

NO.

19A507

IN THE SUPREME COURT OF THE UNITED STATES

BENITO MARTINEZ,  
Petitioner,

versus

UNITED STATES OF AMERICA,  
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE FIFTH CIRCUIT.

APPLICATION TO EXTEND TIME TO FILE PETITION FOR WRIT OF CERTIORARI  
PURSUANT TO RULE 22.3 & RULE 30.3 S.Ct.R.

RECEIVED

NOV 05 2019

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

FILED

OCT 15 2019

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SUPREME COURT, U.S.

COMES NOW Benito Martinez, the Petitioner, pro-se, and moves this Honorable Court pursuant to Rule 22.3, to grant him an extension of time of 24 additional days in which to file his Petition for Writ of Certiorari to and including November 8, 2019, as permissible pursuant to Rule 30.3 of the Supreme Court Rules.

Petitioner "Martinez"'s Certificate of Appealability was denied by the Fifth Circuit on July 18, 2019, and his deadline to file a Petition for Writ of Certiorari is due on or before October 17, 2019. This proceeding accrues from a 28 USC #2255 denial by the United States District Court for the Western District of Texas, El Paso Division, on November 15, 2017. All proceeding below were pursued timely and with due diligence.

#### REASONS TO GRANT EXTENSION

Mr. Martinez submits that good cause exists for the granting of an Extension of Time under extraordinary circumstances beyond his control in that he will not be able to complete his application for Writ of Certiorari before his October 17, 2019, deadline, to wit:

The Prison where Mr. Martinez has been under several lockdowns and Law Library closures since his COA denial date of July 18, 2019. Mr. Martinez's access to legal materials and assistance relies on the Law Library, subjected to closures supra.

This prison facility only schedules four hours per day and one hour per night Law Library access per five weekdays, with one hour per weekend. However, with emergency lockdown closures, shortage of staff, etc., closures and holiday schedules, the library has been closed to include the previous month's week-end closures, for several hours hindering access and assistance. Mr. Martinez does not believe he can meet the October 17 deadline as Columbus Day, and its prior weekend days (October 12, 13 and 14, 2019) were all closures beyond Mr. Martinez's control.

It is for these reasons that Mr. Martinez moves this Honorable Court for a 24-days extension to and including November 8, 2019, to submit his Petition for Writ of Certiorari.

Respectfully requested on this 15th day of October, 2019.

  
Benito Martinez, Pro Se Petitioner

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