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IN THE

ORIGINAL

SUPREME COURT OF THE UNITED STATES

STEPHEN NIVENS-- PETITIONER

vs.

MARYLAND PAROLE COMMISSION AND SECRETARY OF DEPARTMENT

OF PUBLIC SAFETY & CORRECTIONAL SERVICES-- RESPONDENT(S)

(JUDICIAL REVIEW CC #21-C-17-060819-AA)

Supreme Court, U.S.
FILED

JUN 14 2019

OFFICE OF THE CLERK

MOTION FOR AN EXTENSION

Now comes, STEPHEN NIVENS, #371269, **Pro Se**, and in proper person, in the above captioned case, moves pursuant to Rule 13.5, petitioner respectfully requests that the Supreme Court grant Petitioner's Motion for an Extension of **60 days** for the following reasons:

1. On June 19, 2019 this Honorable Court returned the Petitioner's application and motions to specify the amount of additional time needed and allowing him to correct his application. The Petitioner did not receive and sign for his legal mail from this Honorable Court's letter until July 3, 2019 (**2 weeks, 14 days**) due to this institutions new **legal mail procedure** of distributing legal mail and **back log** of the institutional mailroom, which is beyond the Petitioner's control and power. There are and have been many occasions where, when receiving legal mail 10 to 21 days after a dated letter, or order from a respected court or legal entity, not leaving the receiver of the legal mail enough proper time to respond to an order or deadline. The receiver of the legal mail only gets a Xeroxed copy of the envelope with the date and the metered postage cut off.

7. Petitioner has pre-existing rights and entitlements concerning the law as it existed in 1987 concerning the enactments of Md. Rule 5-101, Public Safety Article 2-501 thru 2-510, Md. DNA Collection Act, Article 88B, §12A(n), CJP, §10-915, and the amendments of §2-508, §2-510, and both Md. Rules 4-212(a) and 4-601(a), the second sentence.

8. On March 13, 2017 Petitioner filed an Administrative Remedy Procedure¹ complaint (“ARP”) against the Parole Commission which was dismissed by the Warden, the Commissioner and then the IGO (No Court Docket Entry Sheet forwarded by the Clerk of Washington County Circuit Court). The Petitioner then filed for a Judicial Review in the Washington County Circuit Court (No Court Docket Entry Sheet forwarded by the Clerk of Washington County Circuit Court). Petitioner filed a timely Application for Leave to Appeal with the Court of Special Appeals through the Circuit Court of Washington County on June 22, 2018. (SEE Appendix 4) (No Court Docket Entry Sheet forwarded by the Clerk of Washington County Circuit Court)

9. The *Ex Post Facto* Clause is within the meaning of the U.S. Constitution, Md. Constitution and Md. Declaration of Rights, Article 17 in determining whether the *ex post facto* laws are unconstitutional under the disadvantage analysis, so, the court’s must look to two factors, (1) determine whether the law applies to events that occurred before its enactment, and (2) whether the application disadvantaged the Petitioner, so, Petitioner has the right to be free from *ex post facto* laws, *ex post facto* restrictions that

¹ Administrative Remedy Procedure or ARP (DOC.185.0002 to DOC.185.004), provides a means for informal resolution of a complaint, formal presentation of the complaint to the Warden for resolution at the institutional level, and formal appeal of the Warden’s response to the Commissioner for resolution of the complaint at Division Headquarters. The Administrative Remedy Procedure is a structured procedure to resolve inmate complaints in accordance with specified procedures and within specified time frames as part of a continuum in the formal complaint process.