

Original

IN

SUPREME COURT OF THE UNITED STATES

JOHN LESLIE DAVIS, SR.,

PETITIONER,

v.

S. HATTON, Warden

RESPONDENT.

3:14-CV-00360-GPC-JLB

NOTICE OF MOTION

NOTICE OF MOTION FOR REQUEST

FOR EXTENSION OF TIME

Petitioner John Leslie Davis, Sr., Comes Again before this Honorable Court and Justices in the above titled case, with a subsequent Motion For Request For Extension of Time, as directed by the Clerk of this Court, for the following reasons stated below. (See Attached Exhibit "C.")

Subsequent to Petitioner's denial to claims presented to the United States Court of Appeals for the Ninth Circuit, Case No. 18-55544, on August 3, 2018, (See Attached Exhibit "A."), the law library's scheduling and resources have been significantly scaled back.

In addition to changes to the library, the state's increase in Propositions beneficial to the incarcerated population has resulted in an uncalculated rise in attendance, thus, further reducing research time on any one of the six computers available for the entire prison.

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

Still, since October 16, 2018, the prison's major population (Hispanics) have been on lockdown due to various assaults throughout the prison (See attached exhibit "B."), compelling the prison to minimize or eliminate prison programs and thereby placing all non-affected inmates on Modified Program. Thus, the limited access to the court of three days a week and previously stated conditions, have been now diminished further.

Lastly, as stated in the initial request, petitioner, soon to be sixty-one years of age is experiencing another stage in visual deterioration causing the ability to read and write slow and difficult.

For any or all of the stated reasons, this request for extension of time should be granted.

I, John L. Davis, Sr., declare under the penalty of perjury that any statements made are true and correct to the best of my knowledge.

Dated on: 11-20-18

Respectfully Submitted
John L. Davis, Sr.
John L. Davis, Sr.

EXHIBIT A

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JUN 22 2018

JOHN LESLIE DAVIS, Sr.,

No. 18-55544

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

Petitioner-Appellant,

D.C. No. 3:14-cv-00560-GPC-JLB
Southern District of California,
San Diego

v.

DAVID LONG,

ORDER

Respondent-Appellee.

Before: PAEZ and RAWLINSON, Circuit Judges.

The request for a certificate of appealability is denied because appellant has not shown 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); *see also* 28 U.S.C. § 2253(c)(2);

Gonzalez v. Thaler, 565 U.S. 134, 140-41 (2012).

In order for a district court to consider a second or successive 28 U.S.C. § 2254 petition, this court must first authorize the district court to consider that petition. *See* 28 U.S.C. § 2244(b)(3). The Clerk shall serve this order and a copy of the standard form application for leave to file a second or successive petition on appellant.

Any pending motions are denied as moot.

DENIED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 3 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JOHN LESLIE DAVIS, Sr.,

Petitioner-Appellant,

v.

DAVID LONG,

Respondent-Appellee.

No. 18-55544

D.C. No. 3:14-cv-00560-GPC-JLB
Southern District of California,
San Diego

ORDER

Before: SCHROEDER and HURWITZ, Circuit Judges.

The "notice of objection to denial of request for COA" is construed as a motion for reconsideration (Docket Entry No. 3) and is denied. *See* 9th Cir. R. 27-10.

No further filings will be entertained in this closed case.

APPENDIX "C"

EXHIBIT B

DAILY PROGRAM STATUS REPORT PART A – PLAN OF OPERATION / STAFF & INMATE NOTIFICATION

Describe only this reporting period's specific Plan of Operation
Upon completion, distribute to ensure all staff and inmate awareness

PLAN EFFECTIVE FOR DATE:	INSTITUTION:	PROGRAM STATUS NUMBER:	
11-15-18	Correctional Training Facility	CTF-C-18-003	
<input type="checkbox"/> NORMAL PROGRAM	<input checked="" type="checkbox"/> MODIFIED PROGRAM	<input type="checkbox"/> LOCKDOWN	<input type="checkbox"/> STATE OF EMERGENCY <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
<input type="checkbox"/> INITIAL	<input checked="" type="checkbox"/> UPDATE	<input type="checkbox"/> CLOSURE	
RELATED INFORMATION (CHECK ALL THAT APPLY)			
AREA AFFECTED	INMATES AFFECTED	REASON	
<input type="checkbox"/> INSTITUTION:	<input type="checkbox"/> ALL	<input type="checkbox"/> BATTERY	
<input checked="" type="checkbox"/> FACILITY:	<input checked="" type="checkbox"/> SECURITY THREAT GROUP(S):	<input type="checkbox"/> DEATH	
<input type="checkbox"/> HOUSING UNIT:	STG-II Bull Dogs	<input checked="" type="checkbox"/> RIOT / DISTURBANCE	
<input type="checkbox"/> HOUSING LEVEL:	STG-II Surenos STG-II Paisa (Mexican Nationals) STG-I Mexican Mafia	<input type="checkbox"/> THREATS	
<input type="checkbox"/> OTHER:	<input type="checkbox"/> OTHER	<input type="checkbox"/> CONTINUING VIOLENCE	
		<input type="checkbox"/> MEDICAL QUARANTINE	
		<input type="checkbox"/> OTHER	
MOVEMENT	WORKERS	DAYROOM	
<input type="checkbox"/> NORMAL	<input type="checkbox"/> NORMAL	<input type="checkbox"/> NORMAL	
<input checked="" type="checkbox"/> ESCORT ALL MOVEMENT Ratio 1 to 5	<input type="checkbox"/> CRITICAL WORKERS ONLY	<input checked="" type="checkbox"/> NO DAYROOM ACTIVITIES	
<input type="checkbox"/> UNCLOTHED BODY SEARCH PRIOR TO ESCORT	<input type="checkbox"/> CULINARY	<input type="checkbox"/> MODIFIED	
<input type="checkbox"/> IN RESTRAINTS	<input type="checkbox"/> CLERKS		
<input type="checkbox"/> CONTROLLED MOVEMENT	<input type="checkbox"/> VOCATION/EDUCATION	RECREATION	
<input type="checkbox"/> OTHER:	<input type="checkbox"/> CANTEEN	<input type="checkbox"/> NORMAL	
	<input type="checkbox"/> CLOTHING ROOM	<input checked="" type="checkbox"/> NO RECREATIONAL ACTIVITIES	
	<input type="checkbox"/> RESTRICTED WORK PROGRAM	<input type="checkbox"/> MODIFIED	
FEEDING			
<input type="checkbox"/> NORMAL	<input type="checkbox"/> PORTERS		
<input checked="" type="checkbox"/> CELL FEEDING	<input checked="" type="checkbox"/> NO INMATE WORKERS	CANTEEN	
<input type="checkbox"/> CONTROLLED FEEDING IN DINING ROOM	<input type="checkbox"/> OTHER:	<input type="checkbox"/> NORMAL	
<input type="checkbox"/> HOUSING UNIT/DORM AT A TIME	<input type="checkbox"/> SHOWERS	<input checked="" type="checkbox"/> NO CANTEEN	
<input type="checkbox"/> DORM / POD AT A TIME	<input type="checkbox"/> NORMAL	<input type="checkbox"/> MODIFIED	
<input type="checkbox"/> TIER AT A TIME	<input checked="" type="checkbox"/> ESCORTED	PACKAGES	
<input type="checkbox"/> HOUSING UNIT SECTION AT A TIME	<input type="checkbox"/> ONE INMATE PER SHOWER – OWN TIER	<input type="checkbox"/> NORMAL	
<input type="checkbox"/> SACK MEAL BREAKFAST	<input type="checkbox"/> CELL PARTNERS TOGETHER – OWN TIER	<input checked="" type="checkbox"/> NO PACKAGES	
<input type="checkbox"/> SACK MEAL LUNCH	<input type="checkbox"/> DORM SHOWERING BY GROUP	<input type="checkbox"/> MODIFIED	
<input type="checkbox"/> SACK MEAL DINNER	<input type="checkbox"/> CRITICAL WORKERS ONLY		
DUCATS	<input type="checkbox"/> NO SHOWERS	PHONE CALLS	
<input type="checkbox"/> NORMAL	HEALTH CARE SERVICES	<input type="checkbox"/> NORMAL	
<input checked="" type="checkbox"/> CLASSIFICATION DUCATS	<input type="checkbox"/> NORMAL PROGRAM	<input checked="" type="checkbox"/> NO PHONE CALLS	
<input checked="" type="checkbox"/> PRIORITY DUCATS ONLY	<input checked="" type="checkbox"/> PRIORITY DUCATS ONLY	<input type="checkbox"/> LEGAL CALLS	
<input type="checkbox"/> OTHER:	<input checked="" type="checkbox"/> CONDUCT ROUNDS IN UNITS	<input type="checkbox"/> MODIFIED	
VISITING	<input checked="" type="checkbox"/> ESCORTED TO TREATMENT AREA	RELIGIOUS SERVICES	
<input type="checkbox"/> NORMAL VISITING	<input type="checkbox"/> EMERGENCY ONLY	<input type="checkbox"/> NORMAL	
<input type="checkbox"/> NON-CONTACT ONLY	<input checked="" type="checkbox"/> MEDICATION DISTRIBUTION	<input checked="" type="checkbox"/> CHAPLAINS CONDUCT ROUNDS	
<input checked="" type="checkbox"/> NO GENERAL VISITING	LAW LIBRARY	<input checked="" type="checkbox"/> MODIFIED: In cell worship	
<input type="checkbox"/> LEGAL VISITING	<input type="checkbox"/> NORMAL		
<input type="checkbox"/> OTHER:	<input type="checkbox"/> PLU – per rotation <input type="checkbox"/> GLU		

REMARKS: On Tuesday, October 16, 2018 at approximately 0825 hours, multiple, simultaneous, disturbances occurred on Facility C, involving Security Threat Group (STG) II Fresno Bulldogs, STG I Mexican Mafia, STG II Surenos and Paisas (Mexican Nationals). The inmate population was placed on Modified Program. On November 15, 2018, Facility C will provide showers for STG-II Surenos, Paisas/Mexican Nationals and STG-I Mexican Mafia , STG-II Bull Dogs affected inmates. Health Care requests forms (CDCR 7362) shall be picked up daily at the cell by Health Care staff and documented in the unit log book. All ADA accommodations shall be met. A copy of the PSR shall be forwarded daily to the Facility C SRN, HCA Captain, Housing Units and Inmate Advisory council. Education will use the EDM (Education Delivery Model) to deliver homework packets to students.

REVIEWED BY:	DATE:	NAME/ SIGNATURE (WARDEN)	DATE:	NAME/ SIGNATURE (ASSOCIATE DIRECTOR)	DATE:
(REQUIRED FOR INITIAL, CLOSURE, & STATE OF EMERGENCY)					
C. Freeman Cpt 11-15-18		N. B. TEC / M. S. 11/15/18			

EXHIBIT C

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

November 7, 2018

John Leslie Davis, Sr.
#AH6943
Central / CW-312
P.O. Box 689
Soledad, CA 93960-0689

RE: Davis v. Halton, Warden

Dear Mr. Davis, Sr.:

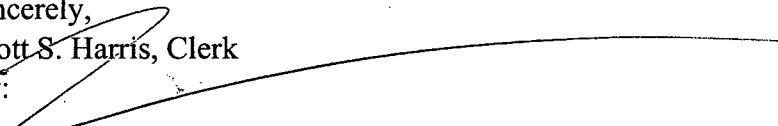
The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case was postmarked October 31, 2018 and received November 7, 2018. The application is returned for the following reason(s):

The lower court opinion must be appended from the Court of Appeals. Rule 13.5.

It is impossible to determine the timeliness of your application for an extension of time without the lower court opinions.

A copy of the corrected application must be served on opposing counsel.

Sincerely,
Scott S. Harris, Clerk
By:


M. Blalock
(202) 479-3023

Enclosures

PROOF OF SERVICE

I hereby declare that I am over the age of 18 years of age, a resident of the state of California and a party to the within cause of action. That on this date I did cause a true and correct copy of, Notice of Motion for Request for Extension of Time, to be served on the parties to the action by:

Depositing same in the U.S. Mail with first class postage prepaid and addressed as follows:

U.S. Attorney General
110 West "A" Street, Suite 1100
San Diego, Calif. 92101

U.S. Court of Appeals
For the Ninth Circuit
Post Office Box 193939
San Francisco, Calif. 94119-3939

Executed this 20th day of November, 2018, under penalty of perjury.

In Soledad, California.

John L. Davis, Jr.
Declarant