

IN THE UNITED STATES SUPREME COURT

Ex parte

CHARLES VERNON HARRIS Jr.

PETITIONER

v

WARDEN DEWAYNE ESTES et...al

CASE NO: \_\_\_\_\_

(TO BE SUPPLIED BY CLERK)

RESPONDENTS

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PETITIONER'S MOTION FOR A FORTY FIVE DAY  
ENLARGEMENT OF TIME FOR HIM TO FILE HIS  
PETITION FOR WRIT OF CERTIORARI

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Comes now Charles Vernon Harris Jr. the Petitioner in the above styled cause by and through the assistance of a Limestone Correctional Facility Law Clerk and hereby pursuant to Supreme Court Rule 13.5 and the Due Process Clause of the Fifth Amendment moves this Court for a forty five (45) day enlargement of time for him to file his Petition For Writ of Certiorari in this Court and as grounds shows as follows:

1. Harris filed a 28 U.S.C. §2254 habeas corpus petition in the United States District Court of Alabama entitled Charles Vernon Harris Jr. v Dewayne Estes et....al case number 5:14-cv-01871-SLB-TMP on August 3rd, 2016 United States District Judge Sharon Lovelace Blackburn issued a memorandum opinion and final judgment overruling Harris's objections to the Magistrate's Report and Recommendation, denied Harris's petition with prejudice and issued a final judgment. Harris filed timely notice of appeal to the Eleventh Circuit.

2. On June 13th, 2017 the Eleventh Circuit Court of Appeals Circuit Judge William H. Pryor Jr. issued an order denying Harris a Certificate of Appealability in Charles Vernon Harris Jr. v Warden, case number 16-15866-C.

1.

*Exhibit #2*

3. Harris filed a timely motion in the Eleventh Circuit Court of Appeals for reconsideration of the Court's June 13th, 2017 order requesting the court to vacate and set aside it's order. On September 13th, 2017 the Eleventh Circuit denied Harris's motion for reconsideration. (Exhibit #1 consisting of two pages)

4. United States Supreme Court Rule #13.1 states that Harris must file his Petition For Writ of Certiorari within 90 days of the Eleventh Circuit Court of Appeals September 13th, 2017 order, which would make Harris's Petition For Writ of Certiorari currently due on December 13th, 2017.

5. Harris respectfully requests a Forty Five (45) day enlargement of time to file his Petition For Writ of Certiorari in this court due to the extraordinary circumstances of his incarceration, the conditions under which he must labor in trying to get his petition prepared, and circumstances beyond his control.

6. Harris is incarcerated at the Limestone Correctional Facility in Harvest Alabama. The Alabama Prison System in its entirety is very outdated, very ran down and ill maintained and grossly overcrowded. The Limestone Correctional Facility has over 2200 inmates housed init and the Law Library has a seating capacity for twelve (12) inmates, and only has three (3) computers for inmates including the law clerks to use to conduct research. Between September 13th, 2017, the date the Eleventh Circuit Court of Appeals denied Harris's motion for reconsideration and the date of this motion. The discs on the computers in the law library expired and prison officials allowed all three of the computers to remain completely unusable for a period of some five (5) weeks. The inmates at this facility had no means to conduct research to prepare their briefs and petitions for submission to the courts.

7. The Law Library at the Limestone Correctional Facility is located in the gymnasium. The gym is used for a variety of activities beside athletic activities. The gym is used for inmate eye examinations, flu shots to be administered to inmates, religious activities and to pass out inmate incentive packages. When any of these activities are taking place in the gym, the law library is closed to inmates. Also the law library is closed for inclement weather, or when the gym officer at this facility decides he wants the law library closed on a whim. Since September 13th, 2017 the Limestone Law Library has been closed for approximately 30 to 40 days for the above reasons.

8. The Limestone Correctional Facility Law Library is subject to be closed at any given time for a garden variety of reasons, or for no reason at all simply because some officer is mad with an inmate, a fight somewhere in the facility, or because a prison commissioner or Federal Agent is coming to the facility.

9. Under the circumstances, Harris respectfully requests a forty-five (45) day enlargement of time, to and including January 31st, 2018 because of the holidays so as to assure that he will be able to timely file his petition in this court.

RELIEF REQUESTED

Wherefore all facts and circumstances considered, Harris prays that this Court will issue orders granting him a forty five (45) day enlargement of time to and including January 31st, 2018 to file his Petition For Writ of Certiorari in this Court.

Done this the 28th day of November 2017.

Respectfully submitted



Charles Vernon Harris Jr.

Petitioner pro se

SWORN AFFIDAVIT OF  
PETITIONER CHARLES VERNON HARRIS Jr.

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I Charles Vernon Harris Jr, AIS #152841 hereby swear under penalty of perjury that the following facts are true and correct to the best of my knowledge.

On September 13th, 2017 the Eleventh Circuit Court of Appeals denied my application for rehearing in my case entitled Charles Vernon Harris Jr. v Warden Dewayne Estes Eleventh Circuit Court of Appeals case number 16-15966-C.

On November 28th, 2017 I mailed a motion for leave to proceed in forma pauperis to file and prosecute a Petition For Writ of Certiorari in the United States Supreme Court and a motion for a forty-five (45) day enlargement of time to file my Petition For Writ of Certiorari in the United States Supreme Court entitled Charles Vernon Harris Jr. v Warden Dewayne Estes et...al. I personally placed copies of these documents in the Limestone Correctional Facility Legal Mail system properly addressed with more than sufficient postage on them on November 28th, 2017 (See attached exhibits #1 and #2).

When I had not heard anything from your court concerning my motions and my deadline was fast approaching for me to file my writ of certiorari in your court, I had to mail my writ of certiorari and motion for leave to file a lesser number of petitions to your court on December 19th, 2017 without a case number because your court had never sent me one. I personally placed my petition with exhibits attached and motion in the Limestone Correctional Facility Legal Mail System properly addressed with more than sufficient postage upon it on December 19th, 2017 (See attached exhibit #4

When I had not heard anything from your court concerning my Petition For Writ of Certiorari and related motions by January 30th, 2018 I mailed the Clerk of the U.S. Supreme Court inquiring about the same (Attached exhibit #4) I never received a response to my inquiry.

When I had heard nothing about my case and had not received any response to my inquiry about my case as of March 5th, 2018 I mailed another letter to the Clerk of the U.S. Supreme Court inquiring about my case.(See attached exhibit #5). Again I did not receive a response to my inquiry.

When I had not heard anything concerning my case by April 9th, 2018 I again mailed yet another inquiry to the Clerk of the U.S. Supreme Court inquiring about the status of my case, (See attached exhibit #6). Once again, I did not receive a response to my inquiry.

After talking to one of the Law Clerks here at the Limestone Correctional Facility I found out that numerous inmates at this facility were having problems with their mail, both outgoing and incoming legal and personal mail.

I had my family member, Sherry Harris, to call the Clerk of the United States Supreme Court for me an inquire about the status of my petition for Writ of Certiorari. Sherry Harris talked to United States Supreme Court Clerk Mr. Clayton Higgins on May 16th, 2018 about the status of my Petition For Writ of Certiorari and related motions. Mr. Higgins checked and told Sherry Harris that his office had never received my motions, petitions or letters inquiring about my petition. According to Sherry Harris, Mr. Higgins instructed her to tell me to prepare an affidavit and send my motions and petitions out to a family member to mail them directly to the Clerk of the United States Supreme Court and he would file my documents.

Upon receiving the information and instructions of Mr. Higgins from Sherry Harris I talked to a Limestone Correctional Facility Law Clerk about the problem and he told me that numerous inmates here have problems with their outgoing and incoming legal mail and from what he had been able to find out, the woman who was the mail clerk here at Limestone had been throwing inmates legal mail, especially in large manilla envelopes in the garbage because she didn't want to fool with it. This was between October 2017 and March 2018. From what the Law Clerk had been able to find out, the prison officials made her resign rather than fire her over what she was doing.

The dates of my motions and petition for writ of certiorari certificate of service and dates of my letters inquiring about the same are the exact dates I placed them in the mail here at the Limestone Correctional Facility properly addressed with sufficient postage attached.

I pray that the United States Supreme Court will accept my documents and deem them to be timely filed because I timely mailed them to the Supreme Coureret.

Sworn to this the 27 day of May 2018 under penalty of perjury.

Respectfully

Charles Vernon Harris Jr.  
Charles Vernon Harris Jr.  
Petitioner pro se  
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