

Supreme Court Case No.

Supreme Court of the United States

CHRISTOPHER MICHAEL ALONSO

Petitioner

v.

CHARLES L. RYAN

Respondent

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit
Court of Appeals Case No. 18-16147

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

Christopher Michael Alonso, pro se #248567

ASPC - Yuma

P.O. Box 8909

San Luis, Arizona 85349

Petitioner, Christopher M. Alonso, hereby respectfully requests that this Court grant his application to extend the time to file a petition for a writ of certiorari, for an additional sixty (60) days past the current deadline of February 6, 2019 (see below) based on the following reasons.

First, petitioner filed his request for certificate of appealability (COA) in the U.S. Court of Appeals for the Ninth Circuit on September 13, 2018. On November 1, 2018 petitioner was moved from Arizona State Prison Complex (ASPC) Winslow to ASPC-Yuma. Petitioner complied with the Court of Appeals' requirement and filed a notice of change of address, even though the prison authorities held petitioner's legal boxes for several days. On November 6, 2018 the Court of Appeals filed an order denying petitioner's request for a COA (see Exhibit A), however, petitioner did not receive the order until November 17, 2018 because the Court of Appeals had not yet received petitioner's notice of change of address and sent the order to ASPC-Winslow. Therefore, in all fairness, petitioner respectfully requests that this Court extend the deadline of February 6, 2019 to February 17, 2019, in the event the request for a sixty (60) day extension is denied.

Petitioner has extremely limited access to the law books in the prison's library and must do extensive research and be sure to comply with all of this Court's rules surrounding a petition for a writ of certiorari and extraordinary writs, as well as motion practice. Petitioner is serving a life sentence and has been incarcerated for fourteen years. Petitioner's file exceeds a thousand pages including numerous exhibits

Petitioner bears the burden of proving to this Court that the Maricopa County Superior Court, Arizona Court of Appeals, Arizona Supreme Court, U.S. District Court, and U.S. Court of Appeals for the Ninth Circuit all erred by denying petitioner relief and that all denials were based on an unreasonable determination of the evidence and involved an unreasonable application of clearly established federal law. Petitioner submits to this Court that the record reflects this absolutely. In support of the above statement and in support of this motion petitioner submits as exhibit B 'Motion For Judicial Notice- And- Offer of Proof and Presumption' filed in U.S. District Court filed August 26, 2016.

Finally, petitioner needs an extension of time to file a petition for a Writ of Certiorari because his former counsel Michael Kimerer is refusing to return petitioner's files. Petitioner filed a complaint with the State Bar of Arizona against Mr. Kimerer for numerous reasons and the Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ruled on February 26, 2018 that Kimerer was incompetent in the handling of petitioner's case, (see: exhibit C) The U.S. District Court was immediately advised of this extraordinary development because the federal Magistrate Judge John Z. Bolye stated specifically that Kimerer, who was counsel for petitioner's petition for post-conviction relief (PCR), was not ineffective and the U.S. District Court Judge James A. Tielborg adopted the magistrate's Report and Recommendation in its entirety. When presented with irrefutable evidence to the contrary the court

simply ignored it. As evidence that petitioner has been actively and diligently attempting to get his files back from Mr. Kimerer petitioner submits exhibits D and E, 'Request For Order Compelling Petitioner's PCR Counsel To Return To Petitioner All Relevant Documents' and a letter dated August 23, 2018 to Melissa Wallingsford assistant to Michael Kimerer. As of this date petitioner has not yet received these files.

For the aforementioned reasons petitioner's application to extend the time for filing a petition for a writ of certiorari, for at least sixty (60) days past the current deadline of February 6, 2019 making the new deadline April 6, 2019, should be granted.

Dated: January 4, 2019

Respectfully submitted,



Christopher M. Alonso, pro se
Petitioner

Exhibit A

18-16147

Christopher M. Alonso
ASPC - ARIZONA STATE PRISON COMPLEX - WINSLOW
Kaibab Unit
2100 S. Highway 87, Winslow, AZ 86047
