

IN THE SUPREME COURT  
OF THE UNITED STATES

JOHN P. TOMKINS, )  
Petitioner, )  
v. ) No. \_\_\_\_\_  
UNITED STATES OF AMERICA, )  
Respondent. )

MOTION FOR AN EXTENSION OF TIME

NOW COMES the pro se petitioner, John P. Tomkins, and hereby moves the Honorable Court for an extension of time to file a petition for a writ of certiorari from the final order entered on November 9, 2021, by the United States Court of Appeals for the Seventh Circuit in the case of John P. Tomkins v. United States of America, appeal no. 21-1615. In support thereof, Petitioner states as follows:

Petitioner is currently incarcerated at the federal correctional institution located in Pekin, Illinois. On January 26, 2022, Petitioner's housing unit was placed on locked down/quarantine status due to an inmate having tested positive for the COVID-19 virus. See enclosed.

On January 31, 2022, all inmates on Petitioner's housing unit tested negative, which resulted in the quarantine status being lifted. However, the housing unit, along with all Bureau

of Prisons' facilities, being locked down due to the gang violence that resulted in the death of two inmates at the United States Penitentiary in Beaumont, Texas. See enclosed.

As a result of these two events, Petitioner is unable to finalize his petition for a writ of certiorari or to make the required copies so the petition can be properly served and filed before the 90-day deadline runs out.

Wherefore, the petitioner respectfully moves the Honorable Court to extend the filing deadline in this case by 30 days or until March 9, 2022.

Respectfully submitted this 4<sup>th</sup> day of February 2022 by:



John P. Tomkins #18421-424

Federal Correctional Institution  
P.O. Box 5000  
Pekin, Illinois 61555

#### CERTIFICATE OF SERVICE

The pro se petitioner, John P. Tomkins, hereby certifies under the penalty of perjury that he served a true and correct copy of this motion on the U.S. Solicitor General by placing said copy in a first-class postage prepaid envelope and depositing same in the "legal mail" system at FCI - Pekin on this 4<sup>th</sup> day of February 2022.

United States Court of Appeals  
For the Seventh Circuit  
Chicago, Illinois 60604

Submitted October 6, 2021  
Decided October 20, 2021

**Before**

FRANK H. EASTERBROOK, *Circuit Judge*

DIANE P. WOOD, *Circuit Judge*

No. 21-1615

JOHN P. TOMKINS,  
*Petitioner-Appellant,*

Appeal from the United States District  
Court for the Northern District of  
Illinois, Eastern Division.

*v.*

UNITED STATES OF AMERICA,  
*Respondent-Appellee.*

No. 16-cv-7073

Robert M. Dow, Jr.,  
*Judge.*

**O R D E R**

John Tomkins has filed a notice of appeal from the denial of his motion under 28 U.S.C. § 2255 and a request for a certificate of appealability. This court has reviewed the final order of the district court and the record on appeal. We find no substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

Accordingly, the request for a certificate of appealability is **DENIED**.

United States Court of Appeals  
For the Seventh Circuit  
Chicago, Illinois 60604

November 9, 2021

Before

FRANK H. EASTERBROOK, *Circuit Judge*

DIANE P. WOOD, *Circuit Judge*

No. 21-1615

JOHN P. TOMKINS,  
*Petitioner-Appellant,*  
  
*v.*  
  
UNITED STATES OF AMERICA,  
*Respondent-Appellee.*

Appeal from the United States  
District Court for the Northern  
District of Illinois, Eastern  
Division.  
  
No. 16-cv-7073  
Robert M. Dow, Jr., *Judge.*

Order

Petitioner-Appellant filed a petition for rehearing on November 8, 2021. Both of the judges on the panel have voted to deny rehearing. The petition for rehearing is therefore DENIED.