

SUPREME COURT OF THE UNITED STATES

18A1208

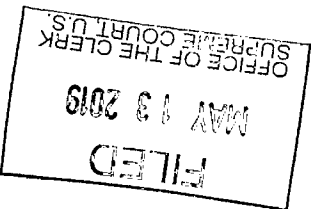
NO. 18-40589

USDC NO. 6:16-CV-1167

HERRON KENT DUCKETT  
PETITIONER  
APPELLANT

VS.

LORIE DAVIS, DIRECTOR  
TDCJ-CID  
RESPONDENT  
APPELLEE



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

TO THE HONORABLE JUDGE OF SAID COURT:

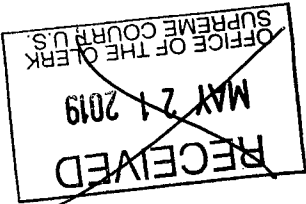
COMES NOW, HERRON KENT DUCKETT, PETITIONER, ROSE,  
IN THE ABOVE STYLED AND NUMBERED CAUSE OF ACTION  
AND FILE THIS APPLICATION TO EXTEND THE TIME TO  
FILE A PETITION FOR A WRIT OF CERTIORARI,  
PETITIONER REQUEST ADDITIONAL (60) SIXTY DAYS TO  
PREPARE WRIT.

IN SUPPORT OF THIS APPLICATION, PETITIONER  
SHOWS THE COURT THE FOLLOWING:

JURISDICTION

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

(1)



JUDGMENT SOUGHT FOR REVIEW

PETITIONER SEEKS REVIEW OF JUDGMENT FOR INEFFECTIVE ASSISTANCE OF COUNSEL, BOTH TRIAL AND APPELLANT AS WELL AS A HYPOTHETICAL DEADLY WEAPON ATTACHED TO SENTENCE. A COPY OF THE OPINION DENYING ME (PETITIONER) A CERTIFICATE OF APPEALABILITY (COA) IS ATTACHED TO THIS APPLICATION. AN ORDER FOR REHEARING IS ALSO ENCLOSED.

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

PRAYER

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

DECLARATION

I, HERON KENT DUCKETT, DOCT-I.D. NO. 1920602 PRESENTLY INCARCERATED AT THE EASTHAM UNIT, DO HEREBY DECLARE UNDER PENALTY OF PERJURY, THAT THE FOREGOING APPLICATION FOR EXTENSION OF TIME IS TRUE AND CORRECT. EXECUTED ON THIS 11TH DAY OF MAY 2019.

Kent Duckett

HERON KENT DUCKETT

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

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

\_\_\_\_\_  
No. 18-40589  
\_\_\_\_\_



A True Copy  
Certified order issued Mar 20, 2019

*Jyle W. Cayce*  
Clerk, U.S. Court of Appeals, Fifth Circuit

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  
\_\_\_\_\_

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.

A handwritten signature in black ink, appearing to read 'A. S. Oldham', is positioned above a horizontal line.

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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

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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.