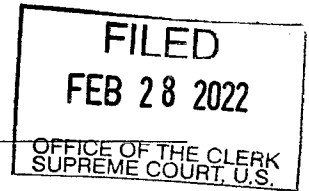


21A655

IN THE
SUPREME COURT OF THE UNITED STATES



LEVONNE GREER # 882133,

Petitioner,

V.

KRIS TASKILA, (Warden).

Respondent.

**PETITIONER'S MOTION FOR ENLARGEMENT OF
TIME TO FILE PETITION FOR WRIT OF CERTIORARI**

NOW COMES, the above named Petitioner, **LEVONNE GREER # 882133**, proceeding in propria persona, and moves this Honorable Court pursuant to the provisions of **Fed. R. Civ. P., Rule 6(b)** for a thirty (30) day enlargement of time in which to file his Petition for Writ of Certiorari. In support thereof, Petitioner Greer sets forth the following facts:

1. Petitioner, who is representing himself on a pro se basis, is currently housed in the facilities segregation unit and is unable to attend the Prison Law Library, in order to file his responses to the court. Petitioner has to go through the Legal Writer Program in order to have his motions drawn up.
2. Delay in filing Petitioner's Petition for Writ of Certiorari is not the result of inexcusable neglect.

3. Granting this Motion for Enlargement of Time will not prejudice the adverse party.
4. On January 18, 2022 the United States Court of Appeals issued an order denying Petitioners request for a certificate of appealability. (see attached order. Appendix – A).
5. Petitioner Greer is hindered in his legal research due to not being allowed to receive cases off the computers from the law library pursuant to MDOC policy because Petitioner is in segregation.
6. This is Petitioner Greer's first request for an enlargement in this matter.
7. Petitioner Greer makes this request before the expiration of time in which to file his Writ of Certiorari

RELIEF SOUGHT

WHEREFORE, Plaintiff **LEVONNE GREER # 882133**, prays this Honorable court **“GRANT”** him the additional thirty (30) day extension/enlargement of time requested in his motion in order to allow him to prepare and file his Writ of Certiorari into the United States Supreme Court.

Respectfully Submitted

LEVONNE GREER # 882133
Petitioner, In Pro Per
Baraga Maximum Correctional Facility
13924 Wadaga Road
Baraga, Michigan 49908-9204

IN THE
SUPREME COURT OF THE UNITED STATES

LEVONNE GREER # 882133,

Petitioner,

V.

KRIS TASKILA, (Warden).

Respondent.

**MEMORANDUM OF LAW IN SUPPORT OF PETITIONER'S
MOTION FOR ENLARGEMENT OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI**

In all matters before the Supreme Court, the Court has the power to extend the time for filing pleadings. See Fed R. Civ Proc., Rule 6 (b); W.D. Mich. LcivR 7.1(c).

W.D. Mich. LcivR 7.1(c) provides, in pertinent part:

Modification of Limits. In its discretion, the Court may in a particular case shorten or enlarge any time limit or page limit established by these rules....

Fed R. Civ. Proc., Rule (6)(b)(1), also governs time extensions and authorizes the relief sought by Petitioner, where unavailability of legal assistance at his present place of incarceration, the delay in obtaining photocopies only obtained from his Correctional Facility Administration, and the need to forward pleadings to his legal assistance provider, cannot be avoided. Rule 6(b) provides, in pertinent part:

(b) Enlargement. When by these rules or by a notice given thereunder or by order

of the court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order; .

...

While delay is certainly not to be encouraged, Court's often grant extension of time where the delaying party has not shown bad-faith and the delay will not substantially prejudice the opposing party. See, e.g., Johnson v. Harpster, 66 F.R.D. 103 (ED Tenn 1975); Rooks v. American Brass Co., 26 F.2d 166 (6th Cir. 1959); Schram v. O'Conner, 2 F.R.D. 192 (ED Mich 1941).

The extension sought by Defendant is not attributable to bad-faith, the Motion is timely, and will not operate to substantially prejudice Plaintiffs. Accordingly, the application of the above authority to the grounds recited in Defendants accompanying Motion warrants enlargement of time for filing Petition for Writ of Certiorari..

A formal motion is not necessary under rule 6(b) if the request for extension of time is made prior to the expiration of the time originally prescribed by the rules. *Boulton v Pacific Mutual Life Insurance Co.*, 4 FRD 2000 (D.C., NC. 1944). In this matter, Defendant Pittman makes this request before the time has expired to file his Writ of Certiorari

If a request is made in a timely fashion under rule 6(b), and if the delay sought by a Defendant is not attributable to bad faith and will not operate to substantially prejudice Plaintiffs, and extension of time is usually granted on the showing of good cause. *Creedon v Taubman*, 8 FRD (D.C. Ohio, 1947).

RELIEF SOUGHT

WHEREFORE, Petitioner **LEVONNE GREER # 882133**, prays this Honorable court “**GRANT**” him the additional thirty (30) day extension/enlargement of time requested in his motion in order to allow him to prepare and file his Writ of Certiorari into the United States Supreme Court.

Respectfully Submitted

Dated: April 19 2022

LEVONNE GREER # 882133
Baraga Maximum Correctional Facility
13924 Wadaga Road
Baraga, Michigan 49908-9204