blystone v. Horn, 664 F.3d 397, 415 (3d Cir. 2011).

By the Court,

s/ Paul B. Matey
Circuit Judge

Dated: April 1, 2024
JK/cc: Reuben McDowell
All Counsel of Record



A True Copy:

Patricia S. Dodszeit

Patricia S. Dodszeit, Clerk
Certified Order Issued in Lieu of Mandate

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET

PHILADELPHIA, PA 19106-1790

Website: www.ca3.uscourts.gov

TELEPHONE
215-597-2995

April 1, 2024

Reuben McDowell
Laurel Highlands SCI
5706 Glades Pike
P.O. Box 631
Somerset, PA 15501

Martin L. Wade
Lycoming County Office of District Attorney
48 W Third Street
Williamsport, PA 17701

RE: Reuben McDowell v. Superintendent Laurel Highlands SCI, et al
Case Number: 23-3269
District Court Case Number: 3-20-cv-01599

ENTRY OF JUDGMENT

Today, **April 01, 2024** the Court issued a case dispositive order in the above-captioned matter which serves as this Court's judgment. Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very Truly Yours,

s/ Patricia S. Dodszuweit
Clerk

By: s/ James King
Case Manager
Direct Dial: 267-299-4958

cc:
Mr. Peter J. Welsh

RTS Postal Mail for MCDOWELL, REUBEN (MP7284)

Housing: D-A

From: SUPREME COURT OF THE UNITED STATES

DA 13

Please be advised that a piece of mail was received by Smart Communication and is being returned to sender due to the following reason: Books

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

REUBEN McDOWELL
Petitioner,

vs.

SUPERINTENDENT, SCI LAURAL HIGHLANDS
Respondent.

PROOF OF SERVICE

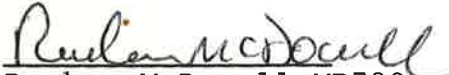
I, Reuben McDowell, do swear or declare that on this date, July 30, 2024 as required by Supreme Court Rule 29 I have served the enclosed application for an extension of time to file a petition for a Writ of Certiorari on each party to the above proceeding or that parties counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first class postage prepaid.

The name of those served is as follows:

Lycoming County District Attorney's Office 48 W. Third Street
Williamsport PA. 17701

I declare under penalty of perjury that the forgoing is true and correct.

Executed on, July 30, 2024


Reuben McDowell MP728