

IN THE SUPREME COURT OF THE UNITED STATES

William White Jr.
Petitioner

Case no. 23-7223
(Court of Appeals)

V.

DIRECTOR, VIRGINIA DEPARTMENT
OF CORRECTIONS

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

Pursuant to Rule 13.5 of the Supreme Court of the United States, the petitioner respectfully request an extension of time for a period of 45 to 60 days, within which to file his petition for writ of certiorari. In support of this motion, the petitioner states as follows :

BACKGROUND

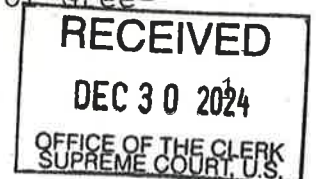
On October 23, 2024, the petitioner received notice that the U.S. Court of Appeals for the Fourth Circuit had denied his motion for a certificate of appealability (COA), which sought to appeal the decision of the U.S. District Court for the Eastern District of Virginia denying his petition for writ of habeas corpus as successive. The U.S. Court of Appeals issued its order denying the motion for COA on October 1, 2024. The petitioner has 90 days from October 1, 2024 to file his petition for writ of certiorari in this Court, which would make his deadline to file the petition on December 30, 2024.

CIRCUMSTANCES AFFECTING TIMELINESS

A.) Delay in receiving the Court of Appeals Order : The petitioner experienced a significant delay in receiving the U.S. Court of Appeals order by mail. Due to the Virginia Department of Corrections newly implemented mail distribution center designed to prevent the introduction of contraband into prison facilities, the petitioner did not receive the order denying his motion for COA for 23 days until October 23, 2024. This delay reduced the petitioner's available time to prepare and file his petition for writ of certiorari by 22 days, effectively shortening his filing period from 90 days to only 68 days.

B.) Other Court Deadlines : In addition to preparing the petition for certiorari, the petitioner has had to meet two additional court deadlines in the Supreme Court of Virginia, related to his state convictions and constitutional violation being presented in federal court. The petitioner's deadlines include :

1.) A petition for appeal due on November 13, 2024, in a motion to vacate case (case number pending) from the Circuit Court of Greensville County, Virginia.



2.) A reply brief in a petition for writ of habeas corpus, originally due on November 14, 2024, but extended until December 2, 2024.

These additional deadlines have placed a strain on the petitioner's ability to complete his certiorari petition within the original 90 day deadline.

ACCESS TO LEGAL RESOURCES

The petitioner is proceeding pro se and has faced significant difficulties accessing legal resources necessary to prepare his petition for certiorari. The prison law library has been closed during the holiday season and the petitioner has also encountered periods where the library was inaccessible due to under staffing. This lack of access to critical legal materials has further hampered the petitioner's ability to effectively prepare and file his writ of certiorari within the allotted time.


REQUEST FOR EXTENSION

In light of the foregoing, the petitioner respectfully request an extension of time of 45 to 60 days from the current filing deadline of December 30, 2024, in order to ensure that he has a fair opportunity to prepare and file his petition for writ of certiorari, given the compounded delays and challenges he has faced. A brief extension will allow the petitioner to address the issues raised in his petition adequately and present his case to this Court.

CONCLUSION


For the reasons outlined above the petitioner respectfully request that this Court grant an extension of time for a period of 45 to 60 days, within which to file his petition for writ of certiorari. The petitioner believes that this extension will allow him to fully prepare his petition and ensure that he is not unduly prejudiced by the circumstances outlined in this motion.

Respectfully submitted this 12th day of December, 2024.


William White Jr. Pro Se
Paralegal and Criminal
Justice Diplömate
Private Investigator
Student

CERTIFICATE OF SERVICE

I William White Jr. do certify under penalty of perjury that a true and exact copy of the foregoing motion for an extension of time pursuant to Supreme Court rule 13.35 was mailed by U.S. Postal Service first class or certified mail to Susan Hallie Hovey Murray, Assistant Attorney General, at 202 North Ninth Street, Richmond, Va., 23219 on December 12, 2024. I further certify that a true and exact copy of this petition was mailed to this court on the same date listed above by first class or certified mail.


William White Jr. Pro Se

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-7223

WILLIAM WHITE, JR.,

Petitioner - Appellant,

v.

DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. M. Hannah Lauck, District Judge. (3:23-cv-00637-MHL-MRC)

Submitted: September 11, 2024

Decided: October 1, 2024

Before WILKINSON, NIEMEYER, and HARRIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

William White, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William White, Jr., seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 petition as an unauthorized, successive § 2254 petition. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(A). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists could find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 580 U.S. 100, 115-17 (2017). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable and that the petition states a debatable claim of the denial of a constitutional right. *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

We have independently reviewed the record and conclude that White has not made the requisite showing. Accordingly, we deny White's motions for a certificate of appealability and dismiss the appeal. We also deny all pending motions. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED

FILED: October 1, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-7223
(3:23-cv-00637-MHL-MRC)

WILLIAM WHITE, JR.

Petitioner - Appellant

v.

DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS

Respondent - Appellee

J U D G M E N T

In accordance with the decision of this court, a certificate of appealability is denied and the appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK