

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

GEARY GILMORE,  
Petitioner,

vs

SHIRLEE HARRY,  
Respondent.

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On Petition For A Writ Of Certiorari  
To The United States Court Of Appeals  
For The Sixth Circuit

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APPLICATION TO EXTEND THE TIME TO  
FILE A PETITION FOR A WRIT OF CERTIORARI

To The Honorable Elena Kagan  
Associate Justice For The Sixth Circuit

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Petitioner GEARY GILMORE, in Pro Per, pursuant to *Supreme Court Rules 21, 22, and 30*, moves the Honorable Elena Kagan, Associate Justice, to enter an Order GRANTING him an additional 60 days to file his Petition For A Writ of Certiorari, pursuant to *Supreme Court Rule 13.5*, and states:

1. Geary Gilmore was convicted by a jury on July 29, 1974, along with Byron Smith and Jerome Holloway, of 2 counts of First Degree Felony Murder, *MCL 750.316; MSA 28.528* and two (2) counts of Kidnapping, *MCL 750.349; MSA 28.581* in case number 74-000772-FM.
2. August 8, 1974, the Honorable James N. Canham sentenced Gilmore to 2 natural life sentences and 2 parolable life sentences, respectively.
3. Gilmore is currently unconstitutionally detained at Earnest C. Brooks Correctional Facility in Muskegon Heights, Michigan, under Inmate #138763, where Shirlee Harry is Warden.
4. On March 30, 2016, the Honorable Nancy G. Edmunds, United States District Court Judge entered a Judgment, based on its Opinion and Order (1) Denying Petition for Writ of Habeas Corpus, (2) Denying Certificate of Appealability, and (3) Granting Permission to Appeal in forma Pauperis.

5. On November 3, 2016, the District Court entered an "Order Granting Petitioner's Motion to Amend and Denying Petitioner's Motion to Make Additional Findings."

6. On June 28, 2017, the United States Court of Appeals for the Sixth Circuit issued an Order denying Gilmore's Motion for Certificate of Appealability in his appeal of the District Court's Orders: (1) denying his Petition for a Writ of Habeas Corpus filed under 28 U.S.C. § 2254; and (2) denying his motion to make additional findings under *Federal Rule of Civil Procedure* 52(b) and to alter and amend the judgment under *Federal Rule of Civil Procedure* 59(e). (Appendix A).

7. On September 28, 2017, the Court of Appeals for the Sixth Circuit denied rehearing, (Appendix B).

8. On October 18, 2017, the Court of Appeals for the Sixth Circuit denied rehearing en banc, (Appendix C).

9. Pursuant to *Supreme Court Rule* 13.4, the time for Gilmore to file his Petition For A Writ Of Certiorari is January 16, 2018. This Application is being filed 18 days before the specified filing date.

10. Gilmore request an additional 60 days to file his Petition for a Writ of Certiorari because he is a *pro se* litigant and needs additional time in the law library for study and legal research in order to prepare a proper and adequate Petition which raises complex legal issues that call for an exercise of this Court's supervisory power, and that have not been, but should be, settled by this Court.

11. Gilmore asserts that he is unable to prepare and file a proper and adequate Petition for a Writ of Certiorari within the time permitted because of law library closings and limited access to law materials. Specifically, all of the law books have been removed from the law library and the information has been placed on computer terminals. At this facility there are only 10 computer terminals available for 500 prisoners, and Michigan permits each prisoner only four (4) hours a week to access them. An additional 60 days is necessary.

12. Under *Supreme Court Rule* 13.5, a Justice of this Court may extend the time for filing a Petition for a Writ of Certiorari for up to 60 days for the good cause stated in this motion.

12. Because Gilmore is unable to prepare a proper and adequate Petition for a Writ of Certiorari within 90 days, he prays a Justice of this Court GRANT him an additional 60 days to do so.

**RELIEF REQUESTED**

Petitioner Geary Gilmore respectfully request the Honorable Elena Kagan, Associate Justice for the United States Court of Appeals for the Sixth Circuit, to extend the time to file his Petition for a Writ of Certiorari an additional 60 days.

Respectfully submitted,

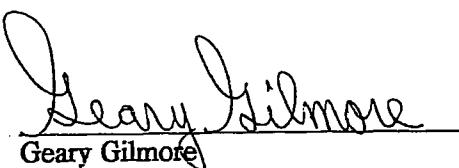


Geary Gilmore  
Petitioner In Pro Se  
E.C. Brooks Correctional Facility  
2500 S Sheridan Drive  
Muskegon Heights, MI 49444

Dated: December 28, 2017

**VERIFICATION**

I, Geary Gilmore, declare under penalty of perjury that he has read the foregoing Application to Extend The Time to File A Petition For Writ of Certiorari, and knows the contents thereof to be true of his own personal knowledge except for those matters therein stated upon information and belief and as to those matters, he believes them to be true.



Dated: December 28, 2017