

WRIT NO. \_\_\_\_\_

IN THE  
UNITED STATES SUPREME COURT

JOSE GUILLERMO MENDEZ,

PETITIONER - APPELLANT,

Vs.

BOBBY LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE,  
CORRECTIONAL INSTITUTIONS DIVISION,

RESPONDENT - APPELLEE

~~ON CERTIORARI~~ FROM THE FIFTH CIRCUIT COURT OF APPEALS

PETITIONER'S MOTION FOR AN EXTENSION OF TIME  
TO FILE HIS WRIT OF CERTIORARI

COMES NOW, Jose Guillermo Mendeez, Texas prisoner #02269896, the Petitioner in the above -styled and -numbered cause, and seeks for this Honorable Court's permission to extend the filing deadline to file his writ of certiorari by Sixty (60) days or to an reasonable amount of time this Honorable Court sees fit, and further shows JUST CAUSE to GRANT his request as explained:

1. The Petitioner is currently incarcerated in the TDCJ-CID H.H. Coffield Unit in Anderson County, Texas.
2. The Petitioner is currently indigent and is without counsel for his help; therefore he is proceeding in the pro se status.

3. The Petitioner's certificate of appealability was denied by Hon. Don R. Willett of the United States Court of Appeals for the Fifth Circuit on November 19, 2024.
4. Therefore, the ninety ~~(90)~~ day deadline to file his writ of certiorari is February 17, 2025.
5. The TDCJ-CID H.H. Coffield Unit law library only allows inmates ten (10) hours per week to conduct their research, while seeking help, prepare and draft out legal documents, and file their documents in the proper court's.
6. The TDCJ-CID mail policy prevents Petitioner from receiving any correspondence that is non-digital unless it is from a business or legal entity. It will take sixty (60) or more days to have his appendix copied and may not be able to get his original documents back. Further, Petitioner is indigent and TDCJ refuses to allow him to make copies of the required documents this Court requires to be attached to the writ appendix volume.
7. The Petitioner is a layman in the law and has a hard time interpreting case law and navigating the Lexis Nexis System.
8. The Petitioner's motion is prepared in good faith and not to harass the proceeding, officer of the court, nor the tribunal itself.

#### PRAYER FOR RELIEF

The Petitioner prays that this Honorable Court will GRANT his request for an extension of time to file his writ of certiorari by Sixty (60) days to April 18, 2025, or to an reasonable amount

of time this Court sees fit.

Respectfully Submitted,

Jose Guillermo Mendez

Jose Guillermo Mendez  
Pro se Litigant.

INMATE DECLARATION

I, Jose Guillermo Mendez, TDCJ# 02269896, the Petitioner in the above -styled and -numbered cause, being incarcerated in the TDCJ-CID H.H. Coffield Unit in Anderson County, Texas, declares that the foregoing above is true and correct under the penalty of perjury. Executed on this 11 day of December 2024.

Jose Guillermo Mendez

Jose Guillermo Mendez  
TDCJ# 02269896  
H.H. Coffield Unit  
2661 FM 2054  
Tennessee Colony, Texas 75884-5000  
Pro se Litigant.

WRIT NO. \_\_\_\_\_

IN THE  
UNITED STATES SUPREME COURT

JOSE GUILLERMO MENDEZ,

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CORRECTIONAL INSTITUTIONS DIVISION,

RESPONDENT - APPELLEE

DECLARATION OF INMATE FILING

I am inmate confined in an institution. Today the 11 day of December 2024, I am depositing the Petitioner's Motion for an Extension of Time to File his Writ of Certiorari, Proof of Service, and Declaration of Inmate Filing in the above -styled and -numbered cause, into the institution's internal mailing system. First-Class postage is being prepaid either by me or by the institution on my behalf. See Richards v. Thaler, 710 F.3d 573, 579 (5th Cir. 2013) (quoting Houston v. Lack, 487 U.S. 266, 270 (1987)).

I, Jose Guillermo Mendez, TDCJ# 02269896, the Petitioner in the above cause, being incarcerated in the TDCJ-CID H.H.E. Coffield Unit in Anderson County, Texas, declares that the foregoing above is true and correct under the penalty of perjury. Executed on this 11 day of December 2024. See 28 U.S.C. § 1746; 18 U.S.C. § 1621.

  
\_\_\_\_\_  
Jose Guillermo Mendez  
TDCJ# 01848978 Coffield Unit  
2661 FM 2054, Tenn. Colony, TX  
75884-5000

NO. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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JOSE GUILLERMO MENDEZ

PETITIONER - APPELLANT

Vs.

BOBBY LUMPKIN, DIRECTOR, TDCJ-CID

RESPONDENT - APPELLEE

PROOF OF SERVICE

I, Jose Guillermo Mendez, TDCJ# 02269896, do swear or declare that on this date, December 11, 2024, as required by Supreme Court Rule 29 I have served the enclosed motion for an extension of time to file writ of certorari, motion for leave to proceed in forma pauperis, and declaration of inmate filing on each party to the above proceeding or that party's 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, or by delivery to a third-party commercial carrier for delivery within 3 calender days.

The names and addresses of those served are as follows:

Office of the Attorney  
General of Texas  
Criminal Appeals Division  
ATTN: Mr. Edward Marshall  
P.O. BOX 12548; Capitol Station  
Austin, Texas 78711-2548  
\*Lead Supervising Attorney\*

I, Jose Guillermo Mendez, TDCJ# 02269896, the Petitioner in the above styled and -numbered cause, being incarcerated in the TDCJ-CID H.H. Coffield Unit in Anderson County, Texas, declares that the foregoing above is true and correct under the penalty of perjury. Executed on this 11 day of December 2024.



Jose Guillermo Mendez  
TDCJ# 02269896  
H.H. Coffield Unit  
2661 FM 2054  
Tennessee Colony, Texas 75884-5000  
Pro se Litigant.

United States Court of Appeals  
for the Fifth Circuit

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No. 24-20222

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United States Court of Appeals  
Fifth Circuit

**FILED**

November 19, 2024

Lyle W. Cayce  
Clerk

JOSE GUILLERMO MENDEZ,

*Petitioner—Appellant,*

*versus*

BOBBY LUMPKIN, *Director, Texas Department of Criminal Justice,  
Correctional Institutions Division,*

*Respondent—Appellee.*

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Application for Certificate of Appealability  
the United States District Court  
for the Southern District of Texas  
USDC No. 4:22-CV-3095

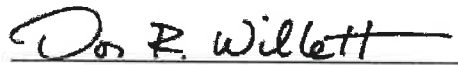
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ORDER:

Jose Guillermo Mendez, Texas prisoner #02269896, seeks a certificate of appealability (COA) to appeal the denial of his 28 U.S.C. § 2254 application challenging his conviction for continuous sexual abuse of a child under the age of 14. He makes three arguments: (1) his statute of conviction, Texas Penal Code § 21.02, is unconstitutionally vague and ambiguous and encourages arbitrary enforcement; (2) the trial court erred when it overruled his objection during voir dire to the State's allegedly improper commitment question, the question violated his right to an

impartial jury under the Sixth Amendment and his right to a fair trial, and the Texas appellate court applied the incorrect standard of review in determining that the question was not a commitment question; and (3) he received ineffective assistance when his counsel failed to (a) request a jury instruction regarding the lesser included offense of aggravated sexual assault, and (b) consult and retain an expert.

To obtain a COA, Mendez must show that “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); see 28 U.S.C. § 2253(c)(2). He has not made the required showing. Accordingly, his motion for a COA is DENIED. Mendez’s motion to file an out-of-time brief is DISMISSED as moot.



DON R. WILLETT

*United States Circuit Judge*