

MAR 03 2022

OFFICE OF THE CLERK

UNITED STATES SUPREME COURT

UNITED STATES OF AMERICA,
Plaintiff-Appellee

v.

JEREMY DAVID FARLEY,
Defendant-Appellant**ORIGINAL**On Appeal from the United States Courts of Appeals
For the Fifth CircuitPETITIONER'S MOTION FOR AN EXTENSION OF TIME
TO FILE HIS PETITION FOR WRIT OF CERTIORARI

COMES NOW, the Petitioner, Jeremy David Farley, moving this Honorable Court to grant him an extension of time to file his Petition for Writ of Certiorari with this Court. Petitioner urges this Court to grant this request based upon the following:

Petitioner filed a Direct Appeal, with the Fifth Circuit Court of Appeals. On December 3, 2021, Petitioner's conviction and sentence was affirmed by the Fifth Circuit Court of Appeals, thereby leaving Petitioner 90 days or until March 3, 2022 to file his Petition for Writ of Certiorari with this Court.

On December 1, 2021, FCI-Pollock, the federal correctional institution in which Petitioner is being held as a federal prisoner, went on COVID-19 lockdown/Quarantine status until January 3, 2022, due to an outbreak of the Corona virus in the institution. Again, on January 10, 2022, FCI-Pollock went on lockdown/quarantine status due to another outbreak of the Corona Virus, until January 26, 2022. The institution only remained off of lockdown/quarantine status for two (2) days, that is until January 28, 2022, at which time the institution reinstated lockdown/quarantine status due to another

outbreak fo the Corona Virus. FCI-Pollock remained on lockdown/qurantine status until Feburary 14, 2022.

During the lockdown/qurantine status, at FCI-Pollock, inmates were confined to their housing units and cells, while the institution's law library was closed. This means that during these time Petitioner had no access to the institution's law library, legal materials, legal research, nor did he have any ability to prepare his Writ.

As a result of the lockdown/qurantine status of FCI-Pollock, and the institution's lawy library closure, during the dates of the COVID-19 outbreaks, of the ninety day time period given by this Court and Statue to prepare his Writ of Certiorari, Peititoner only had 26 days to prepare his Writ. Sixty-four (64) of the days allowed by statue and this Court were taken away from Petitioner Farley, not because of any fault of Petitioner's, but because of circumstances beyond Petitioner's control, that is the COVID-19 outbreaks at FCI-Pollock. Under the laws of Equitable Tolling, these 64 dyas should be removed fromt eh 90-day time period in which Petitioner has to prepare his Writ of Certiorari and submit it to this Court. Muhammad v. United States, 735 F.3d 812, 815 (8th Cir. 2013).

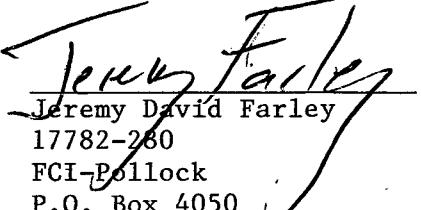
Petitioner Farley has been pursuing his rights diligently, that is the claim that he seeks this Court to review, he has pursued since his case was in the district court, and he has done so in a timely fashion. In addition, COVID-19 outbreaks in federal prisons, specifically FCI-Pollock, is an extraordinary circumstance which stood in the way of Petitioner's timely filing. Petitioner Farley, a federal inmate, did not introduce COVID-19 into FCI-Pollock, nor is he a decision-maker as to when the institution should be on lockdown/qurantine status verus being open. Therefore, this extraordinary circumstance cannot be attributed to Petitioner Farley, and is clearly beyond his control.

Petitioner, therefore, moves this Honorable Court to grant him an extension of time, of 64-days, to prepare and submit his Writ of Certiorari to this Court.

CONCLUSION

For each of the reasons set forth herein, because the interest of justice and fundamental fairness requires it, and for any reason this Court deems appropriate, Petitioner moves this Honorable Court to grant his request for an extension of time to file his Writ of Certiorari. Specifically, Petitioner urges this Court to grant him a 64 day extension.

Respectfully Submitted,



Jeremy David Farley
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March 2, 2022