

No. _____

JUN 07 2019 MT

IN THE
SUPREME COURT OF THE UNITED STATES

MELVIN B. THOMPSON

Petitioner

v.

THE STATE OF FLORIDA

Respondent

APPLICATION TO JUSTICE
CLARENCE THOMAS FOR
EXTENSION OF TIME TO FILE
WRIT OF CERTIORARI

Pro-se

Melvin B. Thompson

D.c. No: 959252

Dorm: A1140 Single

North West Florida Reception Center

4455 Sam Mitchell Drive

Chipley, Florida 32428

RECEIVED

JUN 17 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

JURISDICTION

This Application For Extension of Time To File a Writ of Certiorari is authorized by the Rules of the Supreme Court of the United States of America; Rules 22, and 33, 21, 30, and 33.2, and 13.5

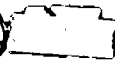
STATEMENTS OF FACTS

1. The Eleventh Circuit Court of Appeals (11th Cir.) Clerks Office has inadvertently misfiled, unfiled, and made mailing errors with my documents on appeal from a Denial of Certificate of Appealability (COA), and these errors are currently affecting my rights and abilities to properly access your Court via a Writ of Certiorari (Cert.) in the time frame prescribed by your Rules.

2. On March 27, 2019 the Clerk for the 11th Cir. sent me a letter with: a Order denying a Motion For Reconsideration, to a October 2, 2018 denial Order of a COA. (See: Exhibit A) infra.

3. Subsequently on April 23, 2019, the Clerk of the 11th Cir., sent me another letter, advising me that, my Motion For Reconsideration was being Returned Unfiled, because the rules of the 11th Cir. R. 27.3 "only allows for one Motion For Reconsideration to be filed per Order..." (See: Exhibit B) infra.

4. I realized that a ~~grave~~ error was being made that was literally interfering with my First Amendment Constitutional Rights, Access To Courts; I immediately began preparing a letter to the Clerk of the 11th Cir, explaining that, the Motion For Reconsideration, that was Returned Unfiled, is the one and only Motion For Reconsideration I have ever filed in the 11th Cir, and there has to be some type of Clerk-made error going on in my Appeal.

5. I also filed a Appellant's Motion To Court To Take Judicial Notice, of the letter to the Clerk, and, and the April 15, 2019 letter the Clerk sent me, with a Copy of the Original Motion For Reconsideration attached as Appendix A-B. (see Exhibits C)  infra.

6. Petitioner has not recieved a response from the 11th Cir, in relation to the Motion To Take Judicial Notice, that was mailed out on April 29, 2019, as of this written.

7. As it stands, the 90 days deadline to file the Cert., will expire on June 25, 2019 approx 19 days remaining, if this is calculated from the erroneous March 27, 2019 Order denying the Motion For Reconsideration.

8. As a pro-se litigant I cannot communicate via, phone, or email with the Clerks office, to expedite this matter, and IF the 11th Cir. realize its mistakes, then the Court would have to withdraw the March 27, 2019 Order, and substitute it with another Order of denial, which would then restart the 90 day time frame for Petitioner to file a Cert, in this Court.

9. On the other hand, if the 11th Cir. for some unknown reason justify its Order of March 27, 2019 - and I dont know how the Court could do such a thing, when I have never filed but one Motion For Reconsideration, challenging the denial of the COA, as discussed above - then I would not have any time left to present my Writ to this Court.

10. Petitioner has diligently at ever stage of this Case, prosecuted it, through, all state Courts, and Federal District and Circuit Appeal Courts, from 2014 to Present. If petitioner is unable to file the Writ of Certiorari

due to no fault of his on, I feel that would be, a violation of due process, and a travesty.

11. The issues petitioner has been presenting involve, but not limited to: The State of Florida's use of a Guidelines Departure Sentencing Scheme, that enhances a criminal defendant's Relevant Statutory Maximum Sentence, based solely on Judicial Fact Finding using a Proof Standard of by the preponderance of the evidence, which is contrary to the Rule of Apprendi v. New Jersey, 530 U.S. 466 (2000) and its progeny.

12. Additionally, and most important, is that Petitioner has been contesting Almendarez-Torres(s), 118 S.Ct. 1219 (1998), continuing "vitality, validity, and viability" as to its Stare Decisis Status, in light of this Court's Sixth Amendment Jurisprudence (over the last 18-19 year) has eroded the underpinnings of Almendarez-Torres, of even greater importance, Justice Thomas, in multiple dissents, but in particular his dissent in Alleyne v. U.S. 133 S.Ct. at 2160 (2013) held:

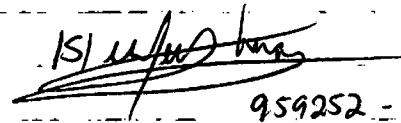
"...we recognize a narrow exception to this general rule for the fact of a prior conviction, because the parties do not contest that decision's vitality we do not revisit it for purposes of our decision today."

13. Petitioner "has diligently" contested Almendarez-Torres in State Courts, and the Federal Courts, using Justice Scalia, and Justice Thomas dissenting opinions, are my arguments contest the Almendarez-Torres' vitality.

14. With all the Circuit Courts'... confusion, and frustration, of being hamstrung, acknowledging the doom, and Almendarez-Torres' standing on shifting sands, and its being an Anomaly. Petitioner's Writ for Certiorari

is ripe for review by this Court.¹

Wherefore, Petitioner respectfully **PRAYS** this Honorable Court's Justice: Clarence Thomas, would exercise his authority and grant Petitioner an Extension of Time of 60 days, to file a Writ of Certiorari.



959252 - Pro-Se

Fn.1: Petitioner is a pro-se litigant with a malady of medical problems that affect his life daily. My sight is poor due to Diabetic and vision complications. I suffer from trigger fingers in both hands - albeit I'm being treated for it, writing still causes pain and discomfort. I say all this because I ask the Court to please pardon my penmanship, as I have truly done the best I could. I am a Inmate Qualified under A.D.A. due to mobility disabilities.