

No.:

19A823

ORIGINAL
FILED

IN THE
SUPREME COURT OF THE UNITED STATES

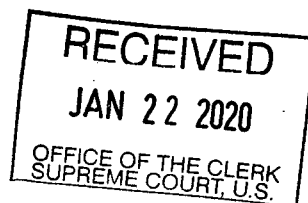
JOSE PASSALACQUA, PETITIONER

VS.

C. KOENIG, RESPONDENT

MOTION REQUESTING AN EXTENSION OF TIME TO
FILE A PETITION FOR WRIT OF CERTIORARI

Jose Passalacqua
CDCR: G-63887
Correctional Training Facility
P.O. Box 705
Soledad, California 93960
In Pro-Per



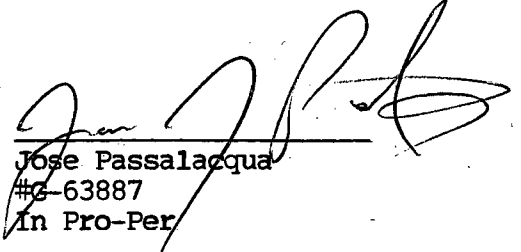
TO THE HONORABLE JUSTICE E. KAGAN:

Petitioner, Jose Passalacqua, is respectfully requesting a 60 days extension of time to, and including Thursday, March 26, 2020 within which to file a petition for a writ of certiorari in the above-entitled case.

In support of his request, petitioner submits the attached declaration.

Dated: January 13, 2020

Respectfully submitted,



Jose Passalacqua
#C-63887
In Pro-Per

No.: _____

IN THE
SUPREME COURT OF THE UNITED STATES

JOSE PASSALACQUA, PETITIONER

VS.

C. KOENIG, RESPONDENT

DECLARATION OF JOSE PASSALACQUA

Jose Passalacqua
CDCR: G-63887
Correctional Training Facility
P.O. Box 705
Soledad, California 93960
In Pro-Per

DECLARATION OF JOSE PASSALACQUA

I Jose Passalacqua, declare:

1. I am incarcerated at the Correctional Training Facility in Soledad, California. My prison identification number is G-63887.
2. On September 7, 2011, I (the petitioner) filed in the United States District Court for the Central District of California a petition for writ of habeas corpus in the matter of, Jose Passalacqua v. Mike McDonald, Case No.: 2:12-cv-02430-AG-FFM, which was denied on September 30, 2014.
3. Petitioner timely appealed, but the Court of Appeals for the Ninth Circuit denied the appeal in 2016.
4. On July 30, 2018 petitioner filed in the District court a motion to reopen his original habeas corpus proceedings under Rule 60(b) of the Federal Rules of Civil Procedure.
5. On August 31, 2018, the district court summarily dismissed petitioner's Rule 60(b) motion. Petitioner timely appealed.
6. On October 25, 2019, the Ninth Circuit denied petitioner's request for a Certificate of Appealability, holding that petitioner did not satisfied *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), (See Appendix A.)
7. Petitioner's petition for writ of certiorari is due in this Court on or about January 24, 2020, pursuant to Rule 13. Petitioner believes that he will need additional 60 days extension of time to and including Thursday, March 26, 2020 to conduct a full legal research about the complex issues involved in the case in order to prepare his petition for writ of certiorari for this Court consideration. He further contends that he have very limited physical access to the law library in the prison due

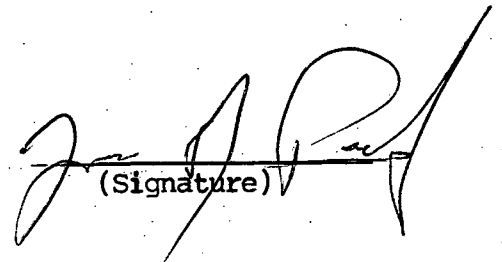
that the law library is experiencing short staffing since 2017, and the facility have not hired staff to fix the problem, which is the cause of the limited access to the law library.

8. This request for extension of time is based on Good Cause as described above, and is not made for the purposes of harassment or to cause undue delay, or any other improper reason.

9. For the foregoing reasons, petitioner respectfully request this Court to grant him 60-days extension of time to, and including Thursday, March 26, 2020, to file his petition for writ of certiorari for this Court consideration.

I declare under penalty of perjury, as defined by the laws of the United States, that the foregoing is true and correct, and that this declaration was executed at the Correctional Training Facility in Soledad, California on January 13, 2020.

Jose Passalacqua
(Declarant's Name)


(Signature)