

Jason Mizell #600386
MPEY/Spruce-3
La. State Penitentiary
Angola, LA 70712-9818

August 9, 2021
(Date)

Clerk of Court,
U.S. Supreme Court
One 1st Street, N.E.
Washington, D.C. 20543

RE: Pro Se Petition For Writ of Certiorari; Jason Mizell v. Darrel Vannoy, Warden; USCAS
No. 20-30161.

Dear Clerk:

On July 30, 2021, this Court informed me that the Petition is out-of-time. I would respectfully request that you consider the following, and allow me to file this Petition at this time:

On April 1, 2020, the Louisiana State Penitentiary was placed on a limited lock-down due to the Covid-19 Pandemic. With this limited lock-down, the Legal Programs Department has allowed for all Offender Counsel Substitutes and the Law Library to be locked down, effectively halting any and all legal assistance and/or access to legal materials.

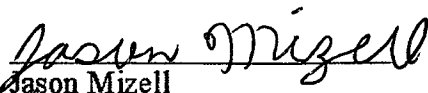
At the present time, all legal aid at the Louisiana State Penitentiary is effectively closed, disallowing any research or access to any materials needed to advance pleadings. The Offender Counsel Substitutes, who provide assistance in the submission of meaningful litigation, do not have access to Mr. Mizell, his legal materials, or the Law Library.

Recently, the Louisiana State Penitentiary has allowed the Counsel Substitutes *very limited* access to their computer files in order to assist the Offenders whose cases have been assigned to them. The Offenders who are not assigned as Counsels are limited to *two hours a week* in which to either work on their cases, or assist the Counsels that are assigned to assist them. Please note that the Offenders (including the Offender Counsel Substitutes) at this institution have been granted *very limited access* to the Law Library after the outbreak of Covid-19.

Mr. Mizell respectfully requests that this Honorable Court deem the time-frame of the Law Library's Closing as collateral estoppel. Additionally, I respectfully ask that you please acknowledge receipt of the above pleadings and inform me of the docket number assigned.

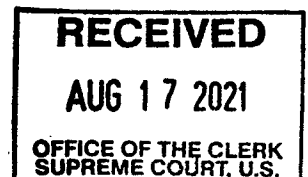
Thanking you in advance, I remain

Respectfully,


Jason Mizell

JM/dec#304580

Cc: District Attorney, Parish of Washington.



United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 2, 2021

Lyle W. Cayce
Clerk

No. 20-30161

JASON MIZELL,

Petitioner—Appellant,

versus

DARREL VANNOY, *Warden, Louisiana State Penitentiary,*

Respondent—Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:18-CV-6653

ORDER:

Jason Mizell, Louisiana prisoner # 600386, moves for a certificate of appealability (COA) to appeal the denial of his 28 U.S.C. § 2254 application challenging his conviction for aggravated rape. He argues that the state trial court erred by denying his motion for a mistrial and that trial and appellate counsel rendered ineffective assistance in numerous respects.

In order to obtain a COA, Mizell must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *see Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). Where the district court denies relief on the merits, an applicant must show that reasonable jurists “would find the district court’s assessment of the constitutional claims debatable or

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wrong.” *Slack*, 529 U.S. at 484. An applicant satisfies the COA standard “by demonstrating that jurists of reason could disagree with the district court’s resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). Mizell has not met this standard. Accordingly, his motion for a COA is DENIED.

/s/ Leslie H. Southwick
LESLIE H. SOUTHWICK
United States Circuit Judge

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