

IN THE
SUPREME COURT OF THE UNITED STATES

ANTONIO BERMUDEZ
Petitioner,

§

§

v.

CASE NO. _____

§

STATE OF TEXAS
Respondent.

§

TO THE JUDGES OF SAID COURT:

COMES NOW, Antonio Bermudez, Petitioner pro se, and presents this his First Motion For Extension Of Time To File Writ of Certiorari and would show the Court the following in support thereof.

I.

Petitioner filed an Application For Certificate of Appealability with the Fifth Circuit Court of Appeals and was subsequently denied on February 24, 2022. (No. 21-20364) See Exhibit A. Then the Petitioner submitted a Motion for Reconsideration to the Fifth Circuit Court of Appeals on March 14, 2022. This was subsequently denied on April 7, 2022. See Exhibit B.

II.

Petitioner is incarcerated and proceeding pro se. Furthermore Petitioner is limited to a mere two (2) hours per day, five (5) days per week, for a total of ten (10) hours weekly in the Institutional Law Library to investigate legal premises. It should be further noted that Petitioner is also limited as any citations post 2008 must be inter-loaned through the Texas Department of Criminal Justice LEXIS-Nexis System, of which he is limited to a mere three (3) citations daily for review. This does not begin to touch on the institutional and/or dormitory facility

lock-downs which preclude any form of direct law library access.

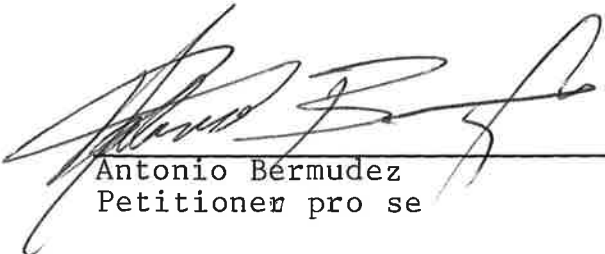
Additionally, Petitioner is actively attempting to obtain copies of records from multiple courts as they are necessary for inclusion with his writ as exhibits to assist proving his claim. See Exhibit C. Thus, the undersigned will be unable to file the Writ of Certiorari within the time allowed by the rules of this Court which is July 6, 2022. Accordingly, the undersigned needs and would greatly appreciate additional time to file his petition.

This is the Petitioner's first request for an extension of time to file in this case. This request is not designed to harass the Respondent, nor unnecessarily delay these proceedings, but to ensure that the Petitioner is fully able to present his claims to this Court. Furthermore, the Respondent is in no way prejudiced as the Petitioner is incarcerated and operating under severe limitations. Accordingly, the Petitioner requests an extension of time of forty five (45) days, up to and including Monday, August 15, 2022, to file his Writ of Certiorari.

II.

CONCLUSION

The Petitioner respectfully requests that his first Motion For Extension of Time To File A Writ of Certiorari be GRANTED. Respectfully Submitted,



Antonio Bermudez
Petitioner pro se

EXHIBIT A

NOTICE OF DENIAL OF
APPLICATION FOR CERTIFICATE OF APPEALABILITY

United States Court of Appeals
for the Fifth Circuit



No. 21-20364

A True Copy
Certified order issued Feb 24, 2022

Steph W. Cayer
Clerk, U.S. Court of Appeals, Fifth Circuit

ANTONIO BERMUDEZ,

Petitioner—Appellant,

versus

BOBBY LUMPKIN, *Director, Texas Department of Criminal Justice,*
Correctional Institutions Division,

Respondent—Appellee.

Application for Certificate of Appealability from the
United States District Court for the Southern District of Texas
USDC No. 4:18-CV-3387

ORDER:

Antonio Bermudez, Texas prisoner # 1911288, seeks a certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. § 2254 application challenging his conviction for aggravated assault of a family member. In his § 2254 application, Bermudez contended that (i) his trial counsel was ineffective for many reasons; (ii) he was denied due process because he was shackled during his trial; (iii) he was denied the right to testify in his own defense; (iv) he was denied effective assistance when his appellate counsel failed to raise various claims in his motion for a new trial; and (v) the trial court erred and his due process rights were violated when the trial court

No. 21-20364

denied him a hearing on his motion for a new trial. Because Bermudez fails to adequately brief or challenge the district court's dismissal on the merits of the claims described in (i), (ii), (iii), and (iv), any such challenge is abandoned. *See Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1999).

A prisoner seeking a COA must make a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To make this showing, he must demonstrate "that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal quotation marks and citation omitted). Because Bermudez has not met these standards, his motion for a COA is DENIED.



ANDREW S. OLDHAM
United States Circuit Judge

EXHIBIT B

MOTION FOR RECONSIDERATION
DENIAL UPON RECONSIDERATION
NO. 21-20364

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

March 17, 2022

#1911288
Mr. Antonio Bermudez
CID Eastham Unit
2665 Prison Road 1
Lovelady, TX 75851-0000

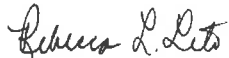
No. 21-20364 Bermudez v. Lumpkin
USDC No. 4:18-CV-3387

Dear Mr. Bermudez,

Your petition for rehearing filed on March 14, 2022 has been accepted in its present form, but is being treated as a motion for reconsideration. A petition for panel rehearing of an administrative order is not allowed.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Rebecca L. Leto, Deputy Clerk
504-310-7703

cc: Ms. Katherine Abell
Ms. Casey Leigh Jackson Solomon

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

April 07, 2022

Mr. Nathan Ochsner
Southern District of Texas, Houston
United States District Court
515 Rusk Street
Room 5300
Houston, TX 77002

No. 21-20364 Bermudez v. Lumpkin
USDC No. 4:18-CV-3387

Dear Mr. Ochsner,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Shawn D. Henderson, Deputy Clerk
504-310-7668

CC:

Ms. Katherine Abell
Mr. Antonio Bermudez
Ms. Casey Leigh Jackson Solomon

EXHIBIT C
PROOF OF RECORDS REQUEST



SHARON KELLER
PRESIDING JUDGE

BARBARA P. HERVEY
BERT RICHARDSON
KEVIN P. YEARY
DAVID NEWELL
MARY LOU KEEL
SCOTT WALKER
MICHELLE M. SLAUGHTER
JESSE F. MCCLURE, III
JUDGES

COURT OF CRIMINAL APPEALS

P.O. BOX 12308, CAPITOL STATION
AUSTIN, TEXAS 78711

DEANA WILLIAMSON
CLERK
(512) 463-1551

SIÂN SCHILHAB
GENERAL COUNSEL
(512) 463-1597

May 20, 2022

Antonio Bermudez #1911288
Wainwright Unit
2665 Prison Rd. #1
Lovelady, TX 75851

Re: Bermudez, Antonio
CCA No. PD-1074-15
Trial Court Case No. 1370940

COA Case No. 01-14-00160-CR

IMPORTANT: PLEASE INFORM THIS COURT OF ALL ADDRESS CHANGES IN WRITING.

- ☐ This Court does not furnish forms of any kind for the filing of documents.
- ☒ To obtain copies of items requested, contact the State Law Library, Inmate Copy Service, at P.O. Box 12367, Austin, TX 78711. Please be sure to include your full name and any aliases, date of conviction, county of conviction, appeal number and complete mailing address.
- ☐ Your change of address has been received and updated in our system.

Sincerely,

Deana Williamson, Clerk

United States Court of Appeals
for the Fifth Circuit

No. 21-20364

ANTONIO BERMUDEZ,

Petitioner—Appellant,

versus

BOBBY LUMPKIN, *Director, Texas Department of Criminal Justice,
Correctional Institutions Division,*

Respondent—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:18-CV-3387

Before ELROD, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:

A member of this panel previously DENIED Appellant's Motion for a Certificate of Appealability. The panel has considered Appellant's motion for reconsideration.

IT IS ORDERED that the motion is DENIED.