

ORIGINAL

IN THE United State Supreme Court

JAMES RONALD WELCH, JR.,
Appellant

V.

APPEAL CASE NO.: 17-13891-H

JULIE JONES, Sec'y, Dep't of
Corrections, State of Florida, et. Al.,
Appellee

LEGAL MAIL PROVIDED TO
NEW RIVER C.I.

JUN 21 2018

FOR MAILING
INITIALS

CLERK OF THE COURT

TO: THE JUSTICE ALLOTTED TO THE CIRCUIT
FROM WHICH CASE ARISES. THIS CASE ARISE
FROM THE ELEVENTH CIRCUIT COURT OF APPEALS.

APPLICATION FOR EXTENTION OF TIME TO FILE
A PETITION FOR WRIT OF CERTIORARI IN THE SUPREME
COURT OF THE UNITED STATES

APPEAL CASE NO.: 17-13891-H

DISTRICT COURT CASE NO.: 6:16-CV-247-OH-37TBS

JAMES RONALD WELCH, JR. DC# 071863-E-1110L
NEW RIVER CORRECTIONAL INSTITUTION
P.O. BOX 900
RAIFORD, FLORIDA 32083

IN THE UNITED STATES Supreme Court

JAMES RONALD WELCH, JR.,
Appellant

V.

CASE NO.: 17-13891-H

Julie Jones, Sec'y, Dep't of
Corrections, State of Florida, et al.,
Appellee

TO: THE JUSTICE ALLOTTED TO THE CIRCUIT FROM
WHICH THE CASE ARISES.

Application For Extension of Time To File
Petition For Writ of Certiorari

COMES NOW Appellant, JAMES RONALD WELCH, JR., pro se
litigant incarcerated in the Florida Department of
Corrections, and ASKS the Justice allotted for this
proceeding to grant Appellant an extension of time of
SIXTY (60) days to file a Petition For Writ of
Certiorari in the Supreme Court of the United States
regarding an Application for a Certificate of
Appealability ("COA"). In support he offers the
following:

I. STATEMENT OF THE CASE AND FACTS

(a) ON February 09, 2016, Appellant filed a timely
Petition For Writ of HABEAS Corpus pursuant to
28 U.S.C. § 2254.

(b) ON August 02, 2017, the U.S. district court denied Appellant's habeas corpus with prejudice, And denied Appellant A COA on All eleven(11) grounds raised.

(c) ON August 28, 2017 Appellant filed timely Notice of Appeal.

(d) ON September 01, 2017, Appellant "rushed" and filed a thirty(30) Application for COA with supporting brief ("initial COA") AS he mistakenly believed he only had thirty (30) days to file A COA from the district court's denial.

(e) ON October 05, 2017, Appellant filed A 30 page "Amended COA" and supporting brief After receiving Notice from Court of Appeals he had 30 days to file A COA from the date of its order dated September 08, 2017.

In both initial AND Amended COA's Appellant only raised Eight (8) issues ON Appeal.

(f) Also, ON September 26, 2017, Appellant filed a motion to proceed in forma pauperis ("IFP") in Court of Appeals raising only Eight (8) issues.

(h) ON April 04, 2018, U.S. Circuit Court judge Kevin C. Newsome denied Appellant A COA ON All eleven(11) grounds Appellant raised in habeas corpus. Judge Newsom NEVER mentioned either Appellant's initial or amended COA's in his denial and the record shows he didn't read or Acknowledge either COA. This is the judgement sought to be reviewed and it is listed AS Exhibit #37 And is Attached in a separate index.

II

Jurisdiction

IN A HABEAS CORPUS proceeding in which the detention complained of arises from process issued by a state court, AS IS THE CASE FOR Appellant, the Appellant CANNOT TAKE AN APPEAL UNLESS A circuit justice or a circuit or district judge issues a certificate of Appealability ("COA") under 28 U.S.C. § 2253(c).

If the district court denies Appellant A COA, AS IS THE CASE FOR Appellant, he may request a COA from the court of Appeals under Federal Rules of Appellate ~~Procedure~~ procedure Rule 22.

If the circuit court of Appeals denies Appellant A COA, AS IS THE CASE FOR Appellant (see exhibit #37 Attached, Circuit Court order denying Appellant A COA), he may request A COA from the U.S. Supreme Court VIA A Petition for Writ of Certiorari under 28 U.S.C. 1254(1). See *Hohn v. United States*, 524 U.S. 236, 238, 252 (1998).

The individual Justice Allotted to this Court has jurisdiction to extend the time to file A Petition For Writ of Certiorari in the Supreme Court of the United States under Rules of The Supreme Court Rule 13 AND Rule 30 if Appellant shows that his Application for extension of time is filed AT LEAST 10 days before the 90 days Allotted to file for Certiorari, he identifies the judgement sought reviewed, includes a copy of opinion AND any order respecting rehearing, AND Appellant shows specific reasons AN extension of time is justified.

Appellant will now show this Court, VIA the Justice Allotted, why AN extension of time should be granted in his CASE.

III. Reasons For extension of time.

(a) ON April 04, 2018, U.S. Circuit Court Judge, Kevin C. Newsom, denied Appellant A COA ON Eleven (11) grounds, even though Appellant only Appealed Eight (8) grounds in both initial AND Amended Application for COA AND supporting brief which were timely filed. See Amended Motion for COA AND brief supporting it in index of Appendix.

Judge Newsom's order denying Appellant A COA is listed AS Exhibit # 37 in Appendix AND it is the order or judgement sought reviewed.

(b) ON April 19, 2018, Appellant filed A "Motion For Reconsideration" of Judge Newsom's order denying Appellant A COA because the Clerk of the Court advised Appellant to in Judge Newsom's order of denial dated April 04, 2018. See exhibit #37 At 1 (preface to order of denial).

In Motion For Reconsideration (see exhibit "Motion For Reconsideration" in Appendix) Appellant essentially argued two (2) issues: (1) Either judge Newsom or AN ASSISTANT of his, showed biasness Against Appellant in how ~~to~~ he or she reviewed AND considered the evidence. AND, (2) Appellant WAS denied due process AS Judge Newsom never read, reviewed, or even Acknowledged Appellant's initial or Amended COA AND brief in Support

of COA in its order denying COA.

As of this date, June 18, 2018, Appellant has not received notice or any information as to whether his "Motion For Reconsideration" has been granted or denied. And this is day 75 of 90 to file for Petition for Writ of Certiorari in the Supreme Court of the United States.

Even if Appellant was to receive notice of Order denying "Motion For Reconsideration" at this time, there is no way he could adequately file a Petition for Writ of Certiorari in the U.S. Supreme Court in fourteen (14) days or less, especially due to the numerous and difficult requirements specified by the Rules of the Supreme Court of the U.S.. Moreover, Appellant is a pro se litigant who is a layman to the law.

Because the last day to file this Application (at least ten (10) days before the 90 days allotted to file for Certiorari) falls on Saturday, June 23, 2018, this Application is timely if filed on or by Monday, June 25th, 2018.

(c) ON MAY 04, 2018, AFTER LEARNING that he WAS WRONGLY ADVISED by the Clerk of Circuit Court to file "Motion For Reconsideration" when he should have been advised to file a "Petition For Panel Rehearing", Appellant filed an untimely "Petition For Panel Rehearing". See exhibit "Petition For Panel Rehearing" in Appendix.

In "Petition For Panel Rehearing" Appellant

RAISED three (3) issues: (1) Appellant was MISADVISED by the Clerk of Circuit Court to file a timely "Motion For Reconsideration" of order by a single justice denying COA when Appellant should have been advised to file for Petition For Rehearing before Panel. (2) Judge Newsom (or an Assistant of his acting on his behalf) showed biasness against Appellant in how he was going to review and consider the evidence against Appellant. And, (3) In his order denying Appellant a COA on eleven (11) grounds, Judge Newsom never read, reviewed, considered, or acknowledged Appellant's initial or Amended Application for a COA and brief supporting it appealing only Eight (8) grounds.

Moreover, Appellant showed how Judge Newsom simply used the lower courts' statements in their orders denying Appellant relief, slightly altering them a little to make it look official, as his basis to deny Appellant a COA.

As of this date, June 18, 2018, Appellant has Not received Notice or any information from the Circuit Court of Appeal as to whether his "Petition For Panel Rehearing" has been granted or denied. And this is, again, day 75 of 90 to file for Petition For Writ of Certiorari in the Supreme Court of the United States.

As Argued Above, there is no reasonable way this pro se litigant could file an Adequate Petition For Writ of Certiorari in the U.S. Supreme Court in the 14 days or less still Available.

(d) Because as of this date, June 18, 2018, Appellant has not received notice from the U.S. Eleventh Circuit Court of Appeal any information as to whether or not his "Motion For Reconsideration" or "Petition For Panel Rehearing" has been granted or denied, it would be practically impossible for pro se litigant to make arguments in contestation of Circuit court orders not available to him in a Petition For Writ of Certiorari directed to Supreme Court of U.S.

(e) The issues Appellant will present in Petition For Writ of Certiorari in the Supreme Court of the United States are such that, but ^{they are} not limited to, issues of importance beyond the particular facts and parties involved, and they are issue of great importance to the public.

Again, Appellant has not received any information at this time (day 75 of 90 to file for Certiorari) as to whether his "Motion For Reconsideration" or ~~the~~ "Petition for Panel Rehearing" has been denied or granted.

Therefore, for the reasons stated above, Appellant believes he has shown ~~that~~ that he qualifies for an extension of time of 60 days to file a Petition For Writ of Certiorari in U.S. Supreme Court - or as much time as seems befitting.

IV. Respondent

The Respondent in this case, all along in federal proceedings, is Lori N. Hagan, Assistant Attorney General for the state of Florida.

She has approved of the Certificate of Interested Persons and Corporate Disclosure Statement Appellant is enclosing after cover page of this motion. It consists of sixteen persons. However, Appellant will now add Judge Kevin C. Newsom to list as he denied Appellant a COA.

V. Certificate of Interested Persons and Corporate Disclosure Statement

Appellant has no corporate associations, ownerships, or interests.

Of the seventeen people listed as Certificate of Interested persons, only the following have any reasonable possible interest in the issues Appellant is appealing in Application for COA and brief in support of it: (1) Judge Alice L. Blackwell, circuit court judge of state court who adjudicated Appellant. (2) Corey I. Cohen, Appellant's Attorney. (3) Roy B. Dalton, federal district court judge. (4) Harold Heidt, Assistant Attorney General. (5) Brian D. Lambert, denied Petition for Prohibition/cert. regarding issue one in COA, 5th DCA state court judge. (6) Kimberly Mann, ASA. (7) Kevin C. Newsom, U.S. circuit judge. (8) William Palmer, 5th DCA state judge who PCA'd issues two (2) through eight (8). (9) Thomas Smith, U.S. magistrate. (10) Dayla Zalloun, victim for underlying charge Appellate was on probation.

Judges CANADY, Lewis, Perry, Polston, AND Quince simply denied a state court habeas corpus Petition because it was untimely - And Appellant did not RAISE those issues in federal habeas corpus.

Susan Fagan was Appointed Attorney to Appellant's direct Appeal. That issue is Not being Appealed in Application for COA.

Judge Kerry ~~Evander~~, 5th DCA state court judge, PCA'd ineffective Assistance of Appellate Counsel. That issue is not being Appealed in COA (Application for COA).

There is no way pro se litigant, Appellant James Ronald Welch, Jr., can send a copy of this Application for extension of Time to file a Petition for Writ of Certiorari, and its accompanying Appendix of exhibits, to the ten (10) people who may have a reasonable possible interest in issues raised regarding Application for COA.

In fact Appellant, who is in prison in New River C.I., will have a hard time just getting four (4) copies of this Application and exhibits for mailing to Clerk of Supreme Court and Respondent.

Moreover, when Appellant has to file for Certiorari, he will file motion to proceed in forma Pauperis.

Respectfully submitted by,
James Ronald Welch, Jr.
JAMES Ronald Welch, Jr.

Certificate of Service

I Hereby Certify that a true and correct copy of the foregoing "Application for extension of time" has been handed over to prison officials for mailing via U.S. first class mail to: Lori N. Hagan, 444 Seabreeze Boulevard, Fifth floor, Daytona Beach, FLA. 32118, on this 21st day of June, 2018.

Signed by,
James Ronald Wehly, Jr.
JAMES Ronald Wehly, Jr.

OATH

I declare (or certify, verify, or state) under penalty of Perjury that the foregoing is true and correct and that this "Application for extension of time" was handed over to prison officials for mailing on this 21st day of June 2018.

Respectfully,
James Ronald Wehly, Jr.
JAMES Ronald Wehly, Jr.
New River Correctional Institution
P.O. Box 900
Raiford, Florida 32083