

Supreme Court of the United States

United States of America

v.

Gustave S. Drivas

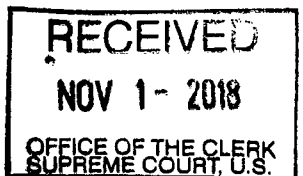
#18A330

Motion To the Clerk

Gustave S. Drivas prose, respectfully requests that this is a Motion to the Clerk of the Court to file my petition of Writ of Certiorari out of time.

Reasons for Granting Request

Drivas is currently incarcerated and proceeding ProSe. On July 6, 2018 Drivas was transformed from Loretto FCI, to Canan Prison and was housed in the SHU(Secured Housing Unit) with no access to phones or computers, while waiting to be transfered to his present institution Schuyljill-Camp. On July 16, 2018 Drivas was transfered to Schuylkill Camp. Drivas was without his personal property including his legal material for approximately two weeks until he received it. During the month of August 2018 the prison as locked down for approximately three weeks. During this time Drivas had limited access to the legal library and typing equipment. During this time the hours of operation for the library + typing room was reduced to three hours a day. Drivas had to compete with other 225 inmates for access to three legal computers and three typewriters at all other times during three hours of operations during the week. In addition Drivas' hours are also limited due to institution recalls for Census Count, Fog Count and his work assignment during



the week, which all eventually interfere with his access to legal material and research.

Conclusion

For the reasons stated above Drivas respectfully, requests to the Clerk of the Court to grant this motion for extension of time and accepts his Writ of Certiorari which is enclosed.

Respectfully Submitted

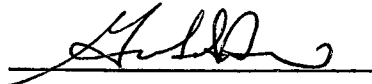


Gustave S. Drivas

Date: October 24, 2018

Verification

I, the under signed, hereby verify, under penalty of perjury, the aforementioned statements of fact are true and correct to the best of my current information and knowledge and belief, and not to mislead, so help me GOD per suant to 28 USC § 1746(1)



Gustave S. Drivas

Date: October 24, 2018

Certificate of Service

I, Gustave S. Drivas certify that I sent this motion to the Clerk of the Court, U.S. Supreme Court at / 1st Street N.E. Washington, DC 20543 by placing in the U.S. mail at Federal Prison Camp Schuylkill, P.O. Box 670, Minersville, PA 17954 in a first class envelope on October 24, 2018



Gustave S. Drivas

Date: October 24, 2018

E.D.N.Y.-Bklyn
15-cv-2327
Gershon, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 7th day of June, two thousand eighteen.

Present:

José A. Cabranes,
Gerard E. Lynch,
Susan L. Carney,
Circuit Judges.

Gustave S. Drivas,

Petitioner-Appellant,

v.

17-3874

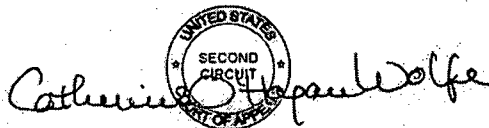
United States of America,

Respondent-Appellee.

Appellant, pro se, moves for a certificate of appealability, leave to proceed in forma pauperis, and remand. Upon due consideration, it is hereby ORDERED that the motion is DENIED and the appeal is DISMISSED because Appellant has not “made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c); *see also Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

A circular court seal for the United States Court of Appeals for the Second Circuit is stamped over the signature. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".

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