

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER 2018 TERM

Nathaniel Caldwell ~~wa~~ #341823

Petitioner-Appellant

✓

Warden Roberto Roberts

Respondent-Appellee

PETITION FOR A WRIT OF HABEAS CORPUS TO THE
UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

APPLICATION FOR EXTENSION OF FILING PETITION TO THE COURT

Nathaniel Caldwell ~~wa~~ #341823
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1057 Revolutionary Trail
Fairfax SC 29827

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P. O. Box 11549
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APPLICATION FOR EXTENSION OF FILING PETITION

Pursuant to Rule 13.5, Petitioner-Appellant Nathaniel Caldwell III, #341823, respectfully applies for a sixty (60) day extension of time to file a Petition for Writ of Certiorari.

JURISDICTION

The basis for jurisdiction in this Court is based on 28 USC § 1254. The judgement sought to be reviewed is the April 25 2018 decision of the United States Court of Appeals Fourth Circuit, in Nathaniel Caldwell III v Warden Roberts Roberts, Case No. 17-6278, (District Court Case 1:14-cv-04277-RMG). A copy of the April 25, 2018 decision is attached. A copy of the Order denying the Petition for Rehearing En Banc issued July 3 2018 is also attached. The ninetieth (90th) day from the Order denying the Petition for rehearing en banc is October 2 2018, as in accordance with Rule 13.3. A sixty (60) day extension would require the petition to be filed on or by and including December 2, 2018.

PETITIONER'S STATEMENT OF GOOD CAUSE

I, Nathaniel Caldwell III, am a prose Petitioner-Appellant in this matter. The issues and merits of the case raised in/by the the Petition to be submitted by the Petitioner-Appellant constitute important questions of Constitutional (U.S.), judicial, and U.S. Supreme Court Law; and the protected rights which are retained by incarcerated individuals that have not been addressed by the lower U.S. District Court or the U.S. Court of Appeals Fourth Circuit, warranting this Courts review and determination.

They primarily are concerned with Constitutional issues of the US FOURTEENTH Amendment involving the Due Process Clause, the Equal Protection Clause as it can and must be applied in conjunction with the Stare Decisis Doctrine; and the most important issue to be determined by this Court is the question of the jurisdiction of the Fourth Circuit Court of Appeals as not in accordance with 28 USC § 1291 and F.R.C.P. 54(b); allowing its adjudication and determination of finality of of the Petitioner-Appellant's filing for appeal and Certificate of Appealability, (C.O.A.) with unresolved issues/claims remaining from the lower U.S. District Court's failure to address and resolve. This issue and question is vital in the administration of judicial authority by the Fourth Circuit within the realms of the definition of jurisdiction of the Court.

This application for an extension of time is filed due to the limited access to the Institution's Law Library, consisting of one (1) day per week, provided there aren't any security issues, (i.e. lockdown, disruptive movements/schedule(s), etc.). There is only a one (1) hour access to the WESTLAW computer, if time permits, as it is based on a first come - first serve basis within the three (3) hours of morning or afternoon operation of the facility/library and depending on the number of inmates waiting.

As a prose litigant I have not had sufficient time to familiarize myself with the format and procedures/rules necessary as well as the time needed to complete the research, analyze and assemble for mailing a complete petition for certiorari for filing with the Court and serving the Respondent.

For the foregoing reasons it is respectfully submitted that the requested extension to and including December 2 2018 should be granted.

Respectfully submitted,

Nathaniel Caldwell III

Nathaniel Caldwell III
Petitioner-Appellant

September 19, 2018

FILED: April 25, 2018

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-6271
(1:14-cv-04277-RMG)

NATHANIEL CALDWELL, III

Petitioner - Appellant

v.

WARDEN ROBERTO ROBERTS

Respondent - Appellee

J U D G M E N T

In accordance with the decision of this court, a certificate of appealability is denied and the appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRÍCIA S. CONNOR, CLERK

FILED: July 3, 2018

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-6271
(1:14-cv-04277-RMG)

NATHANIEL CALDWELL, III

Petitioner - Appellant

v.

WARDEN ROBERTO ROBERTS

Respondent - Appellee

ORDER

The petition for rehearing en banc was circulated to the full court. No judge requested a poll under Fed. R. App. P. 35. The court denies the petition for rehearing en banc.

For the Court

/s/ Patricia S. Connor, Clerk