

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

DANIEL DEL BRUMIT—PETITIONER

vs.

WARDEN LUKE PETTIGREW

Ex rel. STATE OF OKLAHOMA—RESPONDENT(S)

ON PETITION FOR WRIT OF CERTIORARI TO

OKLAHOMA CRIMINAL COURT OF APPEALS

REQUEST FOR EXTENSION OF TIME FOR
PETITION FOR WRIT OF CERTIORARI

DANIEL DEL BRUMIT

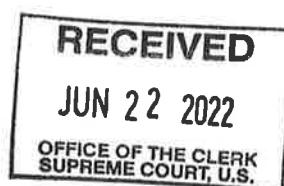
JOSEPH HARP CORRECTIONAL CENTER

P.O. BOX 548

LEXINGTON, OKLAHOMA 73051-0548

(405)-527-3333

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Comes now, Daniel Del Brumit, Petitioner *pro se*, begging this Court for an extension of time to file his Petition for Writ of Certiorari for good cause. This Court has jurisdiction to grant an extension of time, up to 60 days, via Rule 13.5 of the Rules of the Supreme Court provided it is filed before the date the petition is due and there is good cause. The Petitioner begs this Court for the maximum allowable time of 60 days to perfect His Petition for Writ of Certiorari.

Petitioner's Post-Conviction was denied by the Oklahoma Criminal Court of Appeals (OCCA) on April 1, 2022. (denial attached) Then on May 25th the Oklahoma Supreme Court denied Petitioner's Writ of Prohibition/Mandamus. (writ attached) Therefore, whichever date is relevant, Petitioner's request for extension of time is timely.

Petitioner's request for extension of time is for good cause. The Petitioner's petition concerns subject matter involving the Constitutional application of statutes and Treaty laws novel to this Court. However, the Petitioner, *pro se*, has no training in matters of law. The prison where he resides has no legal clerk and the law librarian is wholly unqualified to assist Him in his legal work. Additionally, although West LawTM has recently been introduced onto inmate tablets (subject to Wi-Fi Blackouts, six days so far), due staff shortages, increased prison violence, and Covid, Oklahoma prisons are resorting to lock down status so that the Law library and jail house lawyers are frequently unavailable to assist in perfecting legal documents. Then, to add injury to insult, the Law Library inmate computers are antiquated and frequently lose work so that even if Petitioner's petition was

perfected before his deadline, it may be lost due to Departmental indifference and retaliation. (i.e. My 1st two attempts to type this document was lost due to a faulty floppy disc.) Finally, when the law librarian does not come into work (i.e. May 31 – June 3), the law library is closed until another untrained staff member is found to replace her, so that the Petitioner's access to this Court is greatly obstructed.

WHEREFORE, the Petitioner requests that this Supreme Court grant 60 additional days so that the Petitioner, pro se, can write the best petition for writ he can in the environment described above.

Signature, Daniel Del Brumit

Daniel Del Brumit #553078

Joseph Harp CorrectionalCenter

P.O. Box 548

Lexington, Oklahoma 73051-0548

CERTIFICATE OF MAILING TO PARTIES

I certify that a true and correct copy of this Request for Extension of Time for Petition for Writ of Certiorari was mailed on 14th day of June, 2022 to:
Clerk of the Court;

ATTN: Supreme Court Justice Neil Gorsuch;

1 First Street, N. E.

Washington, DC 20543

Office of Attorney General, State of Oklahoma
313 NE 21ST ST.

Oklahoma city, Oklahoma 73051
(405) 521-3921

Signature,
Daniel Del Brumit

IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF OKLAHOMA

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

DANIEL DEL BRUMIT,

APR - 1 2022

Petitioner,

JOHN D. HADDEN
CLERK

v.

No. PC-2021-1303

STATE OF OKLAHOMA,

Respondent.

ORDER AFFIRMING DENIAL OF POST-CONVICTION RELIEF

Petitioner appeals the denial of post-conviction relief by the District Court of Grady County in Case No. CF-2006-115. Before the District Court, Petitioner asserted he was entitled to relief pursuant to *McGirt v. Oklahoma*, 140 S.Ct. 2452 (2020). In *State ex rel. Matloff v. Wallace*, 2021 OK CR 21, 497 P.3d 686, *cert. denied*, 142 S.Ct. 757 (2022), this Court determined that the United States Supreme Court decision in *McGirt*, because it is a new procedural rule, is not retroactive and does not void final state convictions. *See Matloff*, 2021 OK CR 21, ¶¶ 27-28, 40, 497 P.3d at 691-692.

The conviction in this matter was final before the July 9, 2020 decision in *McGirt*, and the United States Supreme Court's holding in *McGirt* does not apply. We decline Petitioner's request to reexamine this

Court's holding in *Matloff*. Therefore, the District Court's order denying post-conviction relief is **AFFIRMED**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. (2022), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this

1st day of April, 2022.

Scott Rowland
SCOTT ROWLAND, Presiding Judge

Robert L. Hudson
ROBERT L. HUDSON, Vice Presiding Judge

Gary L. Lumpkin
GARY L. LUMPKIN, Judge

David B. Lewis
DAVID B. LEWIS, Judge

William J. Musseman
WILLIAM J. MUSSEMAN, Judge

ATTEST:

John D. Hadden

Clerk

PA