

IN THE
SUPREME COURT OF THE UNITED STATES

BENSON CORIOLANT,

Case No. 18A936 (unfiled)

Petitioner,

-vs-

UNITED STATES OF AMERICA,

Respondent.

On Petition for a Writ of
Certiorari to the United States
Court of Appeals for the Fifth
Circuit (USCA No. 17-30736)

PETITIONER CORIOLANT'S
MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI

COMES NOW, Petitioner, BENSON CORIOLANT, ("Coriolant"), in proper person, and hereby respectfully moves the Court, pursuant to Supreme Court RULE 13(5) and RULE 30(3-4), for entry of an Order granting him an extension of time of 60 DAYS within which to file his Petition for Writ of Certiorari. In support, Mr. Coriolant would make the following showing of good cause:

Mr. Coriolant fully desires to file a Petition for Writ of Certiorari. Coriolant affirms that despite working diligently to complete his petition, circumstances beyond his control have prevented him from being able to do so by the present deadline. Corioalnt's Petition for Writ of Certiorari is due to be filed with this Court on or before March 18, 2019. This date is 90 days from the date of the denial of his application for a certificate of appealability by the Fifth Circuit Court of Appeals on December 18, 2018.

SEE: ATTACHMENT (Opinion, filed Dec. 18, 2018).

Mr. Coriolant requires additional time to complete his petition because his access to the law library at his institution has been severely restricted as a result of a number of institutional lock-downs and scheduling changes. Moreover, due to an inter-institutional move, some of his legal papers were lost. These circumstances have prevented Coriolant from being able to timely and meaningfully complete his petition.

Mr. Coriolant is confident that, if the Court will grant the requested extension, he will be able to make a timely and meaningful filing of his petition. The extension will allow enough time for Coriolant to complete his legal research based upon available law library access, and allow time for him to reobtain copies of the legal documents that were lost. Corliolant affirms that this request is made solely in good faith and not intended for any purposes of undue delay.

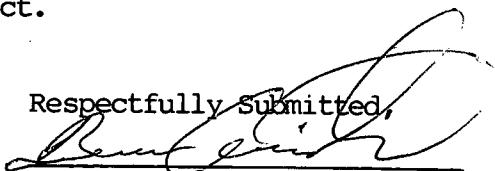
CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Mr. Coriolant respectfully prays this Court grants his motion for an extension of time of 60 DAYS within which to file his Petition for Writ of Certiorari.

I, BENSON CORLIOLANT, declare under the penalty of perjury, pursuant to 28 U.S.C. §1746, that the foregoing is both true and correct.

Dated this 7th day of MARCH, 2019.

Respectfully Submitted,


Benson Coriolant, pro se
Reg. No. 55670-018
Federal Correctional Complex
U.S. Penitentiary-Coleman II
P.O. Box 1034
Coleman, FL 33521-1034

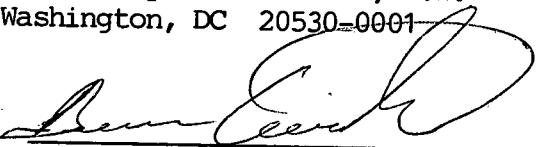
CERTIFICATE OF SERVICE

I, BENSON CORIOLANT, hereby certify that I have this day and date, **MARCH 7, 2019**, sent a true and correct copy of the foregoing, MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI, via First-Class U.S. Mail, with prepaid postage affixed thereon, and properly addressed, to:

Clerk of the Court
UNITED STATES SUPREME COURT
1 First Street, N.E.
Washington, DC 20543

United States Solicitor General
U.S. Dept. of Justice, ROOM 5614
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Dated this 7th day of MARCH, 2019.


Benson Coriolant, pro se
Reg. No. 55670-018

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-30736



A True Copy
Certified order issued Dec 18, 2018

UNITED STATES OF AMERICA,

Tyler W. Caylor
Clerk, U.S. Court of Appeals, Fifth Circuit

Plaintiff-Appellee

v.

BENSON CORIOLANT, also known as Haiti Coriolant,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Louisiana

ORDER:

Benson Coriolant, federal prisoner # 55670-018, moves for a certificate of appealability (COA) to appeal the dismissal of his 28 U.S.C. § 2255 motion claiming that (1) the trial court improperly participated in plea negotiations, (2) the trial court violated his due process rights by providing improper instructions to the jury regarding the standard of proof required to convict him under 18 U.S.C. § 2422(a) and (b), (3) his trial and appellate attorneys rendered ineffective assistance in numerous respects, and (4) the cumulation of these errors entitled him to relief. The district court dismissed on procedural grounds the claim of improper participation in plea negotiations and the due process claim related to the jury instructions, and it dismissed the remaining claims on the merits.

Coriolant does not challenge, and has therefore abandoned, the district court's dismissal of his claims that his trial attorney rendered ineffective assistance by failing to (1) move for dismissal of the indictment, (2) renew the motion for a judgment of acquittal at the close of the evidence, (3) object sufficiently to Coriolant's obstruction-of-justice enhancement, and (4) object to the grouping of counts for purposes of determining Coriolant's total offense level. *See Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1999). Coriolant has likewise abandoned his cumulative-error claim, as well as all of his claims regarding appellate counsel's ineffectiveness except for his claims that appellate counsel rendered ineffective assistance by failing to challenge (1) certain testimonies by Officer Edward Rohde and Special Agent Jennifer Terry, (2) the jury instructions pertaining to § 2422(a) and (b) as violating due process, and (3) Coriolant's enhancements under U.S.S.G. §§ 2G1.3(b)(3) and 3A1.1(b)(1). *See id.* Coriolant's arguments relying upon *Rosemond v. United States*, 572 U.S. 65 (2014), will not be considered since they are raised for the first time in his COA motion. *See Henderson v. Cockrell*, 333 F.3d 592, 605 (5th Cir. 2003).

To obtain a COA, Coriolant must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *see Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). When a district court has denied a request for § 2255 relief on procedural grounds, the prisoner must show "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). When the district court has rejected constitutional claims on the merits, the COA movant must show "that

reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Id.*

Coriolant fails to make the necessary showing. Accordingly, his motion for a COA is DENIED.



JAMES C. HO
UNITED STATES CIRCUIT JUDGE