SUPREME COURT OF THE UNITED STATES

GARY WAYNE WARNER *861634
Petitioner pro-se

Vs. USCA5 No.21-10019

Lumpkin,Dir.,Tx DCJ
Respondent

WARNER'S MOTION FOR EXTENSION OF TIME

TO THE HONORABLE JUSTICES OF SAID COURT:

COMES NOW WARNER Wayne G 861634 Petitioner Warner (pro-se), and is requesting [LEAVE] of the Court to file this Motion, requesting an extension of time, 30-days is needed in [GOOD FAITH] and [NOT TO DELAY THIS COURT PROCEEDING], and will show GOOD CAUSE as followings:

Do to the staff [SHORTAGE] and COVID-19 procedure that is in place, has caused Warner to miss-lay-in to the law library, in order thath he may do research case reports to be able to prepare his writ of certiorari in this Cou -rt.

The 90-day inwhich to have the petition file in this Court is lest then 30-days, from February 28,2022 the daye of the denial of COA in the 5th Circuit Court of Appeals. An inmate gave me an order list:589 U.S. stated that the deadline to file any petition for a writ of certiorari due on or afther the date of this order is [EXTENDED TO 150-DAYS] from the date of the lower court judgment, order denying discretionary review, or order denying a timely petition for rehearing. Does this apply to me, also ? If so I would like, the same time, if not, 30-days.

Again this motion [IS NOT FILED IN BAD FAITH] but is filed in [GOOD FAITH], in order that he may try to have his illegal imprisonment over turn, as his 10-year sentence exceeds the statutory maximum, which he has served and is currently being restrained of his liberty, in violation of the 5th and 8th

U.S.C.A.

PRAYER FOR RELIEF

Warner prays that this Court grant said request for an extension of time, and or any other relief that he may be entitled to.

CERTIFICAT OF SERVICE

I WARNER W.G, certify that a copy of the foregoing document has been mailed to the Court of this Court clerk addressed below:

Clerk
Supreme Court of the U.S.
Washington, D.C.,20543-001

on this the 4/14.2022.

861634-4-14-2022

Warner Gary Wayne *861634
Coffield Unit
2661 FM 2054
Tenn.Colony,Tx.75884

Mr.Warner Gary Wayne *861634
Coffiled Unit
2661 FM 2054
Tenn.Colony,Tx.75884

CLERK
SUPREME Court of U.S.
Washington,D.C.,20543-0001

Date:4/14/2022

RE: Warner v.Dirictor of TDCJ-CID, Appeals No.21-10019
MOTION FOR EXTENSION OF TIME

Dear clerk:

Enclosed for filing you find the original motion for an extension of time to file. Would you please file and bring this matter before the Court for a ruling on the same.

Thank you for your time in this matter

W Gary #861634-4-14-2022

United States Court of Appeals for the Fifth Circuit

No. 21-10019

United States Court of Appeals
Fifth Circuit
FILED
February 28, 2022
Lyle W. Cayce
Clerk

GARY WAYNE WARNER,

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 Northern District of Texas
USDC No. 3:20-CV-858

ORDER:

Gary Wayne Warner, Texas prisoner # 861634, seeks a certificate of appealability (COA) to appeal the denial of his 28 U.S.C. § 2254 application challenging his life sentence for escape. The district court determined that the application was barred by the applicable statute of limitations. Warner argues that his claim of actual innocence should overcome the time bar.

Warner fails to demonstrate "that jurists of reason would find it debatable whether the [application] states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*,

529 U.S. 473, 484 (2000). Thus, his request for a COA is DENIED. We lack jurisdiction to consider his challenge to the district court's denial of his Federal Rule of Civil Procedure 60(b) motion. *See Bowles v. Russell*, 551 U.S. 205, 214 (2007).

/s/ James E. Graves, Jr.

JAMES E. GRAVES, JR.
United States Circuit Judge