

Cause No. 18-20075

IN THE
SUPREME COURT OF THE UNITED STATES

MERIA JAMES BRADLEY

VS.

THE STATE OF TEXAS

TRIAL CAUSE NO. 1328927

APPEAL CAUSE NO. 01-13-00133-Cr.

STATE HABEAS CAUSE NO. 1328927-C

UNITED STATES DISTRICT COURT

CIVIL ACTION NO. H-16-1425

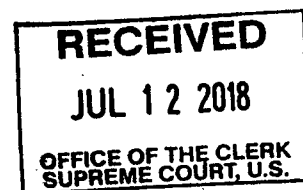
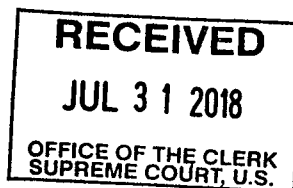
UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT NO. 18-20075

First Motion For Extension Of Time To
File Petition for a Writ of Certiorari

To The Honorable Judge of the Supreme Court Of The United States.

Come now, Meria James Bradley, Petitioner and files this motion for an extension of sixty (60) days, in which to file a Petition For A Writ of Certiorari. In support of this motion, Appellant shows the Court the following:



History - Introduction and Procedural

Meria James Bradley (Bradley) is currently incarcerated in Texas Department of Criminal Justice - Correctional Division (TDCJ-CID), as a result of a 2013 felony conviction for possession of cocaine in the 183rd District Court of Harris County, Texas. Cause No. 1328927 For which he was sentenced to thirty five (35) years imprisonment on March 14, 2012. Bradley was charged by indictment with the offense of possession of cocaine with intent to distribute. With the indictment alleging two prior felony offense for enhancement purposes. Bradley pled not guilty and proceeded to trial on February 6, 2013. A jury found Bradley guilty of the lesser offense of possession of cocaine. Bradley appealed his conviction on February 25, 2014. Texas First Court of Appeals affirmed the conviction in an unpublished opinion, Bradley V. State, No. 01-13-00133-CR (Tex. App. - Houston [1 Dist. February 25, 2014) Bradley thereafter did not file a petition for discretionary review, despite being given an extension of time to do so. Because Appeal Counsel refused to send the petitioner a copy of the Appeal Brief and the Notice for the Appeal. Here on August 5, 2014 thereafter the petitioner filed a State Application for Writ of habeas corpus. Which the state habeas court refusal to make a State's finding of Fact and Conclusion of Law and order on Trial Counsel ineffective assistance at trial. What was counsel reason for withheld exculpatory evidence of some pictures. The search warrant and Officer Nash Sworn Affidavit that would shown the jury that the police went into the wrong house other than the search warrant stated to search and that evidence shown the jury that the petitioner was actually innocent of this charge.

Here the Petitioner on 1 day of June 2015 filed a Writ of Mandamus with the Criminal Court of Appeals letting that court know that the 183rd

state habeas court had refused to address Art. 11.07.3. and this 11.07 had been in the 183rd state habeas corpus for over 18 months now, and that court order the state habeas court to make a state's Finding of Fact and conclusion of Law and order the 183rd state habeas court stell refusal to make Finding of Fact and conclusion and order. So the Clerk of Harris County was order to send all records on that 11.07 without a state's finding of fact and conclusion of law and order.

Here the Criminal Court of Appeals without a state's finding of fact and conclusion of law order or affidavit from trial counsel addressing the grounds in that 11.07. By law noted the clerk of the Criminal Court of Appeals on his owns denied this 11.07. Without a written order on March 23, 2016. Here the judgement must be written, signed and date by a judge entered into the record for the mandate to issue. Here the courts has denied the petitioner his right to due process and a fair meaningfull opportunity to develop a ineffective assistance of trial counsel at trial outside the trial records.

Noted here on May 16, 2016 petitioner filed a 28 USC 2254. Federal Habeas Corpus.

Here Cara Blossom Hanna represented Tx. Office of the Attorney General and the US District Court Southern District of Texas (Houston) Civil Docket for case # 4:16-CU-01425.

Here the court can see this bias that is contrary to and is in conflict with another court decision on the same as in the United States Supreme Court precedent.

II

Here the present deadline for filing this petition for a Writ of Certiorari is July 18, 2018 and the petitioner has not requested any extension prior ro this request.

III


Petitioner's request for an extension is based upon the following facts. Petitioner was not informed of the decision of the United States Court of Appeals, Fifth Circuit dismissed case until April 19, 2018. Since that time petitioner had requested a Petitioner for a Writ of Certiorari from this Supreme Court. Noted a appeal from the United States District Court for the Southern District of Texas. Before Higgin Botham Smith, and Clement, Circuit Judge Preruriam. Stating this court must examine the basis of its own motion if necessary. *Hill V. City of Seven Points*, 230 F. 3d 167, 169 (5th Cir. 2000) pursuant to 28 USC section 2107 (a) and Federal Rule of Appellate Procedure 4 (a)(1)(A). The notice of appeal in a civil case must be filed within thirty days of entry of judgement. Here the petitioner filed a notice of appeal and a petition for Certificate under 28 USC section 2253(c)(2). If the court denies a Certificate, a party may not appeal the denial, but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22. A. Petitioner has up to a year after the judgement of the court. In this habeas corpus case filed by a state prisoner, the district court an order denying certificate of appealability and denying the petition of July 7, 2017. Here on August 15, 2017, the petitioner timely filed a motion of specifi objection with brief in support and requesting a pinel En Banc decision to Judge Ewing Werelein Jr. court's ruling that is contrary to and is inconflicts with another courts decision on the same as in the United States Supreme Court precedant under *Trevino V. Rick Thaler*, 133 S Ct. 1911, 185 L. Ed 2d 1044, 2013 U.S. Lexis 3980, 81 US. L.W. 4336. 24. FlaL. Holding that a procedural default will not bar a Federal Habeas Court from hearing a substantial claim of ineffective assistance trial. If in the [state's] initial review collateral proceeding. There was no counsel or counsel in that proceeding was ineffective" id. at 132 S Ct. 1309, 182 L.

Ed 2d 272, 278, 288. Here the court construed it to be motion for reconsideration. The motion was denied November 28, 2017. Therefore the Fifth Circuit stated the final day for filing a timely notice of appeal was december 28, 2017. The petitioner's pro se notice of appeal is dated January 19, 2018 and stamped as filed on January 26, 2018. Because the notice of appeal is dated January 19, 2018, it could not have been deposited in the prison's mail system within the prescribed time. See Fed. R. App. P. 4(c)(1) (prisoner's pro se notice of appeal is timely filed if deposited in the institution's internal mail system on or before the last day for filing. When set by statute, the time limitation for filing a notice of appeal in a civil case is Jurisdictional, Hamer V. Russell, 551 U.S. 205, 214 (2007). The lack of a timely notice mandates dismissal of the appeal, Robbins V. Maggio, 750 F. 2d 405, 408 (5th Cir. 1985).

IT IS ORDERED

Noted the court over looked the Petition for Certificate under 28 USC section 2253 (c). 2. and Fed. Rule of Appellate Procedure Rule 22, A. that was file with the Notice of Appeal.

Noted now I was indigent at the time I send the mail out. Here how the indigent program work, you put your mail in the mail box, the someone pick that mail up and take that mail to the mail room then someo one from the Law Library pick that mail up then they send that mail out on the day your mail gos out. Now the 19 was Friday, Saturday 20, and Sunday was 21. Now Monday was the 22 day of that month. Now the only thing did the Law Library send that mail out on Monday 22, of January deadline for filing the Writ of Certiorari in Cause No. 18-20075 to be July 18, 2018.


Petitioner Pro Se
Texas Department of Criminal
Justice Institutional Division