

# LARRY W. KIMES

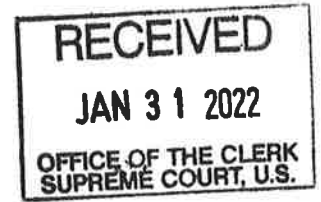
Telephone  
(214) 315-8328

2225 Normandy Drive  
Irving, Texas 75060-5031

Facsimile  
(214) 279-2677

lwkimes@outlook.com

Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543



Re: Motion to Extend Time under Supreme Ct R 30(4)

Fifth Circuit Case No. 20-50251, styled United States v. Larry Wayne Kimes

Cases in the Western District of Texas, San Antonio Division are 5:12-CR-886-2 and

Dear Sir or Madam:

I am a 71-year-old *pro se* prisoner litigant. I am also bewildered. I need more time to prepare and file an application for a writ of certiorari.

I understand that the pleadings of *pro se* parties are to be given broad latitude, so please forgive my ignorance of the filing deadlines.

In the application for the writ, I will be asking the Supreme Court to remand my case to the district court or the court of appeals and order one or the other to issue an opinion that addresses all of the claims I have made. Their opinions were noticeably short, contained much boilerplate, and failed to address any of the issues in my filings. Such short and meaningless opinions make it virtually impossible to prepare either an application for a certificate of appealability in the Fifth Circuit or an application for a writ of certiorari in this Court.

I was a certified public accountant. I was coerced into pleading guilty on January 16, 2014, to Klein Conspiracy and Conspiracy to Commit Mail Fraud. I was sentenced to twelve years. I am actually innocent, and I will prove it if given a chance.

On July 12, 2016, I filed a Section 2255 Motion in the district court. It was denied. I appealed the denial, but the application for a certificate of authority was denied. I did not appeal to this Court because I was in prison and had insufficient resources.

On November 27, 2018, I filed a Rule 60 Motion asking the district court to reverse my conviction based on procedural errors only.

On March 6, 2020, the motion was denied in a three-page opinion that addressed none of the procedural issues, including the failure of the district court to

omit four of the required sections of Fed. R. Civ. P. 11 and a request to file an out-of-time appeal based on ineffective assistance of appellate counsel for filing an *Anders* brief and then withdrawing. The Rule 11 violations should have been appealed.

I appealed to the Fifth Circuit and filed an application for a certificate of authority ("COA").

On July 30, 2020, I filed an application for a COA and a brief in support.

On September 20, 2021, the Panel denied the application for a COA in a three-page opinion that told me nothing about any of the issues raised.

I filed a motion for reconsideration.

On October 18, 2021, the motion for reconsideration was denied.

On December 7, 2021, the Panel denied my Petition for Panel Rehearing/Motion for Reconsideration.

On January 17, 2022, I filed a petition for *en banc* rehearing. I was told the next day that no action would be taken because the petition was untimely.

I called the Fifth Circuit today and was told the 45 days began to run on the date of the judgment, which was September 20, 2021. I mistakenly believed that the time to file the motion for rehearing was 45 days more and that I also had 45 days to file a petition for *en banc* rehearing, when it is just 14 days.

I am not sure if I needed to file a notice of appeal in the Fifth Circuit (I do not think I do).

If the 90 days to file an application for a writ of certiorari began on the date of the judgment, I have also run out of time.

#### Mitigating Circumstances:

I am a pro se litigant. I was confused by the deadlines.

I have had numerous medical and chronic pain issues for several years, which I will document if necessary. I was treated for chronic pain issues in UT Southwestern Hospital between December 10 and December 16.

I had a massive water leak in my home on September 16, 2021, and on October 1, 2021, I had to move to a hotel for the repairs to begin. I did not move back to my house until December 21, 2021.

Given the circumstances, I have had many problems that have prevented me from functioning as well as I should have.

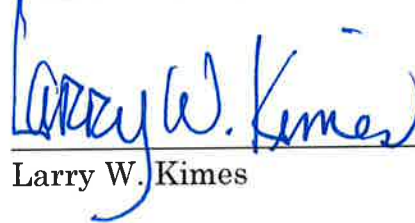
I request that I receive an extension of time for 90 days to file the application for the writ of certiorari.

The Government will not be prejudiced by the granting of this request.

If you have any questions or comments, please contact me at your convenience.

Thank you.

Respectfully requested,

A handwritten signature in blue ink, reading "Larry W. Kimes", is written over a horizontal line. The signature is fluid and cursive.

Larry W. Kimes

cc: Mr. Joseph H. Gay, Jr.  
Assistant United States Attorney  
601 N.W. Loop 410  
Suite 600  
San Antonio, Texas 78216