

No. 19A390

FILED

AUG 13 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

On the
Supreme Court of the United States

James E. Manley - Petitioner

vs.

State of Indiana - Respondent

Application for an Extension of Time

Come now, the Petitioner, James E. Manley, pro se, to move the Court for an extension of time to file his Petition for Writ of Certiorari pursuant to Supreme Court Rule 13.5. In support, he would show the Court as follows:

1. This case is on Petition for Writ of Certiorari from a state court criminal conviction. The case number from the Court of Appeals of Indiana is 18A-CR-0075 and the opinion of that court is attached hereto as Appendix A.
2. The Supreme Court of Indiana denied discretionary review and

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The opinion of that court is attached hereto as Appendix B.

3. The current case is the result of the denial of Petitioner's Motion for Relief from Judgment filed in the Monroe Circuit Court, Division 2, and the order denying that motion is attached as Appendix C.

4. The Petition for Writ of Certiorari was due on or before September 2, 2019, in accordance with Supreme Court Rule 13.1. However, Petitioner previously filed his Motion for Enlargement of Time on August 2, 2019, by depositing the same in the Law Library at the correctional facility, which was postmarked on August 13, 2019, and received by the Clerk of the Supreme Court on August 23, 2019.

5. The Motion for Enlargement of Time was returned by the Clerk on September 3, 2019, but was not received by Petitioner until September 16, 2019, for defects. A copy of the letter explaining the reason for the return is attached as Appendix D.

6. The original Motion for Enlargement of time was timely filed at

least ten (10) days prior to the original due date of the Petition for Writ of Certiorari in accordance with Supreme Court Rule 30.2.

7. The extension of time is justified in that:

a. Petitioner has attempted to acquire counsel in order to file his Petition for Writ of Certiorari but was provided incorrect or outdated addresses for several attorneys;

b. Petitioner has further attempted to solicit the assistance of the Roman Catholic Church in obtaining counsel to no avail.

c. The Court of Appeals of Indiana has applied the doctrine of waiver to Petitioner's challenge to the jurisdiction of the criminal court in contravention of prior rulings of this Court, see for example: *Wisconsin Department of Correction v. Schacht*, 524 U.S. 391, 118 S.Ct. 2047 (1998), citing *Insurance Corporation of Ireland v. Compagnie des Bauxites de Guinee*,

456 U.S. 694, 102 S.Ct. 2099 (1982);

d. Petitioner needs the enlargement of time so that he can obtain the 1996 version of the relevant statutes, which have since been recodified by the Indiana General Assembly, in order to comply with Supreme Court Rule 14.1(f). Petitioner has obtained the 1997 version of the recodified statutes, those statutes being effective July 1, 1997, and are:

(i) Ind. Code 31-30-1-1;

(ii) Ind. Code 31-30-1-2;

(iii) Ind. Code 31-30-1-3;

(iv) Ind. Code 31-30-1-4;

(v) Ind. Code 31-30-1-9;

(vi) Ind. Code 31-34-1-3;

(vii) Ind. Code 31-34-2-1; and

(viii) Ind. Code 31-34-2-2;

e. Attempts to obtain the 1996 version of the relevant statutes

are proving to be difficult ~~due~~ to Petitioner only receiving one hour a week in the prison law library and he needs to search old print copies of the Indiana Public Laws to find the texts that were in effect in 1996.

7. This application is being made in good faith and will not unduly prejudice the State of Indiana.

Wherefore, Petitioner respectfully prays this Court grant him a ninety (90) day extension of time from the original due date of September 3, 2019, giving him up to and including November 30, 2019, and for all other relief just and proper.

Respectfully submitted,

James E. Marley

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