

**IN THE SUPREME COURT OF APPEALS OF THE UNITED STATES
WASHINGTON, D.C.**

Jedediah Collins
Petitioner

v. West Virginia Supreme Court of Appeals Case No. 16-1067

State of West Virginia
Respondent

MOTION FOR EXTENSION OF TIME TO FILE CERTIORARI

Comes now, Jedediah Collins, hereinafter Petitioner, acting *pro se*, and moves this Court via Chief Justice, John G. Roberts, Jr., Circuit Justice for the Fourth Circuit, to GRANT a sixty (60) day extension of time pursuant to Rule 13(5) of the 2017 Rules of the Supreme Court of the United States to file Petitioner's Certiorari.

Petitioner is indigent and is in the custody of the State of West Virginia.

A copy of the ORDER denying "the petition for rehearing" issued by the West Virginia Supreme Court of Appeals on June 5, 2018 is enclosed.

I. GROUNDS FOR AN EXTENSION

1. Petitioner is confined in the West Virginia Mount Olive Correctional Complex prison at One Mountainside Way; Mt. Olive, WV 25185.
2. Petitioner is extremely restrained to the rules and limitations of prisoner's access to the law library.
 - a. The Commissioner of Corrections affords Petitioner limited access to the Institutional Law Library pursuant to Policy Directive 329 (Institutional Law

Libraries). Policy Directive 329 cites West Virginia Code § 25-1-5; § 62-13-4; and ACA Standard 4-4276.


- b. Due to the library size and other reasonable security considerations, the institution limits the number of inmates permitted to use the Law Library at any given time, or even close the library pursuant to security consideration.
 - c. The Respondent, Warden Ralph Terry, affords inmates limited access to the Institutional Law Library pursuant to Operational Procedure 5.07 which cites Policy Directive 329 and 506; ACA Standards 4-4078; 4-4268; 4-4269; 4-4273; 4-4274; 4-4276; 4-4481; 4-4505; and 4-4508 through 4-4511.
 - d. One side of the yard has access one day and then the next day, the other side of the yard has access.
3. Although the limitations to access to the Law Library is one problem, the major problem affecting access is the Law Library has been closed greater than 50% of the time scheduled to be open.
- a. In April, 2018, the Senior Correctional Specialist (Head Librarian) quit thereby making the Assistant Correctional Specialist (Assistant Librarian) to work alone.
 - b. The Assistant Correctional Specialist, however, retired on June 29, 2018, leaving only volunteers to open the Library.
 - c. At present, the Law Library is still at the mercy of volunteers to open.
 - d. During the month of July and August, the Law Library has been closed greater than 50% of the time. (See Exhibits Enclosed).
 - e. The Legal Aide assisting Petitioner has almost gone bald being overwhelmed with

other deadlines and trying to assist other clients with various legal remedies while trying to juggle around the time between being opened and being closed.

- f. There are currently four (4) Legal Aides to assist over 1000 inmates. The Legal Aides are literally “swamped” with deadlines but cannot get caught up due to the Law Library closures. The Legal Aide assisting the instant Petitioner has over seventy-five (75) active clients.
 - g. The institution has posted a position for a Librarian but it is not expected to be filled before mid-September.
- 4. Additionally, the only Notary Public in the facility has been on vacation. While the Librarians were each a Notary Public, now inmates have to use the Jobs Office Manager, which is a Notary Public but has been on vacation.
 - 5. Petitioner’s petition for rehearing was denied on June 5, 2018 (Petitioner received it in the Legal Mail on June 11, 2018). Pursuant to the Rules of the Supreme Court, Petitioner had ninety (90) days in which to file a Certiorari, which the deadline would have been September 3, 2018. Due to the multiple closures of the Library, at the time of the preparation of this motion (August 21, 2018), the Library had been closed 51.45% of the month of August.
 - 6. The Petitioner has a valid question of law concerning the Ineffective Assistance of Counsel and the denial by the Federal Court in his specific case.
 - 7. THEREFORE, in the interest of justice, Petitioner humbly requests an extension of time for a period of sixty (60) days to perfect an already started Certiorari to this Honorable Court.

Respectfully submitted,

DATE: August 10, 2018



Jeddiah Collins, *pro se*

**Additional material
from this filing is
available in the
Clerk's Office.**