

IN THE

SUPREME COURT OF THE UNITED STATES

Application No.

JAIME JAUREGUI,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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SUPREME COURT U.S.

ON PETITION FOR WRIT OF CERTIORARI TO THE FIFTH CIRCUIT
COURT OF APPEALS

APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR WRIT
OF CERTIORARI (SUP. CT. R. 13.5 AND 30.3)

TO: THE HONORABLE SAMUEL A. ALITO, JR.
ASSOCIATE JUSTICE OF THE SUPREME COURT AND FOR THE FIFTH CIRCUIT

Jaime Jauregui, appearing pro se, respectfully moves this honorable Court, pursuant to Rules 13.5 and 30.3, for an order granting an extension of time to file a petition for writ of certiorari, extending the time sixty (60) days, so that the time for filing the petition for a writ of certiorari will expire on April 30, 2019. As grounds in support. Mr. Jauregui states as follows:

On or about November 30, 2018, the Fifth Circuit Court of Appeals denied Mr. Jauregui a certificate of appealability. United States v. Jauregui, No. 18-30132 (5th Cir. Nov. 30, 2018). No motion for reconsideration was filed.

In denying Mr. Jauregui a certificate of appealability (COA) to challenge the district court's denial of his motion under 28 U.S.C. § 2255, the Fifth Circuit failed to apply the applicable standards for evaluating Mr. Jauregui's claims. Moreover, Mr. Jauregui made "a substantial showing of the denial of

[his] constitutional right" to testify in his own defense at trial. Brown v. United States, 356 U.S. 148 (1957).

In addition, the district court denied Mr. Jauregui an evidentiary hearing.

Mr. Jauregui is currently incarcerated in the Federal Bureau of Prisons. Given security- and weather-related lockdowns and closures of the FCI Estill Education Department, which houses the Electronic Law Library ("ELL"), as well as the inmate equipment, i.e., typewriters, word processors, copy machine, etc., during the previous 90-day period, Mr. Jauregui is unable to complete his petition for a writ of certiorari within the time allowed by Rule 13.1. Moreover, Mr. Jauregui is not trained or skilled in the law and requires the assistance of a fellow inmate in order to adequately access this Court. See Johnson v. Avery, 393 U.S. 483 (1969). Inmates are only authorized to assist one another in the FCI Estill Education Department. See Program Statement 1315.07, Legal Activities, Inmate, available free of charge at:

www.bop.gov/policy/progstat/1315_07.pdf

Mr. Jauregui wishes to ask this Court, inter alia, to correct the Fifth Circuit's handling of his application for a COA. In the alternative, Mr. Jauregui seeks review of his constitutional right to testify in this case. The Fifth Circuit, ostensibly, ignored that Mr. Jauregui's constitutional right to testify in his own defense was violated by his trial counsels in the lower court.

WHEREFORE, Mr. Jauregui prays this honorable Court will grant him an extension of time to, and including, April 30, 2019, within which to file his petition for a writ of certiorari.

Respectfully submitted this 18th day of February, 2019.



Jaime Jauregui

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