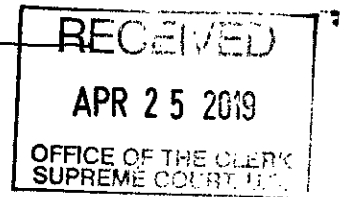


CASE NO. \_\_\_\_\_



IN THE

SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_

THELHAN WIMBUSH - Petitioner

V.

STATE OF GEORGIA

BRIAN KEMP, Governor

TIMOTHY WARD, Corrections Commissioner

WILLIE SUE MICKENS, Warden

Respondents

\_\_\_\_\_

EMERGENCY  
MOTION FOR EXTENSION OF TIME  
AND FOR APPOINTMENT OF COUNSEL  
FOR FILING PETITION FOR WRIT  
OF CERTIORARI FROM U.S. COURT  
OF APPEALS DENIAL OF  
CERTIFICATE OF APPEALABILITY

\_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES  
EMERGENCY  
MOTION FOR EXTENSION OF TIME  
AND FOR APPOINTMENT OF COUNSEL  
FOR FILING A PETITION FOR WRIT  
OF CERTIORARI FROM THE U.S.  
COURT OF APPEALS FOR THE 11<sup>TH</sup>  
CIRCUIT'S DENIAL OF APPLICATION  
FOR CERTIFICATE OF APPEALABILITY

Now comes, Thierian Winbush,  
petitioner in the above-styled case, which  
stems from case number 18-14465-D in  
the U.S. Court of Appeals for the Eleventh  
Circuit, which denied petitioner's  
Application for Certificate of Appealability  
on March 1, 2019, and hereby moves  
this Honorable Court to grant her  
an extension of time and appoint  
EXTENSION/COUNSEL 2

her counsel in order to adequately, effectively, and meaningfully file her petition for writ of Certiorari in this Court. In support of this Motion, petitioner states the following facts:

1. Petitioner filed a timely and legally sufficient Notice of Appeal challenging the directly appealable denial of her Motion for Discharge and Acquittal Pursuant to OCGA § 17-7-170 on January 30, 2017. Said order of denial was reduced to writing, signed by the judge, and filed with the clerk on January 6, 2017.
2. Said Notice of Appeal divested the Gwinnett County Superior Court of Jurisdiction of petitioner's criminal case.
3. On February 1, 2017, the Gwinnett County Superior Court imposed a judgment

EXTENSION/COUNSEL 3

of conviction and sentence and subsequently executed said judgment of conviction and sentence on February 3, 2017, by transferring

4. Petitioner to the Georgia Department of Corrections for subjection to forced slavery.

4. On March 13, 2017, petitioner filed an instant state habeas petition in the Pulaski County Superior Court.

5. On April 11, 2017, the Pulaski County Superior Court issued an order

dismissing petitioner's habeas corpus petition, without a hearing, stating that the notice of appeal does NOT

EXTENSION/COUNSEL 4

act as supersedeas, divesting the trial court of jurisdiction, and that petitioner's claim of denial of due process was without legal merit.

6. Petitioner filed a Notice of Appeal in the Pulaski County Superior Court on May 5, 2017 and ~~it~~ docketed her Application for Certificate of Probable Cause in the Supreme Court of Georgia on April 30, 2017, pursuant to OCGA § 9-14-52.

7. Said Application for Certificate of Probable Cause was calendared to the ~~Sept~~ August 2017 Term (September 2017). Pursuant to the Georgia Constitution of 1983, said Application (S17H1568) shall have been ruled on no later than March 31, 2018.

8. On May 11, 2018, petitioner filed an Instant Petition for writ of Habeas

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Corpus in the United States District Court for the Northern District of Georgia pursuant to 28 USC § 2254.

9. Subsequently, on June 18, 2018, the Supreme Court of Georgia, Granted the Application for Certificate of Probable Cause, vacated the habeas court's order and remanded the case with instructions to dismiss the case as PREMATURE because petitioner's conviction was NOT YET FINAL due directly to pending appeals.

10. Subsequently, on or about October 12, 2018, the USIX NIDGa dismissed Petitioner's 28 USC § 2254 habeas Petition for failure to exhaust state Court remedies and denied her a Certificate of Appealability.

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11. On October 23, 2018, petitioner filed her Notice of Appeal and Motion for Bond Pending Appeal in the USDC NDGA.
12. Said Appeal was docketed in the US Court of Appeals for the Eleventh Circuit on October 25, 2018.
13. On March 1, 2018, the U.S. Court of Appeals for the Eleventh Circuit denied petitioner's November 8, 2018, Application for Certificate of Appealability for failure to exhaust state court remedies.
14. Petitioner was actively working on her Petition for Writ of Certiorari in this Court on Thursday, April 11, 2018 when she was called to the mail room to pick up legal mail.
15. Petitioner was sent to Lockdown by warden/petitioner Mickers for non extension/cause 7

reason.

16. The warrant respondent Mickers has also taken ALL of petitioner's legal and writing, even paper, materials and is holding them in an unknown location and is refusing to give them to Petitioner.

17. Thus, the Court can take note that Petitioner has obtained forms from the officer in order to write this motion.

18. Petitioner is indigent and has been granted IFP status on ~~both~~ all actions that she has filed in state and federal Courts. This Court can take judicial notice of the cases that have come before it where Petitioner is a party.

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19. Finally, Petitioner has no legal education and raises constitutional issues, specifically, exhaustion of state court remedies on a UNIDIRECTIONAL denial of due process claim, where she has FULLY exhausted state court remedies.

WHEREFORE, Petitioner prays that this Honorable Court grant her an extension of 90 days time to file her petition for writ of Certiorari and simultaneously grant her counsel for the preparation thereof, as prison officials seek to deny her access to ALL court forums, and for an unknown period of time.

I declare under penalty of perjury that the foregoing is True and correct.

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This 14<sup>th</sup> day of April, 2019.

Therian C. Wimble  
Petitioner Pro Se

Therian Wimble

#1001955340

PULASKI STATE PRISON

P.O. BOX 839

HAWKINSVILLE, GA 31036

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