

EARL WRIGHT
10-A-3977
Green Haven Corr. F
Stormville, N.Y.
12582

CI
CLERK OF THE COURT
SUPREME COURT OF THE UNITED STATES
1 FIRST STREET N.E.
WASHINGTON D.C. 20543

Letter Motion for
Extension of time

Dear Sir/Madma

I Earl Wright Make this Motion for a Extension of
time to file a Petition for a writ of Certiorari to this Court

1. I have limited access too the facility Law Library, I have one
day a week in the Law Library and only about 2 Hours ,


2. I was inform in April that I was going out to the Hospital
for surgery, I had a total Knee replacement, I went out on
April 24, 2019, and caame back on April 29, 2019 I was in the
facility hospital from April 29, 2019 until June 7, 2019, For
45 days I could not get to my legal work until June 8, 2019,
because my legal wovrk was in storage, and it took two weeks to
get back on the Law Library Call out.

3 I pray that this Hon: Court will Grant my request for an
Extension of time to file my Petition for a writ of CCertiorari

date: 6/27/2019

cc:

Queens County
District Office
125-01 Queens Boulevard
Kew Gardens N.Y. 11415


EARL WRIGHT

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 8th day of February, two thousand nineteen.

Present:

Peter W. Hall,
Susan L. Carney,
Circuit Judges,
John G. Koeltl,*
District Judge.

Earl Wright,

Petitioner,

v.

17-4059

Superintendent T. Griffin,

Respondent.


Appellant, pro se, moves for a certificate of appealability and in forma pauperis status. In May 2018, we held the motions in abeyance and ordered Respondent to file a letter brief addressing Appellant's claim that the timing of the State's disclosure of the ink cartridge had violated his constitutional rights. Upon due consideration of the record, Appellant's motions, and Respondent's letter brief, it is hereby ORDERED that the motions are DENIED and the appeal is DISMISSED because Appellant has not "made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c); *see also Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). Specifically, the failure to disclose the ink cartridge until the start of trial did not violate *Brady v. Maryland*, 373 U.S. 83 (1963), because that evidence was not favorable to Appellant, and he cannot show prejudice from the timing of its disclosure. *See Strickler v. Greene*, 527 U.S.

* Judge John G. Koeltl, of the United States District Court for the Southern District of New York, sitting by designation.

263, 281-82 (1999). Further, N.Y. C.P.L. § 240.20 did not require disclosure, and even if it did, Appellant has not established that any error under that statute had a "substantial and injurious effect or influence" on the jury's verdict that would warrant federal habeas relief. *Headley v. Tilghman*, 53 F.3d 472, 474 (2d Cir. 1995) (internal quotation marks omitted).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

 Catherine O'Hagan Wolfe

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
)ss:
COUNTY OF DUTCHESS)

I EARL WRIGHT, being duly sworn, deposes and says:

I am the above-mentioned defendant/petitioner and I have served a copy of the following papers:

LETTER MOTIOM FOR EXTENSION OF TIME

Upon the following party(ies):

CERK OF THE COURT SUPREME
COURT OF THE UNITED STATES
1 FIRST STREET N.E.
WASHINGTON, D.C. 20543

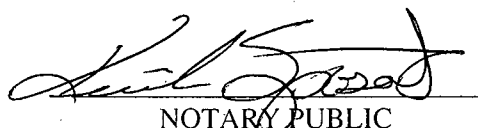
QUEENS COUNTY DISTRICT ATTORNEY
OFFICE
125-01 Queens Boulevard
KEW GARDENS, N.Y. 11415

by placing the above in a post-paid envelope and depositing it in a United States Postal Service mailbox located at Green Haven Correctional Facility, Stormville, NY 12582 on the 27 day of JUNE, 20 19 as due and sufficient service.


EARL WRIGHT

Sworn to before me this

27 day of June, 2019


NOTARY PUBLIC

KEITH J. SPOSATO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SP6248188
Qualified in Putnam County
Commission Expires September 19, 2019