

IN THE SUPREME COURT OF THE UNITED STATES

JULY TERM, 2018

This is an application to an individual justice for extension of time in which to file a petition for a writ of certiorari to the United States Court of Appeals for the Second circuit.

Earl Reyes,

Appellant,

v.

Case No. 17-3119

Dale Artus,

Appellee.

APPLICATION

TO: Justice Sonia Sotomayor, Associate Justice of the Supreme Court of the United States and Circuit Justice for the New York Circuit.

Pursuant to Title 28, United States Code, Section 2101(c) and Rule 13 of the Rules of the Supreme Court of the United States, application is made for an extension of time within which to file a petition for a writ of certiorari from July 24, 2018 to September 22, 2018.

1. The Judgment sought to be reviewed is that of the Second Circuit's in the case entitled Earl Reyes v. Dale Artus.

2. The judgment sought to be reviewed was entered on February 26, 2018. A timely petition for rehearing was denied on April 25, 2018. The time allowed for a writ of certiorari will expire on July 24, 2018.

3. The judgment of the United States Court of Appeals for the Second Circuit, denying my pro se application for a certificate of

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appealability, and leave to proceed on appeal in forma pauperis.

4. The jurisdiction of this Court is invoked under the provisions of Title 28 §§§ 1254, 2241, 2254, and, 1651.

5. This case involves initial concerns of the petitioner's request to proceed on appeal in forma pauperis from the District Court's dismissal of this case, the Court of Appeals having refused to grant leave to appeal in forma pauperis [this, although petitioner was already previously proceeding in forma pauperis in the District Court and that status was not revoked thereby], and certificate of appealability, for the Rule 60(b) motion in which said petitioner moved to vacate the District Court's judgment denying habeas corpus relief.

6. This extension is requested because of factors that are outside control of the petitioner, and, that unforeseen or uncontrollable events render him unable to timely file petition for a writ of certiorari.

Petitioner, who while proceeding pro se is a prisoner, residing at the Shawangunk Correctional Facility, in Wallkill, New York he relies heavily on the access to said Facility's law library to conduct research, type, copy documents in order to comply with the requirement of the Supreme Court Rules. As such there exists in said prisons law library overcrowding everyday, which limits my access to resources therein. There are also malfunctions of equipment due to what I believe to be power outages. In addition, petitioner is suffering symptoms of pain, internal bleeding, and polyp growth, that affects his conduct of daily activities, and thinking capacities, and are aggravated by the fact that he is

being denied medical care, and is currently seeking injunctive relief from a lower federal court, save none has issued up to date and for some time.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on July 8, 2018.

Carl Reyes
Carl Reyes

PROOF OF SERVICE

I, Earl Reyes, hereby certify under penalty of perjury that on July 8, 2018, I served a copy of Application to Justice Sonia Sotomayor, by United States mail, on Karen Sclossberg, esq., 1 Hagen Place, New York, N.Y. 10013.

July 8, 2018

Earl Reyes
Earl Reyes

DECLARATION OF INMATE FILING

Earl Reyes, being competent to make this declaration states that:

On the eighth day of July of 2018, I deposited the foregoing Application to Justice Sonia Sotomayor, in a first-class prepaid envelope, in the Shawangunk Correctional Facility's internal mailing system, addressed to Clerk of Court, for the Supreme Court of the United States, located at 1 First Street, N.E., Washington D.C. 20543.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on the eighth day

of July, 2018.



Earl Reyes
Petitioner, Pro Se