

IN THE SUPREME COURT OF THE UNITED STATES
(OFFICE OF THE CLERK)

Emanuel Shorten,

Petitioner,

v.

United States of America,

Respondent.

USCA4 No. 19-7793

Case No. 3:14-cr-750-TLW-1

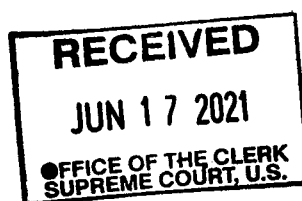
C/A No. 3:17-cv-1461-TLW

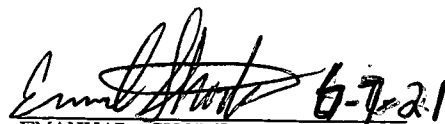
**Motion To Direct The Clerk Of The Court To
File A Petition For A Writ Of Certiorari Out-Of-Time
And For Leave To File In Forma Pauperis**

The Petitioner, Emanuel Shorten, pro se, hereby moves to direct the Clerk of the Court of the Supreme Court of the United States to file his petition for a writ of certiorari out-of-time. Due to transfer between Federal Correctional Institutions and extensive periods of quarantine due to COVID-19, the Petitioner submitted an application for an extension to file his petition. He was recently informed by this Court that applications for extensions of time are not accepted in light of the Court's order on March 19, 2020. The Petitioner has attached his petition and all supporting documents to this motion.

In addition, the Petitioner is also submitting this motion for leave to file in forma pauperis. As required, this motion is signed, he has attached a supporting affidavit, and he was also included the financial disclosure packet sent to him by this Court.

Respectfully Submitted,




EMANUAL SHORTEN
Fed. Reg. No 27967-171
Federal Prison Camp
P.O. Box 725
Edgefield, SC 29824

UNPUBLISHED

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

No. 19-7793

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EMANUAL SHORTEN, a/k/a Terez, a/k/a T-Man,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Terry L. Wooten, Senior District Judge. (3:14-cr-00750-TLW-1; 3:17-cv-01461-TLW)

Submitted: September 22, 2020

Decided: September 24, 2020

Before NIEMEYER, KEENAN, and FLOYD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Emanuel Shorten, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Emanuel Shorten seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 motion. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(B). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists could find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 137 S. Ct. 759, 773-74 (2017). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable and that the motion states a debatable claim of the denial of a constitutional right. *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

We have independently reviewed the record and conclude that Shorten has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED

**Additional material
from this filing is
available in the
Clerk's Office.**