

18A804

ORIGINAL

UNITED STATES SUPREME COURT

SUP. Ct. U.S. FILED JAN 29 2019 CLERK

Cirilo Flores

:

Criminal Action

v.

No.

UNITED STATES OF AMERICA

:

APPLICATION FOR EXTENSION OF TIME

FOR WRIT OF CERTIORARI UNDER RULE 13.5

I. JURISDICTION

Because the Petitioner was charged in an indictment with violations of federal criminal law, the Supreme Court had jurisdiction over the action according to 28 U.S.C § 2101 (c).

II. IDENTIFY THE JUDGEMENT APPEALED FROM:

Sur Petition for Re-hearing, judgment entered on November 6, 2018.
The Court overlooked certain facts of Ineffective Assistance of Counsel challenging entered plea.

III. REASONS WHY EXTENSION OF TIME IS JUSTIFIED;

A. Petitioner filed for a full panel re-hearing on Octubre 22, 2018, stating numerous fact and allegation to be review again by the Court of Appeals for the Third Circuit.

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B. On November 6, 2018, this Petition for Re-hearing was denied by the Court of Appeals. (Attach Copy)

C. Petitioner completed correspondence to the Clerk of Court inquiring about the status of filed Petition for Re-hearing on January 7, 2019. (Attachment)

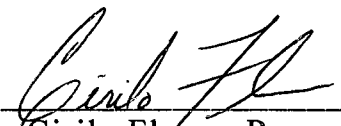
D. On January 25, 2019, was revealed that the Court of Appeals for the Third Circuit already denied the Petition for Re-hearing.

E. Petitioner submitted a request form to the mail room of the institution requesting a verification to proof this Honorable Court that Petitioner has not received any legal mail on the Month of November.¹

D. In addition, Petitioner has a limited and correct usage of the English language, and needed an interpreter at all time.

WHEREFORE, for the foregoing reason, Petitioner respectfully request this Honorable Court to Grant an Order to extend the filing deadline for Writ of Certiorari an additional sixty (60) days, in according to Rule 13.5 of the United States Supreme Court Rules.

Date: 1/28/2019


Cirilo Flores, Pro se
301 Institution Drive
Bellefonte, Pa. 16823

¹ Petitioner is waiting for a respond on the aforementioned request form.

ALD-182

April 19, 2018

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 17-3629

UNITED STATES OF AMERICA

VS.

CIRILO FLORES, Appellant

(E.D. Pa. Crim. No. 2-12-cr-00186-001)

Present: MCKEE, VANASKIE and SCIRICA, Circuit Judges

Submitted are:

- (1) Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1); and
 - (2) Appellant's motion to compel
- in the above-captioned case.

Respectfully,
Clerk

ORDER

The foregoing request for a certificate of appealability is denied. Jurists of reason would not debate the District Court's denial of Appellant's motion pursuant to 28 U.S.C. § 2255. Slack v. McDaniel, 529 U.S. 473, 478 (2000). Appellant waived his right to collaterally attack his conviction and sentence, that waiver was knowing and voluntary, and enforcement of the waiver would not cause a miscarriage of justice. See United States v. Mabry, 536 F.3d 231, 237-39 (3d Cir. 2008). Appellant's motion to compel is denied as moot.

By the Court,

s/ Thomas I. Vanaskie
Circuit Judge

Dated: June 20, 2018
PDB/cc: Cirilo Flores
Michelle Rotella, Esq



A True Copy:

Patricia S. Dodszeuweit

Patricia S. Dodszeuweit, Clerk
Certified Order Issued in Lieu of Mandate

PATRICIA S. DODSZUWEIT

CLERK



OFFICE OF THE CLERK

UNITED STATES COURT OF APPEALS

21400 UNITED STATES COURTHOUSE
601 MARKET STREET

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June 20, 2018

Cirilo Flores
Benner Township SCI
301 Institution Drive
Bellefonte, PA 16823

Michelle Rotella
Office of United States Attorney
615 Chestnut Street
Suite 1250
Philadelphia, PA 19106

RE: USA v. Cirilo Flores
Case Number: 17-3629
District Court Case Number: 2-12-cr-00186-001

ENTRY OF JUDGMENT

Today, **June 20, 2018** the Court issued a case dispositive order in the above-captioned matter which serves as this Court's judgment. Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

For the Court,

s/ Patricia S. Dodszuweit,
Clerk

s/ pdb Case Manager

cc:

Ms. Kate Barkman

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 17-3629

UNITED STATES OF AMERICA

v.

CIRILO FLORES,
Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Crim. No. 2-12-cr-00186-001)

SUR PETITION FOR REHEARING

Present: SMITH, Chief Judge, MCKEE, AMBRO, CHAGARES, JORDAN,
HARDIMAN, GREENAWAY, JR., VANASKIE, SHWARTZ, KRAUSE, RESTREPO,
BIBAS, and SCIRICA*, Circuit Judges

The petition for rehearing filed by appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the

* Judge Scirica's vote is limited to panel rehearing only.

circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/ Thomas I. Vanaskie
Circuit Judge

Dated: November 6, 2018

Lmr/cc: Emily McKillip
Michelle Rotella
Cirolo Flores