

IN THE SUPREME COURT OF THE UNITED STATES

BARRY SLAKMAN,

DOCKET NO.:

v.

STATE BOARD OF PARDONS & PAROLES;

HONORABLE CLARENCE

TERRY BARNARD, CHAIRMAN - STATE

TOMAS, JUSTICE

BOARD OF PARDONS & PAROLES.

APPLICATION FOR TIME EXTENSION TO FILE PETITION
FOR CERTIORARI AND AUTHORITY TO PROCEED UNDER
RULES FOR PRO SE INCARCERATED PRISONERS

COMES NOW PETITIONER ~~BARRY~~ SLAKMAN who, pursuant to the Court Rules, moves for a time extension in which to file his Petition for Certiorari and for approval to proceed under those Court rules pertaining to pro se incarcerated prisoners. In support thereof, Petitioner Slakman ("Slakman") shows and states:

1.

The Court has jurisdiction to hear and authorize the requested action under 28 USC 1254 (1) and Court Rules 22. and 30.2.

2.

Slakman will file his Petition for Certiorari as a pro se incarcerated prisoner. Slakman is incarcerated at Dodge State Prison in Chester, Ga.

3.

Slakman's Petition for Cert addresses the denial by the Eleventh Circuit Court of Appeals of his Complaint asserting violation of his Ex Post Facto and Equal Protection rights (copy enclosed with original of motion, 2021 US App Lexis 32541 (2021)) and subsequent denial on Dec. 30, 2021 of Slakman's rehearing motion (copy enclosed with original of motion). Slakman avers that the Circuit Court's decision is contrary to significant decisions by this Court and that, if left as is, the Circuit Court decision would also create a monumental upending of requirements for a Complaint to withstand a motion under F.R. Cr.P. 12(b)(6), failure to state a claim upon which relief can be granted.

4.

Slakman's need for additional time in which to file his Petition for Cert is the result of several factors including effect of Covid 19 pandemic:

- (i) As of March 14, 2022, Slakman is still waiting for a response from the Clerk's Office of this Court to his Feb. 21, 2022 letter asking whether he can file under the Court's rules for ~~pro se~~ incarcerated prisoners and for several copies of the paper application for cert.
- (ii) The dorm in which Slakman is domiciled was quarantined for 3 weeks in Feb. because of Covid 19-infected individuals. No one was allowed except for medical appointments.
- (iii) Dodge Prison regularly now has only 2-4 officers running daily operations (300 prisoners). As a result, the law library is only available for use approx. 6 hr./week compared to the 24 hr./week minimum stated in Ga. Dept. Corrections Policy 222.03 - Access To Courts.

(iv) Ga. prisoners do not have access to legal materials except through the law library. Dodge Prison's law library has only 3 chromebooks to research any law/cases occurring after 1998 which is the date law book updates stopped. Per policy, computer research may be, and recently has been, limited to 30 mins./prisoner to accommodate all requesting users. Further, printing and copy service isn't regularly provided; paper copies usually done by hand.

The cumulative impact of these impediments has greatly slowed Slakman's ability to complete the Petition for Cert within 90 days. Although his research is now completed, Slakman must still acquire documents to include in the Appendices to his Petition and necessary copies thereof. He must mail them to a son to copy and then resend copies to Petitioner in prison.

5.

Slakman plans to file as a pro se incarcerated prisoner. However, he has sufficient funds to pay the \$300 filing fee and can't honestly act in forma pauperis. The Court Rules don't appear to categorize these factors -- pro se incarcerated, but not in forma pauperis. Further, with no printing or copying services available in Ga. prisons, Slakman cannot provide his Petition in a booklet form, much less 40 copies thereof.

CONCLUSION

WHEREFORE, in consideration of the impediments described above, Petitioner Barry Slakman, respectfully, asks the Honorable Clarence Thomas to (a) approve a 18 day time extension (until April 23, 2022) in which to file

and serve his Petition for Certiorari, and (b) to allow Shakman to proceed as a pro se, incarcerated prisoner under the Court's Rules 12.2, 13.5, 29, and 33.2.

Respectfully submitted,

This the 15th day of March, 2022.

Barry Shakman

Barry Shakman, pro se

DOC 788860

Dodge State Prison

P.O. Box 276

Chester, Pa. 31012