

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JOHN PHILLIP BENDER-PETITIONER

VS.

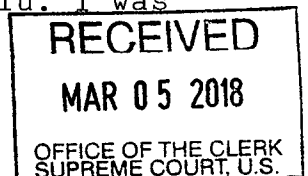
LORIE DAVIS, DIRECTOR-RESPONDENT

MOTION FOR EXTENSION OF TIME TO FILE A PETITION FOR CERTIORARI

The petitioner asks for an extension of time to file a petition of certiorari, of 60 days.

Review is sought for the August 25, 2017 judgment of the United States Court of Appeals for the Fifth Circuit, Bender v. Davis, Appeal No. 17-20199, a true and correct copy attached as EXHIBIT A, reconsideration denied December 11, 2017; a true and correct copy attached as EXHIBIT B, no action taken on motion for en banc reconsideration, by letter of January 5, 2018; a true and correct copy attached as EXHIBIT C. Petition for certiorari to appeal the August 25, 2017 judgment, is due March 12, 2018. Extension is sought until May 11, 2018, 60 days.

This is my third appearance before the Court. In Bender v. Texas, Case No. 12-640, certiorari denied January 22, 2013, and in Bender v. Comm. for Lawyer Discipline, Case No. 14-651, certiorari denied January 15, 2015, no extensions were sought. Shortly after the denial of reconsideration of December 11, 2017, EXHIBIT B, I came down with the flu, and then a secondary upper respiratory infection, then again came down with the flu. I was

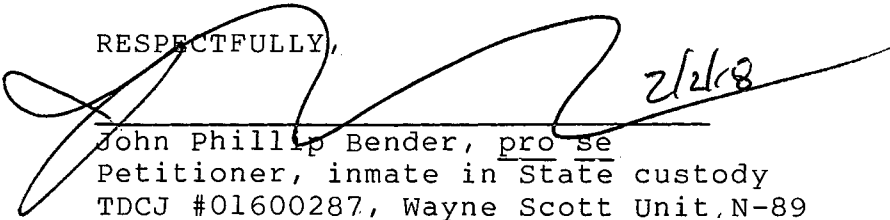


bedridden almost 50 days. I am diligently preparing my petition. I am an inmate in State custody and TDCJ has no computer research or word processing and I have to send out for copies. Restrictions on legal research of "trustys" by TDCJ creates material delays in required filings. I am unable to file within the deadline because I need to obtain materials from third-parties to include in my Appendix and I must request research materials from outside TDCJ. It will take at least until May 11, 2018 for me to complete the filing. This request is not for delay. It is so that I will be provided a reasonable opportunity to file, given constraints of incarceration and restrictions placed by TDCJ.

State courts of last resort have decided important questions of federal law which conflict with Supreme Court law, including insufficiency of evidence to support convictions, a Fourteenth Amendment violation. The Fifth Circuit and United States District Court have denied certificate of appealability to appeal my first-time federal habeas petition denial sua sponte, in a manner that conflicts with Supreme Court law, departing from accepted and unusual course of party practice and mandatory processing rules under the clear Legislative scheme and Court decisions.

Petitioner moves for a 60 day extension to file for certiorari.

RESPECTFULLY,



John Phillip Bender, pro se
Petitioner, inmate in State custody
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