

APPEAL NO. _____
IN THE
UNITED STATES SUPREME COURT

GREGORY C. KAPORDELIS,

PETITIONER - APPELLANT,

v.

RODNEY MYERS (WARDEN),

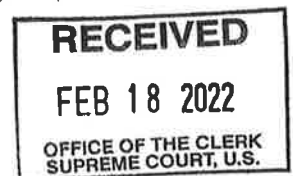
RESPONDENT - APPELLEE.

APPLICATION FOR EXTENSION OF TIME TO FILE
A PETITION FOR WRIT OF CERTIORARI

PURSUANT TO THIS COURT'S RULES 13.5 AND 30.2,
PETITIONER KAPORDELIS PRAYS TO THE SUPREME COURT JUSTICE
ASSIGNED TO THE U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT
FOR A 60-DAY EXTENSION OF TIME TO FILE A PETITION FOR WRIT
OF CERTIORARI IN THIS COURT. THE CASE TO BE APPEALED FROM
HAS BEEN ASSIGNED APPEAL NO. 19-30968 BY THE U.S. COURT
OF APPEALS FOR THE FIFTH CIRCUIT.

1. TIMELINESS, JURISDICTION, AND OPINION BELOW:

ON NOVEMBER 2, 2021, A THREE-JUDGE PANEL IN THE
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT ISSUED A
COMPREHENSIVE OPINION AND ORDER DENYING RELIEF IN THE



ABOVE CAPTIONED CASE. (ATTACHED AS ATT. A). ON DECEMBER 21, 2021, THE SAME PANEL DENIED KAPORDELIS'S PETITION FOR REHEARING EN BANC. (ATTACHED AS ATT. B). A PETITION FOR WRIT OF CERTIORARI WOULD BE DUE, PURSUANT TO THIS COURT'S RULES 13.1, 13.3, AND 30.1, ON OR BEFORE MARCH 21, 2022. THIS APPLICATION FOR AN EXTENSION OF TIME IS BEING FILED MORE THAN TEN DAYS BEFORE THAT DATE. SEE SUPREME COURT RULE 30.2. THE JURISDICTION OF THIS COURT IS INVOKED UNDER 28 U.S.C. § 1254(1).

2. REASONS FOR GRANTING THE EXTENSION:

THE UNDERLYING CIVIL ACTION WAS FILED IN THE DISTRICT COURT, WESTERN DISTRICT OF LOUISIANA, PURSUANT TO 28 U.S.C. § 2241. KAPORDELIS V. MYERS, CASE NO. 2:19-CV-275. IN HIS HABEAS PETITION, KAPORDELIS SOUGHT TO OVERTURN A DISCIPLINARY CONVICTION OBTAINED WHILE INCARCERATED AT FCI-OAKDALE, AND WHICH RESULTED IN A LOSS OF 27 DAYS OF GOOD CONDUCT TIME.

THE PROCEDURAL HISTORY OF THIS CASE IS ADEQUATELY PRESENTED IN THE FIFTH CIRCUIT'S COMPREHENSIVE OPINION AND ORDER (ATT. A, SECTION I), AND NEED NOT BE REPEATED HERE. SUFFICE IT TO SAY THAT THE SUPREME COURT'S DISCRETIONARY GRANT OF A WRIT OF CERTIORARI IS PROPERLY SOUGHT BECAUSE THE FIFTH CIRCUIT'S DECISION EVISCERATES THIS COURT'S PURPOSE FOR REQUIRING A WRITTEN STATEMENT OF THE FACTS AND LEGAL RATIONALE THAT THE DISCIPLINARY HEARING

OFFICER ("DHO") RELIED ON TO FIND KAPORDEUS GUILTY OF A SERIOUS CODE VIOLATION, WHERE IT DENIES RELIEF BY (i) GIVING DISPOSITIVE WEIGHT TO EVIDENCE THE DHO CLEARLY REJECTED, AND (ii) IGNORING THE DHO'S EXPLICIT LEGAL RATIONALE FOR FINDING KAPORDEUS GUILTY. AS KAPORDEUS ARGUED IN HIS PETITION FOR REHEARING EN BANC, THE PANEL DID PRECISELY WHAT THE SUPREME COURT HAS FORBIDDEN WHEN IT COMES TO REVIEWING THE DHO'S DECISION: "IT UNTETHERED ITS 'SOME EVIDENCE' ANALYSIS FROM THE DHO'S SPECIFIC FACTUAL FINDINGS AND SPECIFIC LEGAL RATIONALE IN ORDER TO CONCLUDE THAT KAPORDEUS WAS GUILTY BASED ON EVIDENCE - THE STATEMENT ATTRIBUTED TO DR. RUSSELL - THAT WAS DELIBERATELY EXCLUDED FROM THE DHO'S DECISION." (PET. FOR REHEARING EN BANC AT 10).

3. THE NEED FOR AN EXTENSION OF TIME:

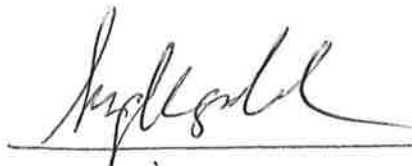
KAPORDEUS REQUEST THE 60-DAY EXTENSION OF TIME TO FILE HIS PETITION IN THIS COURT BECAUSE OF THE INCAPACITATING EFFECTS OF A COVID-19 OUTBREAK AT FCI-OAKDALE, I.E., A LOCK-DOWN WHICH BEGAN ON JANUARY 3, 2022, AND CONTINUES TO THIS DAY. IN SHORT, KAPORDEUS HAS BEEN CONFINED TO HIS 8X10 FT CELL FOR MORE THAN A MONTH, WITH ONLY 3-HOURS PER WEEK OF "OUT OF CELL" TIME FOR PURPOSES OF SHOWERING, COMMUNICATING WITH FAMILY, CLEANING/SANITIZING THE CELL, ETC. THIS STRICT LOCK-DOWN HAS PREVENTED KAPORDEUS FROM ACCESSING THE LAW LIBRARY TO RESEARCH HIS ARGUMENTS, AND FROM THE TYPEWRITER TO TYPE HIS PETITION (AND/OR THIS APPLICATION).

MAKING MATTERS WORSE, INMATES HERE AT FCI - OAKDALE WERE SUBJECTED ON JANUARY 31, 2022, TO A "NATION-WIDE BOP LOCKDOWN" OF A MORE STRICT NATURE (NO PHONE CALLS OR E-MAILS TO FAMILY) THAT IS STILL UNDERWAY.

CONCLUSION

WHEREFORE, APPLICANT-PETITIONER RESPECTFULLY REQUESTS THAT AN ORDER BE ENTERED EXTENDING BY 60 DAYS THE TIME WITHIN WHICH HE MAY FILE IN THIS COURT A PETITION FOR WRIT OF HABEAS CORPUS.

SUBMITTED THIS 6TH DAY OF FEBRUARY,
2022, UNDER PENALTY OF PERJURY PURSUANT
TO 28 U.S.C. § 1746,



GREGORY C. KAPPADEKIS, PRO SE
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NO COPIES CAN BE OBTAINED DUE TO LOCK-DOWN.