

res 19-1890 (KBJ)

In U.S. Dist. Court  
D. C. Circuit

IN THE SUPREME COURT  
OF THE UNITED STATES

Yusuf O. Bush

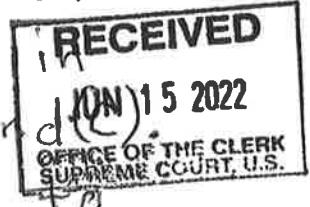
vs

David J. Ebbert

Motion for extension of time  
to file Certiorrani

Pro Se litigant asks to be held  
to the less stringent standard of review  
and liberal construction when examining  
procedural rule. Haines v. Kerner 404 U.S  
519 (1972)

Pro Se litigant asks this court for  
30 to 60 days to complete petition as  
we are currently on lockdown and I  
need stamps and copies of brief and  
appendix to serve Solicitor General  
as well as the attorney General  
Compliance with the rule 29(a) and  
It is confusing to me trying to



comprehend the rules and the continuous lockdown keep me out of the law library to research and acquire the paper needed as typing paper isn't sold here so it's quite a process to get it. I have been waiting for the unit counselor unit manager or the case manager to come around for 2 weeks without any success to see if they could make copies but I'll probably have to wait until we are allowed to go and buy the necessary copying cards and stamps as of now I only have stamps to send petition to this court not enough to serve the others and I need copies was wondering was it my duty to serve copies as when I was allowed *in forma pauperis* the process was served by the courts

Respectfull Requested

Yasuf S. Bush

USP Pollock

PO Box 2094

Pollock LA. 71467



# USP POLLOCK

## INMATE BULLETIN

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The institution will remain secured until further notice due to disruptive behavior. There will be no visitation. Interviews and showers will be conducted in a timely manner.

Your cooperation is expected in this matter.

S. Ma'at, Acting Complex Warden

052422  
Date

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 21-3060**

**September Term, 2021**

**1:19-cv-01870-KBJ**

**Filed On: March 24, 2022**

Yusuf O. Bush,

Appellant

v.

David J. Ebbert,

Appellee

**BEFORE:** Srinivasan, Chief Judge, and Henderson, Rogers, Tatel, Millett, Pillard, Wilkins, Katsas, Rao, Walker, and Jackson\*, Circuit Judges

**O R D E R**

Upon consideration of the petition for rehearing en banc, and the absence of a request by any member of the court for a vote, it is

**ORDERED** that the petition be denied.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Daniel J. Reidy  
Deputy Clerk

\* Circuit Judge Jackson did not participate in this matter.

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 21-3060**

**September Term, 2021**

**1:19-cv-01870-KBJ**

**Filed On: February 11, 2022**

Yusuf O. Bush,

Appellant

v.

David J. Ebbert,

Appellee

**BEFORE:** Pillard, Wilkins, and Rao, Circuit Judges

**ORDER**

Upon consideration of the motion for certificate of appealability, styled as an "appeal of district court's denial of certificate of appealability," the response thereto, and the reply; the motion for leave to proceed on appeal in forma pauperis; and appellant's brief and the supplement thereto, it is

**ORDERED** that the motion for leave to proceed in forma pauperis be dismissed as moot. The district court granted appellant leave to proceed on appeal in forma pauperis in its order filed September 7, 2021. It is

**FURTHER ORDERED** that the motion for certificate of appealability be denied and the appeal be dismissed. Appellant has not demonstrated that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Nor has he shown that "jurists of reason would find it debatable whether the district court was correct in its procedural ruling" that his habeas petition was not timely filed, and that he had not shown extraordinary circumstances warranting equitable tolling of the limitations period. *Id.*; see *United States v. Cicero*, 214 F.3d 199, 203 (D.C. Cir. 2000). Appellant's assertion that the district court implicitly issued a certificate of appealability in the order dismissing his habeas petition is not meritorious, because a certificate of appealability "shall indicate which specific issue or issues satisfy the showing" of the denial of a constitutional right, 28 U.S.C. § 2253(c)(3), but the district court's dismissal order and accompanying opinion do not identify any such issues or otherwise mention a certificate of appealability. Finally, the court declines to consider appellant's argument that the 180-day time limit to file a motion to recall the mandate in the District of Columbia Court

**United States Court of Appeals**  
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of Appeals was an unconstitutional impediment that prevented him from filing his habeas petition. See Cruz v. Am. Airlines, Inc., 356 F.3d 320, 329 (D.C. Cir. 2004) (court has “well-established discretion not to consider claims that litigants fail to raise sufficiently below and on which district courts do not pass.”).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. Because no appeal has been allowed, no mandate will issue.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Manuel J. Castro  
Deputy Clerk