

IN THE UNITED STATES SUPREME COURT

Demarcus Antonio Taylor*1996790
Appellant-Petitioner (pro se)

Vs.

App No. 20-11192
Dist Ct. No. 3:17-CV-1153,

Lumpkin Director-(TDCJ-CID)
Respondent-Appelle

MOTION FOR ENLARGEMENT OF TIME TO
FILE A WRIT OF CERTIORARI

Mr. Taylor recently filed and instant motion under Fed R. Civ P. Rule 60(b)(6) and Rule 60(d)(3) in the United States District Court for the Northern District of Texas Dallas Division. Motion was filed on 1-23-2022.

And on 2-4-2022, Petitioner filed in the U.S. 5th Cir. Court of Appeals New Orleans Louisiana, a motion to stay or recall mandate.

Petitioner does not make this motion for the purpose of [DELAY], nor will the government be prejudiced by the granting of it. Moreover, Mr. Taylor believes that [GOOD CAUSE EXISTS] because of the following:

- 1). If an enlargement of time to file a writ of certiorari is (NOT) granted he will be unable to add such claims to his writ in this Court, his claim the Dallas District Attorney had perpetrated a FRAUD ON THE COURTS-, when it invoked its PROCEDURAL DEFAULT defense against Mr. Taylor, as pro se petitioner, his Due Process claim that the evidence was insufficient to support possession of cocaine in an amount of 4-grams or more but (LESS) than 200-grams.
- 2). Petitioner attached a copy of an unpublished opinion from the Court of Criminal Appeals- Ex parte Charles Ray Anderson. No. AP-75,509 (Tex. Cr. App. 2006), in which the Court granted his writ on a claim that the (EVIDENCE-WAS-INSUFFICIENT)

Wherefore, above premises considered, Mr. Taylor prays this court grant this motion in the nature of fairness and equity, a 90-day extension of time.

Respectfully submitted on Feb.8,2022, by:

Demarcus A. Taylor 2-8-2022
Demarcus A. Taylor*1996790
Coffield Unit
2661 FM 2054
Tenn.Colony,Tx.75884

CERTIFICATE OF SERVICE

I hereby certify that on Feb.8,2022, I placed the original motion in the legal mailing system as made available to inmates via U.S. mail, properly addressed, and first-class postage prepaid too;

CLERK
U.S. Supreme Court
Washington, D.C.20543-0001

Demarcus A. Taylor
Demarcus A. Taylor

Mr.Demarcus A. Taylor*1996790
Coffield Unit
2661 FM 2054
Tenn.Colony,Tx.75884

CLERK
U.S. Supreme Court
Washington, D.C.20543-0001

Date:2-8-2022

Taylor v.Lumpink.App.No.20-11192 [Dist. Ct.No.3:17-CV-1153] 28 USC 2254
Motion for Enlargement of Time to file a Writ of Certiorari

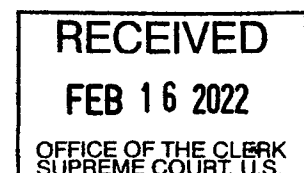
Dear clerk:

Enclosed for filing you will find the original motion for enlargement of time to file a writ of certiorari. Would you pleas file said motion before the court for a ruling on said matter. The District Court has granted IFP, and he is requesting that he be able to file said motion IFP in this Court.

Thank you for your time in this matter

Respectfully submitted on Feb.8,2022.

Demarcus A. Taylor 2-8-2022



United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 9, 2021

Lyle W. Cayce
Clerk

No. 20-11192

DEMARCUS ANTONIO TAYLOR,

Petitioner—Appellant,

versus

BOBBY LUMPKIN, *Director, Texas Department of Criminal Justice,*
Correctional Institutions Division,

Respondent—Appellee.

Application for Certificate of Appealability from the
United States District Court for the Northern District of Texas
USDC No. 3:17-CV-1153

ORDER:

Demarcus Antonio Taylor, Texas prisoner # 01996790, seeks a certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. § 2254 petition challenging his conviction of possession with intent to deliver cocaine in a drug-free zone and his enhanced sentence. He contends that his trial counsel rendered ineffective assistance and that the district court's failure to review his insufficiency-of-the-evidence claim results in a miscarriage of justice.

To obtain a COA, Taylor must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *see Miller-El*

No. 20-11192

v. Cockrell, 537 U.S. 322, 336 (2003). When the district court has denied relief on procedural grounds, the prisoner must show “that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). When constitutional claims have been rejected on the merits, the prisoner must show “that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Id.* Taylor fails to make the necessary showing.

Accordingly, his motion for a COA is DENIED.

/s/ Leslie H. Southwick
LESLIE H. SOUTHWICK
United States Circuit Judge