

IN THE SUPREME COURT OF THE UNITED STATES

William Alan Kennedy, petitioner-appellant

V.

Case no. _____

Lorie Davis, Director, Texas Department
of Criminal Justice, Institutional Division,
respondent-appellee.

APPLICATION TO GRANT AN EXTENSION OF TIME TO FILE

In accordance with Rule 13.5 in the Rules of the Supreme Court of the United States, the petitioner requests the Court to grant him an extension of time to file his Petition for Writ of Certiorari.

Statement of Jurisdiction

The petitioner intends to file a petition for writ of certiorari in regards to the denial of a Certificate of Appealability by the U.S. Court of Appeals for the Fifth Circuit which was issued on April 9, 2019 (see Attachment A). This matter involves the denial of habeus relief from a State of Texas conviction and "life" sentence for "Aggravated Robbery with a deadly weapon". The petitioner was represented by counsel for his petition for writ of habeus corpus, and said petition was timely filed in the U.S. District Court for the Northern District of Texas-Fort Worth Division (case no. 4:16-cv-01075-A) which was denied on April 13, 2018. The petitioner was unable to afford counsel for his appeal to the U.S. Court of Appeals for the Fifth Circuit in his application for a certificate of appealability, so the U.S. District Court granted petitioner 'in forma pauperis' status in his C.O.A. application on May 15, 2018. The petitioner filed his application for a C.O.A. as an indigent, 'pro se', state-prisoner litigant on July 26, 2018, and said C.O.A. application was denied by the U.S. Court of Appeals for the Fifth Circuit on April 9, 2019

The petitioner's current deadline to file his petition for writ of certiorari is July 8, 2019.

Statement of Reasoning for Time Extension

The petitioner is a 'pro se' litigant proceeding 'in forma pauperis'. The petitioner was able to obtain the funds (a gift from his mother) to pay counsel in his state and federal petitions for writ of habeus corpus, but the petitioner's mother was unable to give him the funds to pay counsel for his application for a C.O.A. in the U.S. Court of Appeals for the Fifth Circuit forcing the petitioner to file his application for the C.O.A. as a 'pro se', indigent litigant. The petitioner does not have any education or training in the law other than what he has learned on his own as a prisoner.

The petitioner is currently incarcerated on the Allred unit of T.D.C.J. (the Texas state prison system), and the Allred unit is currently involved in a significant change in housing practices for the inmates which has caused the Allred unit administration to move the petitioner to temporary housing in "transit-custody-overflow" status which prevents the petitioner from visiting the law library. The law library staff is supposed to deliver 9 photocopied cases for the petitioner to review each week, but unfortunately that does not occur as it should; thus, it is practically impossible for the petitioner to conduct meaningful legal research in order to prepare his petition for writ of certiorari with legitimate legal arguments and case citation. The petitioner was placed in the temporary housing in "transit-custody-overflow" status on May 8, 2019, and it is possible for the petitioner to remain in said status precluding him from conducting legal research in the unit law library for a possible 60 days.

Furthermore, the petitioner is currently litigating a federal law-

suit in the U.S. District Court for the Northern District of Texas-
Wichita Falls Division (see Attachment B) as a 'pro se', indigent
litigant. The trial for said lawsuit is scheduled to begin August 5,
2019. It is very difficult for prisoners to effectively litigate one
matter at a time let alone two. The federal lawsuit trial should
not take longer than two weeks, so once it concludes in mid-August
the petitioner will have a few weeks to finish his petition for writ
of certiorari and submit it in accordance with the new deadline to
file which would be September 6, 2019 if the Court would be gracious
enough to grant the petitioner 60 additional days from the original
deadline date of July 8, 2019.

The petition for writ of certiorari will involve constitutional
issues of Due Process and Ineffective Assistance of Counsel. The
petitioner was convicted of "Aggravated Robbery with a deadly weapon"
and was sentenced to "life" in prison for a shoplifting attempt at
a Walmart store where the petitioner only pushed the store clerk
one time in the chest with an open hand in his attempt to elude the
store clerk which the State of Texas contends justification of con-
victing petitioner of using a "deadly weapon" to support the first-
degree felony charge. The petitioner believes the U.S. District
Court erred in not granting habeas relief. The petitioner also be-
lieves the U.S. Court of Appeals should have granted the petitioner
a certificate of appealability because the petitioner met the C.O.A.
requirements dictated by this Court's decisions in Miller-El v.
Cokerell, 123 S.Ct. 1029 (2003) and Slack v. McDaniel, 120 S.Ct.
1595 (2000). In the petitioner's direct appeal opinion one of the
jurists filed a dissenting opinion in regards to the issues the
petitioner presented in his C.O.A. application, and one of the jurists

with the Texas Court of Criminal Appeals dissented in that court's denial of habeus relief on the same issues. The petitioner believes the issues that he will present in his petition for writ of certiorari are significant and have a far-reaching effect not just upon the petitioner himself but upon the every U.S. citizen.

If the Court should grant the petitioner's request for 60 additional days to file his petition for writ of certiorari, the State of Texas as a respondent will not be burdened in any way if the Court should require a response or actually grant the petitioner's writ. The matters involved are pertinent to existing law and legal theories as applied to the petitioner's case at bar.

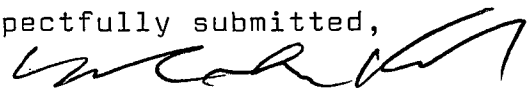
Prayer

Due to the facts stated in Statement of Reasoning of this motion, the petitioner requests the Court to grant the petitioner 60 additional days from the original deadline to file a petition for writ of certiorari which is July 8, 2019 appealing the denial for a C.O.A. in regards to petitioner's request for habeus relief from his state court conviction. The petitioner requests that the new deadline date to file his petition for writ of certiorari be September 6, 2019.

Pursuant to 28 U.S.C. §1746, the applicant in this motion, William Alan Kennedy, proceeding as a 'pro se' litigant, hereby declares under the penalty of perjury that the foregoing is true and correct to the best of his knowledge. Signed on the 24th day of May of 2019.



Respectfully submitted,



William Alan Kennedy, 'pro se'
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