

Supreme court of the united states

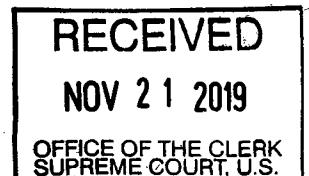
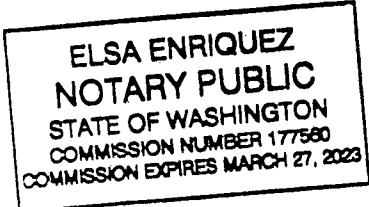
Attention: head clerk

Motion out of time

The motion should be granted for the following reason .

1. 9<sup>th</sup> circuit never sent me the order until 10/17/2019. Exhibit 3
2. The 2254 should have never became a successive
3. Do to the fact ground two attacked appellate counsel , thus the district court or
4. 9<sup>th</sup> circuit never ruled on supreme court merits . 137 s ct 2058 & 83 s ct 1194
5. Thus off of these same merits they agreed my constitutional claims where violated
6. Thus may 18, 2018 page 4 line 6 – 7-8
7. A 2244 page 2 exhibit 4 they failed to rule on it again ?
8. On docket sheet they had mandate of usca 18-35409. On there order they changed it to
9. 18-71594. On the same docket sheet it shows Wednesday,june 20,2018. Exhibit 3
10. Yet fedex delivered it . Friday 6/01/2018 at 9:19 am signed by a
11. A.AL exhibit 1 .
12. I ask the supreme court in the name of justice to allow this case to move forward .
13. I also the 9<sup>th</sup> circuit refused to act on the supreme court merits bought up on
14. Ground two . thus case .law. 537 us 3 & 568 us 289 will show the 9<sup>th</sup> circuit court errored
15. By not ruling on them.
16. The supreme court should grant a extention in the eyes of justice.
17. To grant this motion to move forward with the writ of certiorari
18. Do to the district court and 9<sup>th</sup> circuit errors on supreme court merits shown in this case
19. Respectively submitted your honors.
20. John Edward roach jr pro see
21. 5602 112<sup>th</sup> avec t e Puyallup wa 98372. Phone 253-576-3076/ 253-841-2293

John Edward Roach Jr



*Elsa Enriquez*  
11/19/19

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JAN 18 2019

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JOHN EDWARD ROACH, Jr., Esquire,

No. 18-71594

Applicant,

v.

ORDER

STATE OF WASHINGTON,

Respondent.

Before: Trott, Tallman, and Callahan, Circuit Judges.

The applicant's motions to supplement his application are granted.

The application, as supplemented by Docket Entry Nos. 2, 3, and 4, is denied. The applicant has not made a *prima facie* showing under 28 U.S.C. § 2244(b)(2) that:

(A) the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and (ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

*See Jones v. Ryan*, 733 F.3d 825, 843-44 (9th Cir. 2013) (holding that *Martinez v. Ryan*, 566 U.S. 1 (2012) did not announce a new rule of constitutional law and

cannot serve as a basis for an application for a second or successive habeas petition).

Any pending motions are denied as moot.

No further filings will be entertained in this case.

**DENIED.**

**Additional material  
from this filing is  
available in the  
Clerk's Office.**