

IN THE SUPREME COURT OF THE UNITED STATES
JANUARY, 2022, TERM

APPLICATION FOR EXTENSION OF TIME TO
FILE PETITION FOR CERTIORARI
FROM THE SECOND CIRCUIT COURT OF APPEALS

Daniel Jones,

Petitioner,

v.

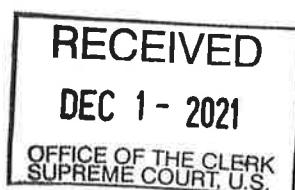
Andrew M. Cuomo, New York ~~State~~ Governor,
Brian S. Fischer, Commissioner of Department of
Corrections and Community Supervision, Sandy
Hamlin, Administrative Assistant, Donna Hall,
Acting Associate Commissioner, Office of
Mental Health, Cortney Bulter, Licensed
Clinical Social Worker, Office of Mental Health,
Katrina Colistra, Doctor of Psychology, Naomi
Harrington, Director, Office of Mental Health,
Melinda Buckey, Office of Mental Health,

Defendants-Respondents

TO: Honorable Sonia Sotomayor, Associate Justice of the Supreme
Court of the United States and Circuit Justice of the Second
Circuit.

Application is hereby made pursuant to Title 28 United States
Code, Section 2101(c) Rule 13, 21, 22, 30, and 33.2 of the Rules
of the Supreme Court of the United States, for an extension of
time within which to file a petition for a writ of certiorari, from
December 2, 2021, to and include January 30, 2022.

1.



1. The Order of the Court of Appeals for the Second Circuit sought to be reviewed is that of Jones v. Cuomo, et al., Court Docket Number : 20-2174, entered June 22, 2021. (Appendix "A").

2. A Motion for extension of time to file petition for rehearing or rehearing en banc, granted , filed by August 5, 2021.

3. A timely petition for rehearing or rehearing en banc was filed and relief denied on September 2, 2021. (Appendix "C").

4. The jurisdiction of this Court is invoked under the provisions of 28 U.S.C. Section 1254(1).

5. Petitioner respectfully submits this application to file a writ of certiorari , as a civilly confined resident at Central New York Psychiatric Center, Marcy, New York for an extension of time and in the interest of justice based on the circumstances he has been confronted with in getting his legal papers timely filed in the courts.

6. From the onset of Petitioner seeking an appeal in the Court of Appeals for the Second Circuit, he has been hindered with not receiving court documents in a timely manner, to not receiving them at all. Further, Petitioner's legal papers were not timely sent by the institution or were never received by the Clerk for the Court of Appeals.

7. Additionally, because of COVID-19, the use of the facility law library has been extremely limited, obtaining copies and mailing likewise has been hindered by the facility. Based thereon, Petitioner has submitted a request for copying his writ and affixed exhibits on November 19, 2021. Presently Petitioner does not know when his legal papers will be copied and mailed out in a

timely and arrive at the Clerk's Office within 90 days after the entry of the order denying review.

8. For the aforesaid reasons and to protect his interest in having this Court review his request for certiorari, Petitioner respectfully request an extension of time recognizing the Thanksgiving holiday and the slow delivery of the U.S. Mail. As the 90 days time limit has not expired from the issuance of the panel's opinion, Petitioner respectfully request the relief herein.

9. The principle issues that Petitioner will present for review is whether:

- (a). THE SECOND CIRCUIT COURT OF APPEALS DECISION THAT WAS BASED SOLELY ON DENIAL OF A MOTION FOR APPOINTMENT OF COUNSEL, WARRANT DISMISSAL OF APPEAL PURSUANT TO 28 U.S. § 1915(e)
- (b). THE SECOND CIRCUIT COURT OF APPEALS DECISION CONFLICTS WITH OTHER CIRCUIT COURT DECISIONS FOR DISMISSAL OF APPEAL BASED SOLELY ON A MOTION FOR APPOINTMENT OF COUNSEL

10. This extension is necessary to protect Petitioner's access to the Court that is meaningful, proceeding pro se, civilly confined and have to depend on the facility to process his application for obtaining copies and then to mail them in a timely manner, and to present these highly important federal questions that conflict with decision of other United States court of appeals and the importance of this case will have a bearing on others similarly situated.

CONCLUSION

For the reasons stated above, Petitioner respectfully requests that the Court grant an extension of time to file writ of certiorari, together such other and further relief the Court deems just and proper.

Dated: November 20, 2021
Marcy, New York

By: 
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VIA FIRST CLASS MAIL
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