

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

STEVEN ZINNEL
Petitioner

v.

UNITED STATES OF AMERICA
Respondent

ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

APPLICATION TO JUSTICE KENNEDY
TO EXTEND TIME TO FILE PETITION FOR CERTIORARI
(Supreme Court Rule 13.5)

Steven Zinnel
Petitioner Pro Se
Reg. No. 66138-097
Federal Correctional Institution
Terminal Island
P.O. Box 3007
San Pedro, CA 90733-3007

[Note that the above address
is only valid through
September 11, 2018 because
Petitioner is being transferred
to an unknown location.
See Exhibit D attached hereto]

RELIEF SOUGHT

Steven Zinnel, Petitioner pro se, requests that Justice Kennedy, Justice for the Ninth Circuit, extend the time for filing a petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit in the matter of United States v. Steven Zinnel, Ninth Circuit Case No. 14-10141, for an indefinite period of time because Steven Zinnel, at the request of AUSA Matthew D. Segal (see Exhibit D), is being transferred to an unknown location, without his legal files need to draft the petition, and a location that will likely not have a typewriter or computer to draft the petition.

Steven Zinnel requests that the Supreme Court stop the briefing clock until Mr. Zinnel notifies the Court that he has been reunited with his legal papers and he has sufficient access to an adequate law library with a typewriter, copier, and legal research.

GROUND'S FOR RELIEF

Judgments Below

On February 9, 2018, the Court of Appeals for the Ninth Circuit issued a Memorandum Opinion affirming the convictions and the Sentencing Guidelines calculations (the issues in the petition for writ of certiorari), but vacated the sentence and remanded back to the district court to consider all the 18 U.S.C. §3553(a) sentencing factors, allow Zinnel to allocute, and fully explain its sentence. Relevant portions of the Ninth Circuit's Memorandum Opinion is attached hereto as Exhibit A.

Thereafter, Zinnel received an extension of time in which to file a Petition for rehearing which was granted until May 30, 2018. Zinnel worked almost non-stop to draft his Petition for Rehearing which he completed on May 24, 2018. Upon completion of his Petition for Rehearing, Zinnel drafted numerous letters to attorneys, law professors, and public interests groups seeking representation to draft and file a petition for writ of certiorari. Attached hereto as Exhibit B are some of the letters seeking help Zinnel sent out on May 25, 2018.

On July 26, 2018, the Ninth Circuit denied Zinnel's Petition for Rehearing. (see Exhibit C).

Jurisdiction

The Supreme Court will have jurisdiction over this matter because 28 U.S.C. §1254(1) give the Court jurisdiction over an appeal of a final judgment of the United States Court of Appeals.

Reasons Why Relief is Needed

Under Supreme Court Rule 13.1, time for filing of a writ of certiorari in this matter expires on October 24, 2018.

Zinnel has been diligently working on his petition for writ of certiorari. Zinnel has not been working on resentencing matters. Zinnel filed a Motion with the District Court to Postpone resentencing for a period of 90 days so Zinnel could prepare his Supreme Court Petition. (Exhibit D). Zinnel also filed with the district court a waiver of physical presence in the courtroom and consent to appear by videoconference. (Exhibit E.)

Zinnel also filed a Motion to Protect his Due Process Rights by keeping Zinnel at FCI Terminal Island and not transferring Zinnel to Sacramento so Zinnel could prepare a Supreme Court Petition and prepare for resentencing. (Exhibit F). In his motion, Zinnel explained that Sacramento County Jail or Nevada County Jail does not have an adequate law library, there are no typewriters, and Zinnel would not be able to have any of his legal papers there. Id.

However, AUSA Matthew D. Segal requested that Zinnel be transferred to Sacramento to appear in court. (Exhibits G & H). On Friday September 7, 2018, Zinnel was informed by Federal Bureau of Prisons that he would be transferred to an undisclosed location September 11, 2018. This Application naturally followed.

Persuasive Grounds for Certiorari

Zinnel will present three questions in his petition concerning the Constructive Amendment that occurred, the fatally flawed jury instructions in large part because of a circuit split, and judge found facts at sentencing that increased Zinnel's sentence from what the jury found at 6 months in prison to 212 months in prison in violation of the Fifth and Sixth Amendment. This is the issue Justice Scalia dissented on in Jones v. United States, 135 S.Ct. 8 (October 14, 2014).

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Zinnel has no address for the Court

Because Zinnel is being transferred to an unknown location, Zinnel cannot provide the Supreme Court with an address for communications and notices with the court. Zinnel requests that the court send all Court communications and notices to McGregor W. Scott, U.S. Attorney for the Eastern District of California, with an order to provide the court's communication and notices to Zinnel and submit a certificate of service to the Court demonstrating personal service on Zinnel of the Court's communications.

Conclusion

Zinnel respectfully requests that that the relief requested in the Application be granted and that the Court stop the briefing clock until Zinnel notifies the Court he is able to finish his petition.

Respectfully submitted,



Steven Zinnel

Dated September 11, 2018