

Supreme Court of
The United States
Leave to file Motion For Extension
of time to file Certiorari

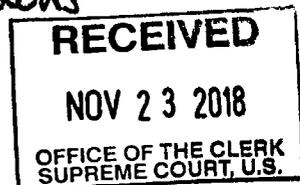
In accordance to this courts Rules 17, 21, 30, Petitioner
files this "Leave to file" "Motion For Extension of time to
file Certiorari For reasons stated below:

Petitioners Petition For Rehearing "16-51412 was denied
Sept 5, 2018 by Circuit Judge Edith Clements which will
make due date to file Certiorari On or about Dec 5, 2018.

Reasons For Extension

- 1) Petitioners ^{challenge} to Courts Jurisdiction is pending in Cause
18-50614 U.S.C.O.A. awaiting determination to move forward to
this courts Jurisdiction For Reasons. The challenging of the
Judgement and Convictions Authority is being Question.
- 2) Petitioners Unit has encounter various interruption of Petitioner
ability to prepare necessary documents to submit required documents
with Certiorari. 2a: Unit shook down extensively Oct. 1 2018 by the entire
Regional in-service officers: details packed all personal property to take
to gym for inspection, which was dismantled. 2b: Oct 8, 2018 Petitioner
Wing had assault on officer, which brought on another 24hr lock-down
and OIG investigation of incident that required Petitioners State-
ment of Events, 2c: On Oct 24 2018 another Wing shake down, which
required same Activity as (2a:) and lost of documents needed to be
Submitted with Certiorari. 2d: unit went on a 30 day "Annual lock"
down Oct 29, 2018, received 2nd copy of Certiorari-Needed
to be submitted to opposing Counsel (as required)- Oct, 30, 2018.
2E: Wing shook down again Nov. 1, 2018 For Annual Shake-downs
requirements as to 2a, and 2c.

791



In light of recent activity, and the awaiting of the United States Circuit Court Ruling on pending ~~Writ~~ Mandamus under cause 18-50614 which is related to 16-51412, along with a re-orchestrating legal documents to restore needed documents needed to submit with Certiorari, Petitioner needs this Court to take matters in account.

Prayer./Relief

Wherefore premises Petitioner - in the interest of Justice, and not for delay of this proceeding, ask a granting of Ext of Time for a 90 day Period.

Respectfully Submitted

Shawn L. Dunn

Shawn L. Dunn 1686724
Beto Unit 1391 Fm 3328
Tennessee Colony TX 75880

Proof of Service

I Shawn Dunn, do swear or declare that on Nov, 12 2018 as required by Supreme Court Rule 29 I have served the enclosed Motion for leave to Ext time to file petition for writ of Certiorari on each party to the above proceeding or that party's counsel, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third party commercial carrier for delivery within calendar days.

The address of those served are as follows
Ms. Jessica Michelle Manglovich Deputy Solicitor General
Office of Atty General P.O. Box 12548 Austin TX 78711

I declare under penalty of Perjury the foregoing
is true and correct.

Executed on November 12, 2018

Shawn L. Deun

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 16-51412

SHAWN LEPACO DUNN,

Petitioner-Appellant

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

Appeal from the United States District Court
for the Western District of Texas

ORDER:

Shawn Lepaco Dunn, Texas prisoner # 01686724, seeks a certificate of appealability (COA) so that he may appeal the district court's denial of his 28 U.S.C. § 2254 application. In his application, he challenged his conviction of aggravated robbery with a deadly weapon and the resulting sentence of 70 years of imprisonment. In addition to filing a motion for a COA, Dunn has filed motions for: leave to supplement the record on appeal; leave to file previously unfiled documents; remand to state court; and to stay enforcement of judgment/mandate.

This court may grant a COA only if Dunn has "made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The

No. 16-51412

inquiry is “limited to a threshold examination that ‘requires an overview of the claims in the habeas petition and a general assessment of their merits.’” *Smith v. Dretke*, 422 F.3d 269, 273 (5th Cir. 2005) (quoting *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003)). Where the district court has denied relief on procedural grounds without reaching the underlying constitutional claims, this court should issue a COA “when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Where the district court has denied the claims on the merits, the applicant must show “that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong,” *id.*, or that the issues are “adequate to deserve encouragement to proceed further.” *Miller-El*, 537 U.S. at 327.

Dunn’s pleadings are difficult to decipher, without a discernible challenge to the district court’s determination that his § 2254 claims, in part, were unexhausted and procedurally barred and, in part, were lacking merit. *See Grant v. Cuellar*, 59 F.3d 523, 524 (5th Cir. 1995); *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); FED. R. APP. P. 28(a)(8); FED. R. APP. P. 27(a)(2)(A). Accordingly, Dunn has failed to make the requisite showing. *See* § 2253(c)(2).

COA DENIED; ALL PENDING MOTIONS DENIED.

/s/ Edith Brown Clement

EDITH BROWN CLEMENT
UNITED STATES CIRCUIT JUDGE

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 16-51412

SHAWN LEPACO DUNN,

Petitioner - Appellant

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent - Appellee

Appeal from the United States District Court
for the Western District of Texas

ON PETITION FOR REHEARING EN BANC

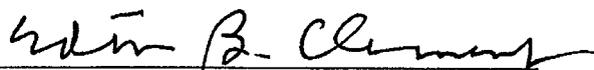
Before CLEMENT, OWEN, and WILLETT, Circuit Judges.

PER CURIAM:

- () Treating the Petition for Rehearing En Banc as a Motion for Reconsideration, the Motion for Reconsideration is DENIED. No member of the panel nor judge in regular active service of the court having requested that the court be polled on Rehearing En Banc (FED. R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.
- () Treating the Petition for Rehearing En Banc as a Motion for Reconsideration, the Motion for Reconsideration is DENIED. The court

having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service and not disqualified not having voted in favor (FED. R. APP. P. and 5TH CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

ENTERED FOR THE COURT:


UNITED STATES CIRCUIT JUDGE