IN THE
SUPREME COURT OF THE UNITED STATES

APPEAL CASE NO. 18-15138-H
D.C. CASE NO. 8:18-CV-02877-CEH-AAS

MOTION FOR EXTENSION OF TIME

COMES NOW THE PETITIONER/APPELLANT CARMEN A. ZAMMIELLO, PRO-SE, PURSUANT TO THE RULES OF PROCEDURE APPLICABLE TO "MOTIONS FOR EXTENSION OF TIME" AND HOHN -V- UNITED STATES, SUPRA, Id., 524 U.S. 236, 241 (1998)(HOLDING THAT: "[S]UPREME COURT HAS JURISDICTION TO REVIEW DENIAL OF APPLICATION FOR CERTIFICATE OF APPEALABILITY BY CIRCUIT JUDGE OR APPELLATE PANEL BECAUSE APPLICATION QUALIFIES AS 'CASE' UNDER 28 U.S.C. SEC. 1254(1)"); U.S. -V- APKER, SUPRA, Id., 174 F.3d 934, 937 (8TH CIR. 1999)(SAME)("[R]EVERSING DENIAL OF COA FOR PETITIONER'S BAILEY CLAIM IN LIGHT OF HOHN, WHICH HELD SUCH CLAIM WAS IN CONSTITUTIONAL NATURE"), "RESPECTFULLY MOVES THIS HONORABLE COURT TO ISSUE AN ORDER EXTENDING THE TIME TO FILE HIS 'PETITION FOR WRIT OF CERTIORARI' FOR (90) DAYS AFTER AUG 12TH 2019, TO REVIEW THE DECISION OF THE UNITED STATES COURT OF APPEALS, ELEVENTH CIRCUIT THAT INCLUDES THE EXISTENCE OF CONFLICTS BETWEEN THE DECISIONS OF THIS COURT AND OTHER APPELLATE COURTS ON THE SAME CONSTITUTIONAL ISSUE

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OF WHICH REVIEW IS SOUGHT." SEE E.g. CF. HOHN-V- UNITED STATES, SUPRA, Id. (1998).

IN SUPPORT THEREOF, FOR GOOD CAUSE, THE PETITIONER STATES AS FOLLOWS:

1. [O]N NOV. 19TH 2018, THE PETITIONER TIMELY FILED HIS PRO-SE, PROPERLY EXHAUSTED 28 U.S.C. Sec. 2254 PETITION FOR WRIT OF HABEAS CORPUS WITH MULTIPLE ATTACHED EXHIBITS (DOC. #1); MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS (DOC #2) AND MOTION TO APPOINT COUNSEL (DOC. #3), IN THE MIDDLE DISTRICT OF FLORIDA, RAISING THREE GROUNDS OF CONSTITUTIONAL ERROR FOR HABEAS RELIEF, THAT WAS SUBSEQUENTLY "DISMISSED WITHOUT PREJUDICE, AS TIME-BARRED SOLELY BY PROCEDURAL DEFAULT ON NOV. 27TH 2019." [SEE EX "A" AT PP. 1-4].

2. [O]N DEC. 7TH 2018, PETITIONER TIMELY FILED HIS NOTICE OF APPEAL, APPEALLING THE DISTRICT COURTS ERRONEOUS FINAL ORDER (DOC. #5), ARGUING AMONG OTHER ISSUES, "THAT THE DISTRICT COURT ARBITRARY ABUSED IT DISCRETION AND ERRED FROM THE ESSENTIAL REQUIREMENTS OF LAW BY REFUSING TO CONSIDER APPOINTING ME COUNSEL AND FAILING TO ISSUE A COA." [SEE EX "B" AT PP. 1-3].

3. AFTER RECIEVING OTHER CASE RELATED/PRE-VARICATED THREATING LETTERS OF DISMISSAL,

ON APRIL 10TH 2019, THE ELEVENTH CIRCUIT COURT JUDGE HON. ROBIN S. ROSENBAUM, "SUMMARY DENIED MY APPEAL BASED SOLELY ON PROCEDURAL GROUNDS" [SEE EX "C" AT PP. 1-4].

4. [O]N APRIL 25TH 2019, IN RESPONSE TO THE APRIL 10TH COURT ORDER, THE PETITIONER FILED "A PETITION/MOTION FOR PANEL REHEARING TO REINSTATE MY APPEAL AND TO RECONSIDER" THAT WAS SUBSEQUENTLY "RETURNED UNFILED ON MAY 14TH 2019, ALLEGEDLY BECAUSE MY CASE IS CLOSED DUE TO MY FAILURE TO PAY THE FILING FEE." [SEE EX "D" AT PP 2-17].

5. THE PETITIONER ASSERTS THAT: "THE (90) DAY REQUIREMENT TO FILE MY PETITION FOR WRIT OF CERTIORARI FROM MAY 17TH 2019, IS INSUFFICIENT TO INSURE AN ADEQUATE PRESENTATION OF MY DISPUTES BECAUSE THE PRISON REGULATIONS UNJUSTIFIABLY OBSTRUCT MY AVAILABILITY OF ACCESS TO LEGAL RESEARCH MATERIALS AND ASSISTANCE AND THUS, THE GOVERNMENTAL INTERFERENCE IN THE INSTANT CASE RENDERS PROCEDURAL COMPLIANCE IMPRACTICABLE." SEE E.g. CF. BOUNDS -V- SMITH, SUPRA, Id., 430 U.S. 817, 828 (1977) (HOLDING THAT: "[P]RISONER'S HAVE FUNDAMENTAL CONSTITUTIONAL RIGHT TO ADEQUATE, EFFECTIVE, AND MEANINGFUL ACCESS TO THE COURTS TO CHALLENGE VIOLATIONS OF CONSTITUTIONAL RIGHTS").

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6. PETITIONER ASSERTS THAT THIS MOTION IS BEING MADE IN GOOD FAITH AND NOT TO DELAY THE PROCESS.

WHEREFORE, THE PETITIONER HUMBLY PRAYS THIS HONORABLE COURT WILL GRANT THE INSTANT MOTION, "EXTENDING THE TIME TO FILE MY PETITION FOR WRIT OF CERTIORARI FOR (90) DAYS AFTER AUG. 12TH 2019."

DATE: MAY 27TH 2019 IT IS SO PRAYED,

/s/ Carmen A. Zamniello
PETITIONER, PRO-SE, #083535

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I PLACED A TRUE AND CORRECT COPY OF THE FOREGOING "MOTION FOR EXTENSION OF TIME W/ ATTACHED EXHIBITS "A-D" IN THE HANDS OF PRISON OFFICIALS AT C.F.R.C. E/U, FOR MAILING VIA U.S. MAIL TO: SOLICITOR GENERAL OF THE UNITED STATES, RM. 5616, DEPT. OF JUSTICE, 950 PENNSYLVANIA AVE N.W., WASHINGTON D.C., 20530 AND SUPREME COURT OF THE UNITED STATES, 1 FIRST STREET, N.W. WASHINGTON D.C., 20543, ON THIS 3RD DAY OF JUNE 2019, FOR PROCESSING.

/s/ Carmen A. Zamniello
PETITIONER, PRO-SE #083535
C.F.R.C. E/U.
7000 H.C. KELLY Rd.
ORLANDO, FL. 32831

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-15138-H

CARMEN A. ZAMMIELLO,

Petitioner - Appellant,

versus

SECRETARY, DEPARTMENT OF CORRECTIONS,
ATTORNEY GENERAL, STATE OF FLORIDA,

Respondents - Appellees.

Appeal from the United States District Court
for the Middle District of Florida

ENTRY OF DISMISSAL: Pursuant to the 11th Cir.R.42-1(b), this appeal is DISMISSED for want of prosecution because the appellant Carmen A. Zammiello has failed to pay the filing and docketing fees to the district court within the time fixed by the rules., effective May 13, 2019.

DAVID J. SMITH
Clerk of Court of the United States Court
of Appeals for the Eleventh Circuit

by: Gerald B. Frost, H, Deputy Clerk

FOR THE COURT - BY DIRECTION

Additional material from this filing is available in the Clerk's Office.