

No. _____

In the Supreme Court of the United States

JOSEPH EUGENE OSBORNE,

Petitioner,

v.

**PELICIA HALL, Commissioner,
Mississippi Department of Corrections,**

Respondent.

On Petition for Writ of Certiorari
to the United States Court of Appeals for the Fifth Circuit
No. 17-60321

**APPLICATION FOR EXTENSION OF TIME TO
FILE A PETITION FOR A WRIT OF CERTIORARI**

October 29, 2019

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TO THE HONORABLE SAMUEL A. ALITO, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE FIFTH CIRCUIT:

Pursuant to Supreme Court Rules 13.5, 22, and 20, Applicant Joseph Eugene Osborne respectfully requests a 60-day extension of time, up to and including January 9, 2020, to file a petition for a writ of certiorari.

The Fifth Circuit issued the opinion for which review is sought in the appeal *Joseph Eugene Osborne v. Pelicia Hall*, No. 17-60321, on August 12, 2019, and issued judgment on September 3, 2019. (Attached as Exhibit A).

This Court will have jurisdiction over any timely filed petition for certiorari pursuant to 28 U.S.C. § 1254(1). Under Rules 13.1, 13.2, and 30.1 of the Rules of this Court, a petition for writ of certiorari is due on or before November 10, 2019. This application is timely because it is filed more than ten days before the date on which the time for filing the petition is to expire.

REASONS FOR AN EXTENSION OF TIME

Mr. Osborne respectfully requests a 60-day extension of time within which to file a petition for a writ of certiorari seeking review of the decision of the Fifth Circuit in this case, up to and including January 9, 2020, and in support states:

1. This case presents an important question of law: Whether “anecdotal evidence” triggers the AEDPA’s statute of limitations even if it would be insufficient to state a factual predicate for a claim under the AEDPA. Other federal courts have warned against this trap, which makes the litigation of a meritorious claim for post-conviction relief impossible.

2. Undersigned counsel, who reside in New Orleans, Louisiana, have represented Mr. Osborne pro bono since 2013. Mr. Osborne is incarcerated at East Mississippi Correctional Facility in Meridian, Mississippi, a facility described as “hell on earth.”¹ Communication with Mr. Osborne, which is primarily by letter, is slow. Undersigned counsel and Mr. Osborne have not had a meaningful opportunity to explore and reach agreement on the bases for requesting this Court’s review.
3. Separately, undersigned counsel have an active federal and state court practice and their obligations to other clients, including pro bono clients, have required, and require, their immediate attention. For example, the Fifth Circuit appointed undersigned counsel to represent the appellant in *Williams v. Catoe* (No. 18-40825), and undersigned counsel devoted much of the month of September to preparation for oral argument before the *en banc* court on September 24, 2019. Undersigned counsel is the court-appointed receiver and receiver’s counsel in the case styled *Securities &*

¹ Liu, Michelle, *Mississippi Today*, “Deaths were up threefold last year at private East Mississippi prison where inmate died last week,” January 24, 2019, available at <https://mississippitoday.org/2019/01/24/deaths-were-up-threefold-last-year-at-private-east-mississippi-prison-where-inmate-died-last-week/> (last visited October 29, 2019); Williams, Timothy, *The New York Times Blog*, “Inside a Private Prison: Blood, Suicide and Poorly Paid Guards,” April 3, 2018, available at <https://www.nytimes.com/2018/04/03/us/mississippi-private-prison-abuse.html> (last visited October 29, 2019); Downard, Whitney, *Meridian Star*, “Doctor calls conditions at East Mississippi Correctional Facility ‘the worst,’” March 15, 2018, available at https://www.meridianstar.com/news/doctor-calls-conditions-at-east-mississippi-correctional-facility-the-worst/article_e8066086-2868-11e8-8c97-13427eec659f.html (last visited October 29, 2019); Takei, Carl, *ACLU.org*, “The East Mississippi Correctional Facility is ‘Hell on Earth,’” March 5, 2018, available at <https://www.aclu.org/blog/prisoners-rights/medical-and-mental-health-care/east-mississippi-correctional-facility-hell> (last visited October 29, 2019); Goode, Erica, *The New York Times*, “Seeing Squalor and Unconcern in a Mississippi Jail, June 7, 2013, available at <https://www.nytimes.com/2014/06/08/us/seeing-squalor-and-unconcern-in-southern-jail.html> (last visited October 29, 2019).

Exchange Commission vs. Adams, et al., No. 3:18-cv-00252 (S.D. Miss), and in the next 60 days have briefing deadlines in that case's accompanying cases, including the Fifth Circuit appeal *Mills v. Butler Snow* (No. 19-60749) for which their appellee's brief is due January 4, 2019.

4. Undersigned counsel does not wish to unnecessarily delay these proceedings. Undersigned counsel respectfully submits the additional time is necessary to give undersigned counsel and Mr. Osborne, whose communication is limited by his conditions of incarceration, an opportunity to more meaningfully communicate regarding matters pertinent to a petition for writ of certiorari.

Accordingly, Mr. Osborne respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari for 60 days, up to and including January 9, 2020.

Dated: October 29, 2019

Respectfully submitted,

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