

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MARK ANTHONY HEAD — PETITIONER

vs.

UNITED STATES OF AMERICA — RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

MOTION FOR A ONE-TIME SIXTY (60) DAY
EXTENSION OF TIME UNTIL MONDAY,
JUNE 10, 2019 TO FILE A PETITION FOR
WRIT OF CERTIORARI WITH THIS COURT

MARK ANTHONY HEAD
Pro-Se Petitioner
Reg. No. 16602-042
c/o Dismas Charities
100 Tishomingo Street
Tupelo, Mississippi 38804

DECLARATION AND AFFIRMATION

MARK ANTHONY HEAD, Pro-Se Petitioner declares and affirms under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct.

MOTION FOR EXTENSION OF TIME

COMES NOW the Petitioner, MARK ANTHONY HEAD ("Mark Head"), in proper person, and asks this Court for a one-time sixty (60) day extension of time, until Monday, June 10, 2019, to file his Petition For A Writ Of Certiorari in this matter for good cause.

In support of his instant Motion, Mark Head submits the following:

BRIEF PROCEDURAL HISTORY

The United States Court of Appeals For The Fifth Circuit issued its Decision in this matter on January 9, 2019, ruling against Mark Head. A true and correct copy of the Opinion of the Fifth Circuit is incorporated herein as EXHIBIT "A" and attached hereto.

Based upon the adverse ruling, the due date for a Petition for Writ of Certiorari is Tuesday, April 9, 2019 (Rule 13, Supreme Court of the United States).

ARGUMENT

1. Mark Head has never litigated any matter in his life, prior to the underlying Motion and the resulting Appeal(s).

2. Mark Head engaged a law firm in Texas to prepare the Pro-Se documentary pleadings, which served as the underlying Motion in this matter.

3. Upon the District Court having denied Mark Head's underlying Motion, he was assisted in the preparation of his Appeal to the Fifth Circuit by a fellow Inmate at the Federal Prison Camp, in Pensacola, Florida.

4. The Inmate who assisted in the preparation of the papers submitted to the Fifth Circuit, had very limited legal training, himself.

5. Mark Head has had no formal training. He has never attended Law School nor worked in the legal profession.

6. Shortly after he had prepared his papers for the Fifth Circuit, Mark Head was transferred to the Residential Reentry Center ("RRC"), in Tupelo, Mississippi, previously referred to as a "Halfway House," where he now resides in custody of the Federal Bureau of Prisons ("BOP").

7. Conditions at the RRC are far more restrictive than in prison with respect to time available to work on Pro-Se litigation, as well as the resources of a law library being non-existent. Mark Head is required to go to a public library and conduct legal research through the public access internet.

8. For the reasons articulated in "7" above, when Mark Head received the Fifth Circuit's adverse Opinion in this matter, he then contacted the Texas law firm who had prepared the Pro-Se papers for his underlying Motion in the District Court.

9. The Texas law firm indicated a willingness to prepare the papers for the instant Petition For A Writ Of Certiorari ("Petition"), on a Pro-Bono basis.

10. Mark Head was informed by the Texas law firm and thereupon believed the firm would prepare the papers as indicated after the firm members conferred amongst their principles, and commence work, since Mark Head had paid them for the prior work.

11. For the immediate thirty (30) days after the Fifth Circuit had issued its Opinion, Mark Head repeatedly attempted to engage the Texas law firm in substantive conversations, with limited results, but at the same time being assured approval was nothing more than a mere formality.

12. Then, for reasons known only to the Texas law firm, communications from the law firm ceased, with Mark Head's inquiries going unanswered. The Texas law firm did not accept telephone calls, requiring Mark Head to leave messages; those calls were not returned, and written communications not responded to.

13. Now, after sixty (60) days, Mark Head is convinced the Texas law firm has no intention of fulfilling their tentative commitment to prepare the Petition, forcing Mark Head to undertake the preparation himself.

14. Should this Court Grant the instant Application for an extension of time, it will have the effect of restoring the original ninety (90) days allotted to a Pro-Se Petitioner in the preparation of his papers for a Petition.

15. Mark Head is required to maintain a full time job in the public sector during his BOP custody in the RRC, under pain of being sent back to prison.

16. Each and every time Mark Head wishes to leave the RRC grounds for any reason, including, but not limited to conducting legal research at the public library, he must first obtain a "pass" authorizing the requested activity, which is subject to time restrictions and other constraints in the sole and unfettered discretion of the RRC.

17. Based upon numbers "15" and "16" above, the only time Mark Head is permitted to work on the instant Petition's preparation, is when he is not at work, and for periods whereby his absence is authorized to use community resources, and does not conflict with the orderly running of the RRC or other responsibilities for assigned chores at the RRC, which all residents share.

18. Resources for legal work available at the RRC to enable Mark Head to litigate the instant matter are virtually non-existent, given the fact RRC residents by-and-large, rarely litigate their cases this far into their sentence.

19. For example, there are no typewriter(s) available to residents, which has required Mark Head to bring in a typewriter of his own volition; no computers are permitted at the RRC(s).

20. Mark Head must also go to public vendors for copying, and to the United States Post Office to send his pleadings to this Court; he has to obtain a pass for each occasion he is engaged in the aforementioned activities.

21. Mark Head has obtained the assistance of a fellow resident in the preparation of the instant Application and will continue to benefit from said assistance for so long as the fellow resident is still at Mark Head's RRC.

22. There is insufficient time for Mark Head to conduct the necessary research, draft his Petition, refine it, and then type it in such a manner whereby it will be worthy of this Court's review absent the Court granting the instant extension requested.

23. The Texas law firm took nearly sixty (60) days of time Mark Head could have devoted to the preparation of his Petition, only to have them decline to provide Pro-Bono assistance — not returning telephone calls, nor answering written inquiries at which point Mark Head abandoned his efforts.

24. No parties would be prejudiced by this Court seeing fit to GRANT the requested one-time sixty (60) day extension, until June 9, 2019, which falls on a Sunday, shifting the then required deadline to Monday, June 10, 2019.

25. Mark Head makes this Application with clean hands; as an indigent Federal Prisoner, knows of no other way he can render a timely Petition For A Writ Of Certiorari without this Court granting him the additional time requested herein.

WHEREFORE, Mark Head humbly asks this Court to extend the deadline for his Petition For A Writ Of Certiorari, until Monday, June 10, 2019, for good cause.

Dated: March 18, 2019

Respectfully submitted,

A handwritten signature in cursive script that reads "Mark Anthony Head". The signature is written in black ink and is positioned above a solid horizontal line.

MARK ANTHONY HEAD
Pro-Se Petitioner
Reg. No. 16602-042
c/o Dismas Charities
100 Tishomingo Street
Tupelo, Mississippi 38804