

IN THE
UNITED STATES SUPREME COURT

DEMETRIUS CHARLES EDWARD DERDEN .
Petitioner, .
v. . No. _____
UNITED STATES OF AMERICA, .
Respondent. . ON PETITION FOR WRIT OF CERT-
IORARI FROM THE COURT OF
APPEALS FOR THE EIGHTH CIRCUIT APPEAL NO. 17-2950

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

Comes now, Demetrius Derden, pro se, and respectfully moves the Honorable Clarence Thomas and this court pursuant to Supreme Court Rules 13.5, 30.2, and 30.3 to grant an extension of time to file a petition for writ of certiorari to this court regarding the decision of the Eighth Circuit Court of Appeals declining to issue a certificate of appealability and essentially affirming the district courts denial of Mr. Derden's motion for post conviction relief pursuant to Title 28 USCS § 2255.. Although Mr. Derden has made diligent efforts to complete his petition by the current due date which is on or about July 19, 2018, Mr. Derden finds it unrealistic to do so by that date. Thus, Mr. Derden respectfully request an additional sixty(60) days, which would be until on or about September 19, 2018, within which to file his petition for writ of certiorari. Mr. Derden has not made any previous request for an enlargement of time.

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SUPREME COURT, U.S.

JURISDICTION

The jurisdiction of this court is envoled under 28 USCS § 1254(1).
The decision of the Eighth Circuit is appended to this application

to extend the time to file for writ of certiorari. And, the judgment and opinion of the district court is also appended to this application. The district court issued its opinion and judgment on 10-05-2016, the Eighth Circuit issued its order denying a certificate of appealability on 02-06-2018, and finally the Eighth Circuit declined to rehear the matter on 04-19-2018.

DECISION SOUGHT TO BE REVIEWED

The order denying a certificate of appealability along with the order denying to rehaar the matter are not published, but, are appended to this application. the district courts order and opinion is published at 2016 U.S. LEXIS 138484(8th Cir. 2016), the opinion is also appended to this application.

REASONS IN SUPPORT OF EXTENSION

- 1) Petitioner is currently incarcerated at Federal Correctional Facility Oxford, and is indegent.
- 2) Peitioner is pro se and was represented by court appointed counsel until the affirmance of his conviction and sentence by the Eighth Circuit.
- 3) FCI Oxford experiences many disruptions of its daily operations that impedes access to the law library. FCI Oxford does not have access to the LEXIS NEXUS system within the housing units as is normal for most BOP institutions. There is also no access to type writers outside the education facility at Oxford. Consequently, petitioner's are not able to access necessary legal research

and motion drafting materials, and are subject to closure of the law library at the whim of officer's who most often claim when confronted about the issue that they have other responsibilities.

4) The questions being drafted by Petitioner are complex and need to be thoroughly researched. Petitioner is working to make himself aware of this court's precedents as they regard the questions to be presented. Petitioner is working to secure a grant of his petition, and as that task is complicated for a lawyer who has passed the BAR and has been admitted to practice before this court, petitioner understands the care that needs to be taken as it regards moving for the issuance of a writ of certiorari.

5) Petitioner is not making this motion as an attempt to " just have more time," Petitioner will if allowed an extension, file a properly pleaded petition in this court.

6)Petitioner avers that there will be no prejudice assumed by the Soliciter General if the court allows an extension as Petitioner remains at FCI Oxford, with meager resources, while the most prestigious litigator in the world welcomes a challenge from a petitioner so situated.

CONCLUSION

Wherefore, Petitioner asks Justice Clarence Thomas, and this court for an additional sixty(60) days to complete his petition for writ of certiorari.

Respectfully Submitted, Executed on July 5, 2018



Demetrius C. E. Derden

OID. 16278-041

Federal Correctional Inst.

P.O. Box 1000

Oxford, Wi 53952

Petitioner also asks the clerk to inform Petitioner of the new state of the electronic filing procedures at the court. If is possible Petitioner also asks if there is any publications that can be forwarded to Petitioner regarding the rules of this court and or an annotated version of the rules.