

No. : _____

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SUPREME COURT, U.S.

MOTION TO EXTEND TIME TO FILE
PETITION FOR WRIT OF CERTIORARI

TO THE HONORABLE JUDGE OF SAID COURT,

NOW COMES, Ronald C. Washington, Petitioner, in the above-named case, hereby files this Motion to Extend Time to file Petition for Writ of Certiorari. As justification for this request for an extension of time the Petitioner states the following:

I.

The unit has been placed on lockdown starting August 18, 2021, for approximately 30 days, due to an overdose and a fatal stabbing. All of which occurred within hours of each other.

II.

Petition for Rehearing En Banc was denied on July 23, 2021, in the Fifth Circuit. Original due date would have been on or about October 23, 2021. Petitioner asks this court to extend due date to November 23, 2021 or the time allowed under Rule 30 of the U.S. Supreme Court Rules.

III.

He has no direct access to Unit Law Library for thorough research. As of now, research informatin and material are limited to three (3) items at a time, issued on Monday, Wednesday and Friday during late evening mail call. Mail is hand delivered to the cells. Furthermore, to shepardize a case, counts toward one (1) of the three (3) items ordered. The shepardized case will be ordered on the next order to be received on the order following that one on the next delivery day. A shepardized case would take 5 days to receive. This process is very time consuming and arduous when working from a cell with another inmate present.

IV.

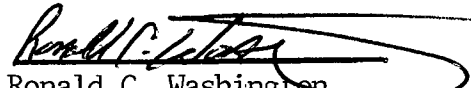
More time is needed to produce and present material evidence to the court and make a substantial showing of the denial of a Constitutional right. 28 USC

2253(c)(2). The evidence to be provided will show that Petitioner was time-barred through no fault of his own and extraordinary circumstance(s) prevented the timely filing.

V.

Petitioner can and will show the nature of his case, and state when and how the information was discovered.

Respectfully submitted,



Ronald C. Washington

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing MOTION TO EXTEND TIME TO FILE PETITION FOR WRIT OF CERTIORARI was mailed out in a pre-paid envelope on August 23, 2021, to the following:

U.S. Supreme Court
One 1st St. NE
Washington, DC 20543

Asst. Atty. General
Casey Solomon
P.O. Box 12548
Capitol Station
Austin, TX 78711


Ronald C. Washington
Beto Unit
TDCJ#1839046
1391 FM 3328
Tenn. Colony, TX 75880

United States Court of Appeals
for the Fifth Circuit

No. 20-20299

United States Court of Appeals
Fifth Circuit

FILED

April 28, 2021

Lyle W. Cayce
Clerk

RONALD CHARLES WASHINGTON,

Petitioner—Appellant,

versus

BOBBY LUMPKIN, DIRECTOR, TEXAS DEPARTMENT OF
CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:18-CV-95

ORDER:

Ronald Charles Washington moves for a certificate of appealability (“COA”) to appeal the dismissal of his 28 U.S.C. § 2254 petition, asserting that the district court erred by declining to equitably toll the statute of limitations.

To obtain a COA, a movant must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *see Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Where, as here, the district court has denied a request for habeas relief on procedural grounds, the movant must show that jurists of reason could find it debatable both whether “the petition

states a valid claim of the denial of a constitutional right” and whether “the district court was correct in its procedural ruling.” *Slack*, 529 U.S. at 484. Washington has not met this standard.¹

Accordingly, IT IS ORDERED that the motion for a COA is DENIED; Washington’s other pending motions are DENIED as moot.

/s/ Catharina Haynes
CATHARINA HAYNES
United States Circuit Judge

¹ In fact, Washington concedes that “jurists of reason would NOT find it debatable whether the district court was correct” in concluding that his petition was time-barred, as he had not provided any evidence warranting equitable tolling to the district court. Although he now submits materials purporting to show that he encountered difficulties in getting certain state court records, our court does not consider new evidence on appeal. *Theriot v. Parish of Jefferson*, 185 F.3d 477, 491 n.26 (5th Cir. 1999). That rule is especially pertinent here, as Washington does not meaningfully explain why he did not present these materials—which apparently relate to events in the first eight months of 2017—to the district court in connection with his filings in December 2017.

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Respondent—Appellee.

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ON PETITION FOR REHEARING EN BANC

Before STEWART, HAYNES, and HO, *Circuit Judges.*

PER CURIAM:

Treating the petition for rehearing en banc as a motion for reconsideration (5TH CIR. R. 35 I.O.P.), the motion for reconsideration is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing en banc (FED. R. APP. P. 35 and 5TH CIR. R. 35), the petition for rehearing en banc is DENIED.