

CASE #

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IN THE  
SUPREME COURT OF THE UNITED STATES

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HAIDER S. ABDULRAZZAK  
*Petitioner,*

vs.

JASON RAVNSBORG et, al. the Attorney General of South Dakota.  
*Respondents.*

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ON PETITIONER'S APPLICATION PRESENTED TO  
JUSTICE BRETT M. KAVANAUGH

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Agency Case No. 21-3184

EIGHTH CIRCUIT COURT OF APPEALS

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PETITIONER'S APPLICATION TO EXTEND  
THE TIME TO FILE WRIT OF CERTIORARI

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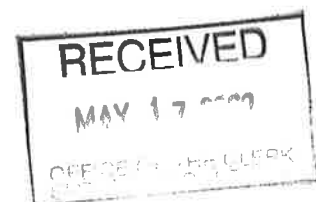
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Petitioner/ Pro se

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Attorney for Respondents



IN THE SUPREME COURT  
OF THE UNITED STATES

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HAIDER S. ABDULRAZZAK	)	
<i>Petitioner,</i>	)	Eighth Cir. Case No. 21-3184
v.	)	PETITIONER’S MOTION TO
JASON RAVNSBORG et. al	)	EXTEND OF TIME TO FILE
The Attorney General of South Dakota,	)	PETITION OF CERTIORARI
<i>Respondents.</i>	)	

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Comes now Petitioner Haider Abdulrazzak “Abdulrazzak” or “Petitioner” proceeding pro se to file this Application presented to Justice “BRETT KAVANAUGH” pursuant to US Supreme Court Rule 22 and Rule 30(4) extend the time to file his application for Certificate of Certiorari, regarding the Eighth Circuit Court of Appeals denial of his application for Certificate of Appealability (COA) (Appendix C) and rehearing entered on February 23, 2022. (Appendix D).

**(A) FACTUAL BACK GROUNDS**

Abdulrazzak was convicted by state court in South Dakota with possession of child pornography in violation to South Dakota Codified Law “SDCL” § 22-24A-3(3), and was sentence to 21 years prison time with 13 years suspended.

While incarcerated Abdulrazzak filed a writ of habeas corpus by individual prisoners incarcerated in state prison under 28 USC §2254, in South Dakota District Court (Case # 4:20-cv-04154-RAL) which was denied by the district court. See *Abdulrazzak v. Fluke*, 2019 U.S. Dist. LEXIS 196590, 2019 WL 5964974 (SD. Dist. Nov. 13, 2019). The Eighth Circuit Court of Appeals also denied the issuance of Certificate of Appealability (COA) (case # 19-3678). See

*Abdulrazzak v. Fluke*, 2020 U.S. App. LEXIS 17909 (8<sup>th</sup> Cir. S.D., April 27, 2020) and later denied rehearing. See *Abdulrazzak v. Fluke*, 2020 U.S. App. 19334 (8<sup>th</sup> Cir. S.D., June 19, 2020).

This Court as well denied the issuance of a writ for certiorari to the Eighth Circuit Court (case # No. 20-6263). See *Abdulrazzak v. Fluke*, 141 S. Ct. 1101 (U.S. 2021) and denied rehearing later. See *Abdulrazzak v. Fluke*, 141 S. Ct. 2508 (U.S. 2021).

Abdulrazzak later on filed a motion to reopen the proceeding alleging corrections to some procedural errors while the case was still pending in the district court. The court nonetheless, denied the motion without citing any legal authority or engaging in determination wither the motion was a second petition or it should be proceeded properly (Appendix A), and denied Petitioner's motion for reconsideration and judgment to deny issue a Certificate of Appealability (COA) (Appendix B).

Abdulrazzak was released from state custody of the state on December 23, 2021, due to the expiration of the term of his sentence. The Eighth Circuit Court of Appeals also denied to issue a COA (Appendix C) and denied Petitioner's Application for rehearing (Appendix D).

This application presented to Justice "BRETT KAVANAUGH to extend the time to file a writ of certiorari to the Eighth Circuit Court of Appeals is followed.

**(B) REASONS TO GRANT THE APPLICATION:**

As discussed above, Abdulrazzak was released from the prison on December 23, 2021. Petitioner since then live as a homeless in homeless shelters. Petitioner due to this fact have a limited space to possess his legal documents. Petitioner also is unemployed and cannot obtain an employment until he receives his work authorization and currently without income, beside what other friends or family may give him from time to time to pay some of his bills. Petitioner also expected to undergo a surgery (hemorrhoids) since the prison don't provide such like care.

Petitioner also do not have a fixed address due to the fact he lives in a homeless shelter as a “guest” at which his residency may terminated due to violation of any rules set by the shelter and therefore may lose some important communications with this Court.

Petitioner also incapable to obtain an attorney, or have proper access (for free) to website that may give him access to the legal authorities or other legal resources. Petitioner also is incapable to pay fees for the copies that he required to make.

**(C) CONCLUSION:**

Petitioner and for the good cause shown, therefore pry to Justice BRETT KAVANAUGH to grant his application to extend the time to file his Writ of certiorari for another 90 days, and therefore make the new deadline for filing on or before August 23, 2022.

Respectfully Submitted.

Dated this 10<sup>th</sup> of May 2022.



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Petitioner/ Pro Se

No. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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HAIDER S. ABDULRAZZAK \_\_ PETITIONER

VS.

JASON RAVNSBORG et, al, \_\_ RESPONDENTS

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**PROFF OF SERVICE**


I, Haider S. Abdulrazzak, do swear or declare that on this date 10<sup>th</sup> of May, 2022, as required by the Supreme Court Rule 29, I have served the enclosed APPLICATION TO EXTEND TIME TO FILE WRIT OF CERTIORARI PRESENTED TO JUSTICE BRETT M. KAVANAUGH, on each party to the above proceeding or the party's counsel and on every other person required to be served by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of these served are as follows:

MATTHEW W. TEMPLAR  
Assistant South Dakota Attorney General  
1302 E. Highway 14, Suite 1  
Pierre, SD 57501-8501

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 10<sup>th</sup>, 2022.

  
Haider Abdulrazzak  
(signature)

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

HAIDER SALAH ABDULRAZZAK,

Plaintiff,

vs.

BRENT FLUKE, ATTORNEY GENERAL FOR  
THE STATE OF SOUTH DAKOTA,

Defendants.

4:19-CV-04025-RAL

ORDER DENYING POST-DISMISSAL  
AND POST-APPEAL RECONSIDERATION

This Court issued an Opinion and Order Dismissing Petitioner's claims, Doc. 1, and dismissed this case back on November 13, 2019, Doc. 18. This Court denied Petitioner's motion for reconsideration through another Opinion and Order dated December 12, 2019. Doc. 24. Petitioner appealed, and the United States Court of Appeals for the Eighth Circuit, on April 27, 2020, denied issuance of a certificate of appealability after review of the record, Doc. 28, and later denied a petition for rehearing en banc, Doc. 29. Petitioner filed a petition for writ of certiorari to the Supreme Court of the United States, which was denied in January of 2021. This case is closed, done and over.

Yet, on May 24, 2021, Petitioner filed a Motion to Alter or Amend Final Habeas Corpus Judgment, continuing his arguments for relief. Doc. 39. Petitioner invokes Rule 60 of the Federal Rules of Civil Procedure and then reargues claims he has lost in this case. For good cause, it is hereby

ORDERED that the Motion to Alter or Amend Final Habeas Corpus Judgment, Doc. 39, is denied.

DATED this 8th day of June, 2021.

BY THE COURT:

  
\_\_\_\_\_  
ROBERTO A. LANGE  
CHIEF JUDGE

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

HAIDER SALAH ABDULRAZZAK,  
  
Petitioner,

vs.

BRENT FLUKE, WARDEN AT MIKE  
DURFEE STATE PRISON, AND ATTORNEY  
GENERAL FOR THE STATE OF SOUTH  
DAKOTA,  
  
Respondents.

4:19-CV-04025-RAL

ORDER DENYING PETITIONER'S  
MOTION FOR RECONSIDERATION AND  
OTHER MOTIONS

This Court issued an Opinion and Order Dismissing Petitioner's claims, Doc. 1, and dismissed this case on November 13, 2019, Doc. 18. This Court denied Abdulrazzak's motion for reconsideration through another Opinion and Order dated December 12, 2019. Doc. 24. Abdulrazzak appealed, and the United States Court of Appeals for the Eighth Circuit, on April 27, 2020, denied issuance of a certificate of appealability after review of the record, Doc. 28, and later denied a petition for rehearing en banc, Doc. 29. Abdulrazzak filed a petition for writ of certiorari to the Supreme Court of the United States, which was denied in January of 2021. On May 24, 2021, Abdulrazzak filed a Motion to Alter or Amend Final Habeas Corpus Judgment under Rule 60 of the Federal Rules of Civil Procedure. Doc. 39, in which he reargued his previous claims. This Court denied this motion in an Order dated June 8<sup>th</sup>, 2021. Doc. 40.

Abdulrazzak now files a Motion to Reconsider the Denial of Reopening His Habeas Petition Filed Under 28 U.S.C. § 2254 and Application for Certification of Appealability (COA). Doc. 41. Again, Abdulrazzak reargues his previous claims under Federal Rule of Civil Procedure



60(b) and presents no new grounds for relief that would fall under Rule 60(b). Similarly, Abdulrazzak makes no showing that a Certificate of Appealability is appropriate.

Abdulrazzak also files a motion to proceed in forma pauperis, Doc. 42, and a motion to appoint counsel, Doc. 44. As Abdulrazzak has no claim to pursue, these motions are moot. For good cause, it is hereby

ORDERED that Abdulrazzak's Motion for Reconsideration and for a Certificate of Appealability, Doc. 41 is denied. It is further

ORDERED that Abdulrazzak's motion to proceed in forma pauperis, Doc. 42, is denied as moot. It is finally

ORDERED that Abdulrazzak's motion to appoint counsel, Doc. 44, is denied.

DATED this 27<sup>th</sup> day of August, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Roberto A. Lange", is written over a horizontal line.

ROBERTO A. LANGE  
CHIEF JUDGE

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

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No: 21-3184

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Haider Salah Abdulrazzak

Plaintiff - Appellant

v.

Brent Fluke; Attorney General for the State of South Dakota

Defendants - Appellees

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Appeal from U.S. District Court for the District of South Dakota - Southern  
(4:19-cv-04025-RAL)

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**JUDGMENT**

Before GRUENDER, SHEPHERD, and STRAS, Circuit Judges.

This appeal comes before the court on appellant's application for a certificate of appealability. The court has carefully reviewed the original file of the district court, and the application for a certificate of appealability is denied. Appellant's motion to disclose records and the motion for judicial notice are also denied. The appeal is dismissed.

January 03, 2022

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

APPENDX  
C

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

No: 21-3184

Haider Salah Abdulrazzak

Appellant

v.

Brent Fluke and Attorney General for the State of South Dakota

Appellees

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Appeal from U.S. District Court for the District of South Dakota - Southern  
(4:19-cv-04025-RAL)

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**ORDER**

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

February 23, 2022

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

APPENDIX D
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