

No. _____
From Fifth Circuit No. 17-20435/ USDC No. 4:14-CV-3164

IN THE
SUPREME COURT OF THE UNITED STATES

STEVEN KURT BAUGHMAN - PETITIONER

V.

ADRIAN GARCIA, et.al. - RESPONDENTS

MOTION FOR EXTENTION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI
AND
MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

TO THE HONORABLE SAMUEL A. ALITO:

COMES NOW, Petitioner, Steven Kurt Baughman, and moves for an extention of time to file his motion to proceed in forma pauperis and his petition for writ of certiorari; pursuant to Rule 30, Supreme Court Rules, for good cause shown to wit:

1. Petitioner filed his Original complaint in the United States District Court for the Southern District of Texas on November 5, 2014, alleging deliberate indifference to serious medical and dental needs of a prisoner in violation of the Eighth Amendment to the United States Constitution and retaliation against a prisoner for exercising First Amendment Rights to file grievances and petition the government for redress of those grievances. USDC No. 4:14-CV-3164

2. On May 26, 2017 the district court issued an memorandum and order denying in part and granting in part defendant's motion for summary judgment. See 254 Fed.Supp.3d 848 (S.D. Tex.2017).

3. On June 13, 2017, settlement was had regarding Petitioner's dental claims.

4. On July 5, 2017, Petitioner filed notice of intent to appeal the district court's order granting summary judgment to the defendants' as to deliberate indifference to the serious medical needs of a diabetic prisoner and retaliation. Fifth Circuit No. 17-20435

5. On February 25, 2019, the United States Court of Appeals ISSUED ITS Memorandum and Order affirming the district courts decision and dismissing the appeal.

6. On April 26, 2019, Petitioner filed his Motion For Rehearing With Suggestion of Rehearing En Banc.

7. On June 28, 2019, Petitioner's Motion For Rehearing was denied without written Order.

8. Petitioner respectfully requests an extention of 90 days to file his motion to proceed in forma pauperis and his petition for writ of certiorari for cause as follows:

9. Petitioner is currently preparing for a hearing in his Direct Appeal which is to be held on or about September 10, 2019, in Steven Kurt Baughman V. The State of Texas; Case No(s).

14-18-00009-CR, 14-18-00010-CR, & 14-18-0021-CR, which the Texas Court of Appeals-Houston [14th District] has ordered ABATED and remanded to the 174th District Court of Harris County for a hearing to resolve a conflict between Petitioner and his appellate counsel to determine whether petitioner wishes to continue his appeal, whether he wishes to proceed ~~XXXX~~ pro se, and whether it would be in petitioner's best interest, the State's best interest and in the interest of justice to allow petitioner to proceed pro se on appeal.

10. After the hearing Petitioner must prepare a Motion For Rehearing in the Texas Court Of Appeals-Houston 14th District for all three (3) cases.

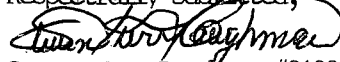
11. Furthermore, in filing the petition for writ of certiorari petitioner must attach copies of (1) the United States Court of Appeals for the Fifth Circuit's Memorandum and Order; (2) The United States District Court Order; and (3) the Order denying petitioner's motion for rehearing. However, petitioner is indigent and has to depend on family and friends to make copies for him; especially where the Texas Department of Criminal Justice-Institution Division will not make copies of legal documents, motions, pleadings, exhibits, or other legal papers for prisoners

12. On or about August 13, 2019, petitioner's mother was getting out of the bath-tub and slipped; causing her to fall and break both of her legs and ankles. She was rushed to the hospital in Ft.Smith, Arkansas and immediately life-flighted to St.Johns/St.Francis Hospital in Tulsa, Oklahoma, where she underwent surgery and on August 26, 2019, she was transferred to a skilled nursing facility in Sallisaw, Oklahoma; and petitioner is unable to contact her. Thus, petitioner is without means to make copies of the documents which must be attached to the writ of certiorari and has been sending out letters to friends to see if someone will make the copies for him.

13. Petitioner's Petition for Writ of Certiorari is currently due by September 28, 2019 and he requests and extension of 90 days, or until December 27, 2019, in which to file his Motion To Proceed In Forma Pauperis and Petition For Writ Of Certiorari.

WHEREFORE, PREMISES CONSIDERED, Petitioner respectfully prays the Court grant his Motion for and extension of Time In Which to File his Motion To Proceed In Forma Pauperis and Petition for Writ of Certiorari.

Respectfully submitted,



Steven Kurt Baughman #2180609
Powledge Unit, 15-07
1400 FM 3452
Palestine, TX 75803

Petitioner pro se

CERTIFICATE OF SERVICE

The undersigned certifies the foregoing document was placed in the institutional mail of the Powledge Unit. of the Texas Department of Criminal Justice-Institution Division, in Palestine, Texas, on this the 2nd day of September, 2019, with first class postage affixed and addressed to:

Mary E. Baker
Senior Assistant Harris County Attorney
1019 Congress, 15th Floor
Houston, TX 77002

Signed this 2nd day of September, 2019. pursuant to 28 USC § 1746.


Steven Kurt Baughman #2180609

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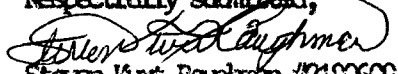
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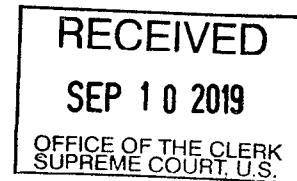

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1400 FM 3452
Palestine, TX 75803

Petitioner pro se

Steven Kurt Baughman #2180609
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1400 FM 3452
Palestine, TX 75803

September 2, 2019

Clerk
Supreme Court of The United States
Washington, DC 20543-0001



Re: Steven Kurt Baughman V. Adrian Garcia, et.al.
No. 17-20435 Fifth Circuit Court of Appeals
USDC No. 4:14-CV-3164

To the Honorable Clerk;

I have received the U.S. Supreme Court packet mailed to me by the Clerk's office and I have a question:

Prior to petitioning for writ of certiorari do I need to give notice of intent to do so to the lower courts and the defendants? This is not answered in the packet I received.

If it is not necessary, I am enclosing a Motion For Extension of Time To File Petition for Writ of Certiorari, as an extension is necessary and good cause is shown in my motion.

Thank you for your time and assistance.

Respectfully,


Steven Kurt Baughman