

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D.C.

PETITION FOR WRIT OF CERTIORARI
UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT
NO. 24-50569 CLARK V. COLLIER
USDC NO. 6:24-CV-179

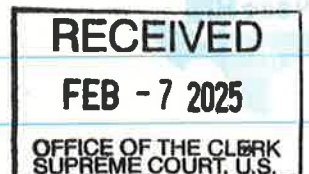
MOTION FOR EXTENSION OF TIME

Petitioner asks the Court for a sixty day extension from the deadline of my answer from the Fifth Circuit dated November 6, 2024.

Due to unusual winter weather here in southeast Texas coupled with the Blanc Unit, TDCJ, refusing my mail from family members that took time to print & copy my writ of certiorari prevented me from meeting my deadline of February 4, 2025

Please accept my apologies to the Court.

Respectfully,
Reggie Clark
Reginald L. CLARK
NO. 01220809



Certification of Service

I, Reginald L. Clark, hereby state and declare that on this date, January 30, 2025 enclosed in the above number any styled case, is a copy of petitioner's, "Motion for Extension of Time" dated January, 30, 2025.

Respectfully submitted
Reggie Clark
Reginald L. Clark
ID # 01720809
Le Blanc Unit
3695 Fm 3574
Beaumont, TEXAS 77705



United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

November 6, 2024

Lyle W. Cayce
Clerk

No. 24-50569

REGINALD LEE CLARK,

Petitioner—Appellant,

versus

BRYAN COLLIER, *Executive Director, Texas Department of Criminal Justice*; BOBBY LUMPKIN, *Director, Texas Department of Criminal Justice, Correctional Institutions Division,*

Respondents—Appellees.

Application for Certificate of Appealability
the United States District Court
for the Western District of Texas
USDC No. 6:24-CV-179

ORDER:

Reginald Lee Clark, Texas prisoner # 1720809, moves for a certificate of appealability (COA) to appeal the district court's dismissal of his 28 U.S.C. § 2254 petition, which challenges his 2011 theft conviction, as time-barred under 28 U.S.C. § 2244(d). He also challenges the denial of his Federal Rule of Civil Procedure 59(e) motion. With the benefit of liberal construction, Clark argues that he can overcome the statute of limitations because: (1) his claims did not accrue until April 29, 2023, when he discovered the article written by the prosecutor in his case; (2) he acted

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diligently and timely filed his state habeas application on August 21, 2023, and he timely filed his federal petition on April 3, 2024, after the Texas Court of Criminal Appeals denied his state habeas application; and (3) he is entitled to equitable tolling of the limitations period because he did not discover the factual basis of his claims until he discovered the prosecutor's article on April 29, 2023.

In his COA filings in this court, Clark argues for the first time that the dismissal of his § 2254 petition as time-barred violated his due process rights by arbitrarily taking away his fundamental right to have his habeas claims heard. Because he did not raise this argument in the district court, it will not be considered. *See Henderson v. Cockrell*, 333 F.3d 592, 605 (5th Cir. 2003).

To obtain a COA to appeal the district court's dismissal of his § 2254 petition on the procedural ground of time bar, Clark must show both "that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Clark has not made the requisite showing. *See id.* Accordingly, Clark's COA motion is DENIED.


IRMA CARRILLO RAMIREZ
United States Circuit Judge