

No:-----

IN THE
SUPREME COURT OF THE UNITED STATES

NAWAZ AHMED – PETITIONER

Vs.

TIM SHOOP, WARDEN, RESPONDENT

**APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR
CERTIORARI per 28 U.S.C. § 2101(c) and Rule 22 & Rule 13.5
TO THE HON. CIRCUIT JUSTICE FOR THE SIXTH CIR. COURT OF APPEALS**
SIXTH CIR. CASE 20-4302

NAWAZ AHMED,
A404511,
Prisoner, Pro Se, Petitioner,
Chillicothe Correctional Institute,
P.O.Box 5500
Chillicothe, OHIO 45601.

Case no;-----

IN THE
SUPREME COURT OF THE UNITED STATES

NAWAZ AHMED – PETITIONER

Vs.

TIM SHOOP, WARDEN, RESPONDENT

APPLICATION FOR EXTENSION OF TIME per 28 U.S.C. § 2101(c),

Rule 22 and Rule 13.5 TO FILE PETITION FOR CERTIORARI

FOR SIXTH CIR. CASE 20-4302.

1. Petitioner pro se Nawaz Ahmed seeks 60 days extension for good cause supported by specific reasons to justify the extension of time, per Rule 13.5 and Rule 22 and 28 U.S.C. § 2101(c) to file single Petition for Certiorari [per Rule 12.4-- two or more judgments of Sixth Cir Court of Appeals involving identical questions, if a related Rule 22 Application is granted involving four similar Orders filed in appeal case 20-4187 and appeal case 21-3095], but primarily the final Orders filed in appeal case 20-4302 filed on 12/07/21 (Ex."A") and 07/30/21 (Ex."B"), reviewable under jurisdiction per 28 USCS § 1254(1); Court of Appeals for the Sixth Circuit, in appeal case 20-4302 "*erroneously denied appellate jurisdiction*" to review the "**pending motions not ruled upon** [thus implicitly denied] by the district court in case 2:07-cv-658 before prematurely dismissing the capital habeas 28 USCS § 2254 case, *without adjudicating all available claims* (see, Ecf.196) filed in currently pending First jurisdictionally sound appeal case 20-4153.

2. The Petitioner request for 60 days extension as good cause supported by specific reasons justify the extension of time, per Rule 13.5 and Rule 22 and 28 U.S.C. § 2101(c) due to compelling good reasons shown, listed below:

(a) Petitioner is a prisoner on Ohio Deathrow with ADA recognized medical and physical disability but illegally denied right to appeal counsel, statutorily mandated under 28 U.S.C.S. § 2254(h), 18 U.S.C. § 3006A(d)(7) and 18 U.S.C.S. § 3599(e).

(b) Petitioner is currently under ADA recognized medical and physical disability with impaired vision due to un-operated cataract, Cardiac, Diabetic complications, thus slow to work pro se on required legal pleadings to fight for his life, liberty by these impairments, and

(c) Recently the CCI-DR-1 block has been under collective quarantine, cancelling all activities and programs due to few inmates tested positive under changed DRC quarantine policy, likely may happen again,

(d) Petitioner's eye-sight has considerably reduced due to un-operated cataract due to limits imposed by medical costs control measures and due to diabetic complications, possible diabetic retinopathy, above 8.1 A1C, complicated by cuts in nurses staff to timely administer insulin,

(e) Petitioner is denied appeal counsel mandated by under 28 U.S.C.S. § 2254(h), 18 U.S.C. § 3006A(d)(7) and 18 U.S.C.S. § 3599(e) to prepare and file a timely petition for certiorari in this case because Circuit Clerk and the Court failed to appoint conflict-free appeal counsel in appeal case 20-4302 and in all other appeal cases, Sixth Cir. is quick to dispose off without due process, without fair and just appellate proceedings, often by "*sua sponte erroneous finding of lack of appellate jurisdiction*" as in this case 20-2304,

(f) Petitioner is also required to file a pro se brief in sixth circuit appeal case 22-3039 without any appointed appeal counsel, even when he has statutory right to counsel per 28 U.S.C.S. § 2254(h), 18 U.S.C. § 3006A(d)(7) and 18 U.S.C.S. § 3599(e),

(g) Petitioner also request that Hon. Circuit Justice and or the court to review his separately filed on same date, the Rule 21, 22, 14.5 Request to treat his timely 08/16/21 submission be treated as petition for Certiorari, as argued in Motion involving exactly similar Orders based upon, “**erroneous sua sponte denial of appellate jurisdiction**” filed in cases 20-4187 and case 21-3095. In case that motion is granted, then Petitioner can file a timely joint-single Petition For Certiorari for cited above three appeal cases as per Rule 12.4 [two or more judgments having identical common question of erroneous denial of appellate jurisdiction by Sixth Cir. in cases 21-3095 and case 20-4187] **and this case 20-4302.**

(h) An Amended Notice of Appeal along with Motion to remand for lack of finality of district court Orders argued in (Ecf.196) remain pending in First Jurisdictional sound Appeal case 20-4153, from purportedly final orders filed in (Ecf.156,194) because district court prematurely dismissed the capital habeas case 2:07-cv-658 *without adjudicating all available claims*. Due to that dismissal of entire capital habeas case, the sixth Cir. **had jurisdiction to review all pending Motions not ruled upon by the district judge**, as argued but ignored in timely Petition for Rehearing filed in case 20-2304. See Ahmed v. Shoop, 2021 U.S. App. LEXIS 22755(6th Cir., July 30,2021)(On September 21, 2020, the district court denied the habeas petition. He appealed the judgment (**No. 20-4153, pending**).

(i) Because FRAP 3 and FRAP 4 only required listing the orders and not the Motions not ruled upon by the district court before prematurely dismissing the capital habeas case. Notice of appeal

filed in case 4187, 21-3095 and 20-4302 could only list orders. When district judge intentionally failed to rule upon all pending Motions and Objections, before prematurely dismissing the case. Sixth Cir. Failed to follow the supreme court precedence cited below:

See, Ayestas v. Davis, 138 S. Ct. 1080(2018)(held at (a) 28 U. S. C. §§1291, 2253, and 1254 confer jurisdiction to review decisions [implicitly or explicitly] made by a district court in a judicial capacity’).

Panetti v. Quarterman, 551 U.S. 930, at 940-941,n.10(2007)(Finally, although it might have been better for the state court to rule explicitly on outstanding motions, it *implicitly denied them by dismissing his claim.*).

Noel v. Guerrero, 479 Fed. Appx. 666,669(6th Cir.,2012)(The district court's order of dismissal constituted an implicit denial of Noel's *pending motion* for the appointment of counsel).

See *Wimberly v. Clark Controller Co.*, 364 F.2d 225, 227 (6th Cir. 1966).

CONCLUSION

Petitioner respectfully pray for 60 days additional time per 28 U.S.C. § 2101(c), Rule 22 & Rule 13.5 Application/Motion to Circuit Justice be granted.

Respectfully Submitted



(NAWAZ AHMED)

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Chillicothe, OH 45601

Dated: February 16th ,2022.