

UNITED STATES SUPREME COURT

DAVID DELVA, pro se
Movant

Case # _____

VS.

Appellate Doc. # - 20-4253
S.D.N.Y. - NYC

UNITED STATES OF AMERICA
respondent

19-CV-3623 (JMF)
12-CR-80 (JMF)

MOTION FOR EXTENSION OF TIME

COMES NOW, Movant, David Delva, pro se respectfully request this Court grant this Motion to extend the time for movant to Submit his Writ of Certiorari from his Appellate Order denying him his Petition for Rehearing ON May 3, 2022

Movant ask for this extension due to the Prison Facility where the movant is housed at is on C.O-Vid Restriction where they allow inmates to go to the law library once a week for no more than 2 hours; most time less. Movant Request for an extra 90 days or more due to by the time my time is expired I would of only accumulated only 24 hours to work on my case. Movant was due to put his Motion on August 1st 2022, Movant Request a due date of October, 20, 2022 or January 3, 2023.

Conclusion

Movant Respectfully request that a Motion of

RECEIVED

JUN 29 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Certificate of Service

I David Delva hereby certify under penalty of perjury that on 6/21/22 I served a copy of a Motion Requesting an Extension of time to Submit a Writ of Certiorari. by way of U.S. Mail on the following party.

Wan S. Shin, A.U.S.A.
1, St. Andrew's Plaza, ~~NY~~
New York, NY 10007

Pursuant to 28 U.S.C. § 1746
I, declare under penalty of perjury
that the foregoing is true and correct.
Execution on 6/21/22

Respectfully Submitted

David Delva

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 3rd day of May, two thousand twenty-two.

David Delva,

Petitioner - Appellant,

v.

United States of America,

Respondent - Appellee.

ORDER

Docket No: 20-4253

Appellant, David Delva, filed a motion for panel reconsideration, or, in the alternative, for reconsideration *en banc*. The panel that determined the appeal has considered the request for reconsideration, and the active members of the Court have considered the request for reconsideration *en banc*.

IT IS HEREBY ORDERED that the motion is denied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

A circular official seal of the United States Court of Appeals for the Second Circuit is stamped over the signature. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DAVID DELVA,

Movant,

-v-

UNITED STATES OF AMERICA,

Respondent.
-----X

12-CR-802-4 (JMF)
19-CV-3623 (JMF)

ORDER


JESSE M. FURMAN, United States District Judge:

David Delva's motion to correct the record pursuant to Rule 36 of the Federal Rules of Criminal Procedure is DENIED as frivolous. *See, e.g., United States v. Burd*, 86 F.3d 285, 288 (2d Cir. 1996) ("[A] clerical error must not be one of judgment or even of misidentification, but merely of recitation, of the sort that a clerk or amanuensis might commit, mechanical in nature." (internal quotation marks omitted)).

The Clerk of Court is directed to enter this Order on both Docket Nos. 12-CR-802-4 and 19-CV-3623, to terminate 12-CR-802-4, ECF No. 314, and to mail a copy of this Order to Mr. Delva.

SO ORDERED.

Dated: November 12, 2020
New York, New York



JESSE M. FURMAN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DAVID DELVA,

Movant,

-v-

UNITED STATES OF AMERICA,

Respondent.
-----X

12-CR-802-4 (JMF)
19-CV-3623 (JMF)

ORDER


JESSE M. FURMAN, United States District Judge:

On May 7, 2020, the Court issued an Opinion and Order denying Petitioner David Delva's motion to "vacate, set aside, or correct" his sentence pursuant to 28 U.S.C. § 2255. Docket No. 12-CR-802-4, ECF No. 23. Delva now moves for reconsideration. *See* Docket No. 19-CV-3623, ECF No. 24. Delva presents no valid grounds for reconsideration, substantially for the reasons stated in the Government's opposition. *See* Docket No. 12-CR-802-4, ECF No. 312; Docket No. 19-CV-3623, ECF No. 30; *see also, e.g., Analytical Surveys, Inc. v. Tonga Partners, L.P.*, 684 F.3d 36, 52 (2d Cir. 2012) ("It is well-settled that [a motion for reconsideration] is not a vehicle for relitigating old issues, presenting the case under new theories, securing a rehearing on the merits, or otherwise taking a second bite at the apple. Rather, the standard for granting a . . . motion for reconsideration is strict, and reconsideration will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked." (internal quotation marks, citations, ellipsis, and alterations omitted)). Accordingly, Delva's motion for reconsideration is DENIED.

The Clerk of Court is directed to enter this Order on both Docket Nos. 12-CR-802-4 and 19-CV-3623, and to mail a copy of this Order to Mr. Delva.

SO ORDERED.

Dated: August 28, 2020
New York, New York



JESSE M. FURMAN
United States District Judge