

No: \_\_\_\_\_

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**In The  
Supreme Court of the United States**

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Eric Drake  
*Applicant,*  
v.

Harrison County et al.  
*Respondent,*

---

**APPLICATION TO EXTEND TIME TO FILE A PETITION  
FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT  
OF APPEALS FOR THE FIFTH CIRCUIT**

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**PETITIONERS' APPLICATION TO EXTEND TIME  
AND APPLICANT'S REQUESTS FOR A STAY  
TO FILE A PETITION FOR WRIT OF CERTIORARI**

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Respectfully submitted by,

Eric Drake  
Pro-Se  
10455 North Central Expressway  
Suite 109  
Dallas, Texas 75231  
903-453-7880

No: \_\_\_\_\_

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**Supreme Court of the United States**

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Applicant, Eric Drake, respectfully requests an extension of time to file his petition for writ of certiorari until July 30, 2019. The Applicant will be asking this Court to review the judgments of the United States Court of Appeals for the Fifth Circuit filed on November 23, 2018 (App. A). The Court's jurisdiction to review the Fifth Circuit's judgment rests on 28 U.S.C. §1254.

Applicant is also requesting the Court to review the Fifth Circuit order of the Fifth Circuit denial of Drake's motion to stay, motion to direct district court to allow limited discovery and oral depositions, denial of Applicants motion for

an extension of time, and to take oral depositions were denied, issuance filed November 21, 2018. (App. B). The Fifth Circuit even denied the Applicant's requests to seal his medical private information, which demonstrates unheard of bias towards Drake.

Applicant, Eric Drake, request this extension of time and stay for the following reasons:

1. The Applicant was involved in an accident with a semi-truck on July 12, 2018. Applicant sustained severe injuries to his cervical spine and traumatic brain damage. The damage caused to Applicant's brain brings on severe headaches, dizziness, confusion, and extreme fatigue. Applicant refers the Court to annexed **Exhibits C, D, E, F, G, and H**. Applicant's most recent doctor's notes (G and H) are also annexed. These documents have been redacted because it contained personal information about Drake. The first test administered by a brain specialist proved that Applicant did in fact sustain a brain injury as the result of the July 12, 2018 accident with a semi-truck.

2. Since the Applicant has no assistants or helpers to assist him in drafting his writ to this Court, or to type any documents, he is requesting an extension of time to file his writ. The district court refused to accept the Applicant's original petition claiming that the petition was frivolous thus, denying the IFP. It would be impossible for the petition to be frivolous with all of the evidence that he has in the case. Nevertheless, Drake wanting to file the original petition before the statute of limitations run, borrowed the filing fees,

however the district court still remained defiant in allowing the Applicant to file his original petition, claiming there was a suggestion (not an order) by a judge that the Applicant should obtain permission. The Applicant believes that this Court would be interested in this case because Drake's First Amendment Rights to speech has been violated and other constitutional rights. The district courts actions were also a violation of Applicant's rights to have access to the courts. It reminded the Applicant of the 1950s when blacks could not walk into a courthouse, let alone file pleadings. Unbelievably, the Circuit Court has assisted the district court in its racially motivated ways by denying all relief that the Applicant requested. *See* Docket Sheet annexed. The Circuit Court ignored the fact that the Applicant is trying to recover from a very serious head injury and simply dismissed the case for alleged failure to prosecute. Any legal scholar reviewing the docket sheet, which is annexed, could invariably see that the Applicant was trying to do his best under his medical circumstances.

3. This case present substantial and important questions of constitutional law, and infringement on basis constitutional rights of U.S. citizens. Not only did the district court fail to even come close to upholding the laws of the land, but also the Circuit Court refused to grant an extension in light of Applicant having suffered life-threatening injuries in a MVA with a semi-truck and other serious injuries. These actions are judicially deplorable.

For these reasons, Applicant respectfully requests an extension of time to file its certiorari petition, up to and including August 31, 2019 and or to Stay

his filing of the writ until his doctor's release him. There are other writ's that will be due in this Court in other cases. It took Two Weeks for the Applicant just to draft out this simple request for extension of time and stay.

Respectfully submitted,

A handwritten signature of "Eric Drake" is enclosed within an oval border. The signature is written in black ink and is somewhat stylized, with a prominent "E" at the beginning.

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Eric Drake  
Pro-Se  
10455 North Central Expressway  
Suite 109  
Dallas, Texas 75231  
903-453-7880

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FOR WRIT OF CERTIORARI AND REQUESTS TO STAY TO THE  
UNITED STATES COURT OF APPEALS FOR THE FIFTH  
CIRCUIT**

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**APPENDIX**

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Respectfully submitted by,

Eric Drake  
Pro-Se  
10455 North Central Expressway  
Suite 109  
Dallas, Texas 75231  
903-453-7880

## **DECLARATION OF ERIC DRAKE**

BEFORE ME, the undersigned authority, came and appeared ERIC DRAKE, Petitioner/Applicant, Affiant who being duly sworn, stated as follows:

“My name is ERIC DRAKE. I am over eighteen years of age and I am fully competent to make this declaration. I am the Petitioner/Applicant in this matter. I am also the Plaintiff/Appellant in the preceding pursuant to Appendix Exhibits A through H. The exhibits have been unaltered. I have personal knowledge of the facts stated herein and such matters are true and correct.”

Specifically, I swear and/or affirm that the attached are true and correct copies of the following under the penalty of perjury:

Thus, 9th January, 2019.

A handwritten signature in black ink, appearing to read "Eric Drake", is enclosed within a large, roughly oval-shaped outline.

Eric Drake

# APPENDIX “A”

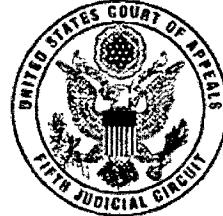
November 23, 2018 Order from the  
Fifth Circuit Court of Appeals

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 18-40949

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A True Copy  
Certified order issued Nov 23, 2018

In Re: ERIC DRAKE, also known as E.V. Drake,

Plaintiff - Appellant

*Lytle W. Cayce*  
Clerk, U.S. Court of Appeals, Fifth Circuit

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Appeals from the United States District Court for the  
Eastern District of Texas

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CLERK'S OFFICE:

Under 5<sup>TH</sup> CIR. R. 42.3, the appeals are dismissed as of November 23, 2018, for want of prosecution. The appellant failed to timely comply with this court's notice of October 16, 2018 by filing a financial affidavit.

LYLE W. CAYCE  
Clerk of the United States Court  
of Appeals for the Fifth Circuit

*Christina Gardner*

By: \_\_\_\_\_  
Christina A. Gardner, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT

**Additional material  
from this filing is  
available in the  
Clerk's Office.**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document has been has been sent by regular U.S. Mail on January 9/3 2019, to:

Fifth Circuit Court of Appeals  
600 S. Maestri Place  
New Orleans, LA 70130-3408



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Eric Drake

**CERTIFICATE OF SERVICE**

I certify that on January 8, 2019 the Applicant forwarded a copy of his requests for an extension of time and stay to the Circuit Court for their review. For the reason that the district court refused the Applicant's pleadings, even after he borrowed money from a friend, there are no Respondents.



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Eric Drake