

In the Supreme Court of the United States

United States of America

v.

Martin Renteria

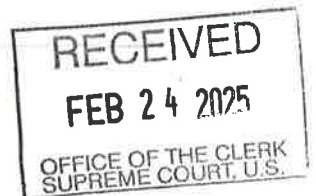
USDC No. 7:24-CV-26

USDC No. 7:20-CR-355-1

Application to Extend time to file for a
Petition for a Writ of Certiorari
under Supreme Court Rule 13.5

Applicant Martin Renteria, a prisoner in
Federal custody, No. 18318-509, respectfully
request an extension of 60 days time to file
for a Petition for a Writ of Certiorari under
Supreme Court Rule 13.5.

The basis for jurisdiction for the Petition
for a Writ of Certiorari is under Supreme
Court Rule 10(a) where a United States
Court of Appeals has entered a decision in
conflict with the decision of other U.S.
Court of Appeals and the United States
Supreme Court on the same important
matter as to call for an exercise of this
court's supervisory power.



The judgment sought to be reviewed is from the United States Court of Appeals for the 5th Circuit's denial of an application for a Certificate of appealability following the denial of the applicant's 28 U.S.C. § 2255 Motion to Vacate, set aside, or Correct his Sentence from the United States District Court for the Western District of Texas Midland/Odessa Division appeal No. 24-50557, USDC No. 7:24-CV-26 Grounds One through Six where Constitutional rights had been denied where;

1) The superseding indictment failed to confer jurisdiction onto the trial court by not including any essential facts in constituting the offense charged as required by Federal Rules of Criminal Procedure 7(c)(1) denying the applicant of his sixth amendment right to know the nature and cause of the accusations in order to prepare an adequate defense; the protection guaranteed within the fifth amendment not to be tried for the same offense twice; and the fifth amendment right to be charged only upon the presentment of an indictment of charges found by a grand jury by failing to state an offense.

2) The applicant was denied the right to assistance of counsel within the sixth amendment and his right to be free from an unreasonable seizure of his person within the fourth amendment when trial counsel failed to inform the applicant or raise the issue that the arrest warrant obtained after a warrantless home arrest continued to allow the confinement of the applicant where it lacked probable cause and was unsupported by oath or affirmation when the arrest warrant did not describe the essential facts of the offense charged in the complaint as required by Federal Rules of Criminal procedure Rules three and four.

3) The applicant was denied his right to assistance of counsel within the sixth amendment and the fourth amendment right to be free from unreasonable searches and seizures based on a warrant that lacked probable cause and was unsupported by oath or affirmation when trial counsel failed to inform the applicant or raise the issue that the October 27, 2020 search warrant lacked probable cause by

containing a false statement written by the affiant that an item of search would be located at a different geographical location.

4) The applicant was denied the right to assistance of counsel within the sixth amendment and the fourth amendment right to be free from unreasonable searches and seizures when trial counsel failed to inform the applicant or raise the issue that the November 2, search warrant failed to meet the particularity requirement of the fourth amendment.

5) The applicant was denied the right to assistance of counsel within the sixth amendment when appellate counsel failed to challenge the District Court's denial of the suppression of evidence that led to the conviction of the applicant where the (implied consent, good faith, independent source doctrine and inevitable discovery) exceptions to the fourth amendment exclusionary rule did not apply.

6) The applicant was denied the right to assistance of counsel within the sixth amendment when appellate counsel

abandoned the applicant's argument on direct appeal that trial evidence was insufficient to support a conviction under 18 USC § 1591 (c)(3) and when he included an accusatory statement that supported the government's allegations against the applicant on direct appeal.

The reasons why the extension of time is necessary is that the applicant is an indigent pro se prisoner who currently has been in transit for 93 days. Due to U.S. Marshal instruction, the transferee had no other option but to forfeit, for disposal, all legal documentation in support of his claims. A prisoner may not possess any personal items, including legal documents, while in transit.

The applicant is currently held at U.S.P. Atlanta Georgia where officials are not at liberty to inform the applicant of when or where he will be transferred. It is neither practical or wise to request documents related to the case while in transit because at

a moment's notice, the applicant can be transferred having to repeat, for disposal, all legal documentation again.

For this reason, the applicant is currently unable to provide the content required for a petition for a Writ of Certiorari in compliance with Sup. Ct. Rule 14(b)(iii) a list of all proceedings in federal trial and appellate courts directly related to the case; and (d) citations of the official and unofficial reports of the opinions and orders entered in the case by courts or administrative agencies.

Furthermore, the applicant is being held on a mandatory nondisciplinary 23 hour lockdown status for weekdays and 24 hours during weekends and holidays while in transit at U.S.P. Atlanta.

This lockdown status does not allow the applicant sufficient time to research and re-gather a table of cited authorities as required of Sup. Ct. Rule 14(c).

In order to present with accuracy, brevity, and clarity what is essential to ready and adequate understanding

of the points requiring consideration
in this court as required by Sup. Ct.
Rule 14.4, the applicant respectfully
requests an extension of sixty days
to file a petition for a Writ of Certiorari
under Supreme Court Rule 13.5.

The applicant is within the time limit
to file for an extension being that this is
day 64 of the allotted 90 day period
within Sup. Ct. Rule 13.5.

Martin Renteria 18318-509

Applicant-Petitioner

U.S.P. Atlanta

P.O. Box 150160

Atlanta GA. 30315

29 January, 2025

Certificate of Service

I Martin Renteria certify under the penalty of perjury that the above is true and correct and that this application to extend time to file for a Petition for a Writ of Certiorari under Supreme Court Rule 13.5 was placed in the U.S.P. Atlanta mailing system on 29 January 2025

Martin Renteria

Signature of Applicant

Subscribed and sworn to me, the undersigned authority on

Signature of Notary Public

**United States Court of Appeals
for the Fifth Circuit**

No. 24-50557

United States Court of Appeals
Fifth Circuit

FILED

November 26, 2024

UNITED STATES OF AMERICA,

Lyle W. Cayce
Clerk

Plaintiff—Appellee,

versus

MARTIN RENTERIA,

Defendant—Appellant.

Application for Certificate of Appealability
the United States District Court
for the Western District of Texas
USDC No. 7:24-CV-26
USDC No. 7:20-CR-355-1

UNPUBLISHED ORDER

Before SOUTHWICK, WILLETT, and OLDHAM, *Circuit Judges.*

PER CURIAM:

Martin Renteria, federal prisoner # 18318-509, seeks a certificate of appealability (COA) to appeal the denial of his 28 U.S.C. § 2255 motion challenging his convictions for (i) production of child pornography; (ii) committing a felony against a minor while being a registered sex offender; (iii) possession of child pornography; and (iv) sex trafficking of a child.

No. 24-50557

Renteria argues that (a) the trial court lacked subject matter jurisdiction because his indictment was deficient; (b) he received ineffective assistance when his trial counsel failed to argue that his arrest warrant lacked probable cause, challenge the October 27, 2020 search warrant on the ground that it contained a false statement, and challenge the November 2, 2020 search warrant on the ground that the affidavit in support of the warrant failed to describe his cell phone with particularity; and (c) he received ineffective assistance when his appellate counsel failed to argue on appeal that the district court erred in denying his motion to suppress based on the inevitable discovery exception to the exclusionary rule and that there was insufficient evidence to support his sex trafficking conviction. He additionally argues that the district court erred by failing to hold an evidentiary hearing on his § 2255 motion.

In order to obtain a COA, Renteria must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *see Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). When the district court denies relief on the merits, an applicant 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).

Renteria has failed to make the requisite showing. *See Slack*, 529 U.S. at 484. Consequently, we DENY a COA. Renteria’s motion to proceed in forma pauperis on appeal and motion to appoint counsel are likewise DENIED. As Renteria fails to make the required showing for a COA, we do not reach the issue whether the district court erred by failing to conduct an evidentiary hearing. *See United States v. Davis*, 971 F.3d 524, 534-35 (5th Cir. 2020).

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

November 26, 2024

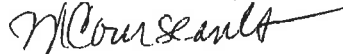
MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 24-50557 USA v. Renteria
USDC No. 7:24-CV-26

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Melissa B. Courseault, Deputy Clerk
504-310-7701

Mr. Joseph H. Gay Jr.
Mr. Martin Renteria