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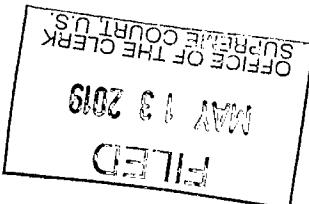
OF THE UNITED STATES.  
MATTER AND THE PARTIES UNDER THE CONSTITUTION  
THIS COURT HAS JURISDICTION OVER THE SUBJECT

### JURISDICTION

SHOWS THE COURT THE FOLLOWING:  
IN SUPPORT OF THIS APPLICATION, PETITIONER  
PREPARE WRIT.  
PETITIONER REQUEST ADDITIONAL (60) SIXTY DAYS TO  
FILE A PETITION FOR A WRIT OF CERTIORARI.  
AND FILE THIS APPLICATION TO EXTEND THE TIME TO  
IN THE ABOVE STYLED AND NUMBERED, CAUSE OF ACTION  
COMES NOW, HERON KENT DUCKETT, PETITIONER, PROSE,  
IN THE ABOVE STYLED AND NUMBERED, CAUSE OF ACTION  
AND FILE THIS APPLICATION TO EXTEND THE TIME TO  
FILE A PETITION FOR A WRIT OF CERTIORARI.

TO THE HONORABLE JUDGE OF THIS COURT:

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



VS.  
HERON KENT DUCKETT  
PETITIONER  
APPELLANT  
NO. 18-40589  
USDC NO. 6:16-cv-1167  
LORIE DAVIS, DIRECTOR  
TDCJ-CID  
APPELLEE  
RESPONDENT  
APPELLEE  
MAY 13 2019  
OFFICE OF THE CLERK  
SUPREME COURT OF THE UNITED STATES

18A1208

(2)

LOVELAND, TEXAS 75851  
2665 PRISON RD. #1  
EASTHAM UNIT

HERRON KENT DUCKETT

~~Kent Duckett~~

2019.

I, HERRON KENT DUCKETT, TDCI-I.D. NO. 1920602 PRESENTLY  
INCAPACITATED AT THE EASTHAM UNIT, DO HEREBY DECLARE  
UNDER PENALTY OF PERJURY, THAT THE FOREGOING APPLICATION  
FOR EXTENSION OF TIME IS TRUE AND CORRECT.  
EXECTUED ON THIS 11TH DAY OF MAY

### DECLARATION

WHEREFORE, PETITIONER PRAYS THAT THIS HONORABLE  
COURT WILL FIND IN FAVOR OF THE PETITIONER'S  
APPLICATION FOR EXTENSION OF TIME.  
APPLICATON FOR EXTENSION OF TIME.

### PRAYER

PETITIONER HAS LIMITED ACCESS TO THE LAW LIBRARY  
AND IS SUBJECT TO LOCKDOWNS AND REQUEST ADDITIONAL  
TIME TO FILE WRIT OF CERTIORARI.

A COPY OF THE OPINION DENYING ME (PETITIONER)  
CERTIFICATE OF APPEALABILITY (COA) IS ATTACHED TO  
THIS APPLICATION. AN ORDER FOR REHEARING IS ALSO  
ENCLOSED.

PETITIONER SEEKS REVIEW OF JUDGMENT FOR INFFECTIVE  
ASSISTANCE OF COUNSEL, BOTH TRIAL AND APPELLATE AS  
WELL AS A HYPOTHETICAL DEADLY WEAPON ATTACHED TO  
SERVICE.

JUDGMENT SOUGHT FOR REVIEW

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 18-40589

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A True Copy  
Certified order issued Mar 20, 2019

HERRON KENT DUCKETT,

Petitioner-Appellant

*Tyke W. Cuyce*  
Clerk, U.S. Court of Appeals, Fifth Circuit

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

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Appeal from the United States District Court  
for the Eastern District of Texas

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ORDER:

Herron Kent Duckett, Texas prisoner # 1920602, seeks a certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. § 2254 petition, which challenged his state conviction and sentence for evading arrest while using or exhibiting a deadly weapon. He also moves for leave to proceed *in forma pauperis*. That motion is GRANTED.

As to his request for a COA, Duckett argues that (1) trial counsel rendered ineffective assistance by inadequately investigating and presenting his case, (2) appellate counsel rendered ineffective assistance by failing to challenge juror strikes under *Batson v. Kentucky*, 476 U.S. 79 (1986), and (3) the evidence was insufficient to support the jury's deadly weapon finding. He also has moved for leave to proceed in forma pauperis (IFP).

No. 18-40589

This court may issue a COA only if Duckett has “made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Where, as here, the district court denied the claims on the merits, “[t]he petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong” or that “the issues presented were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal quotation marks and citation omitted).

Because Duckett has not met this standard, his COA motion is DENIED.



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ANDREW S. OLDHAM  
UNITED STATES CIRCUIT JUDGE

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 18-40589

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HERRON KENT DUCKETT,

Petitioner - Appellant

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent - Appellee

---

Appeal from the United States District Court  
for the Eastern District of Texas

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Before OWEN, WILLETT, and OLDHAM, Circuit Judges.

PER CURIAM:

A member of this panel previously granted appellant's motion to proceed in forma pauperis and denied the certificate of appealability. The panel has considered appellant's motion for reconsideration of the motion for certificate of appealability. IT IS ORDERED that the motion is Denied.