

TRULINCS 69724067 - WILLIAMS, SETH - Unit: COL-C-A

FROM: 69724067

TO:

SUBJECT: MOTION FOR EXTENSION OF TIME

DATE: 05/23/2023 02:44:28 PM

NO. _____

IN THE
UNITED STATES SUPREME COURT

Seth Williams,

Petitioner,

v.

United States of America,

Respondent.

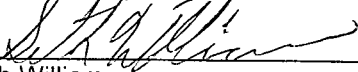
On petition for a writ of certiorari to
The United States Third Circuit Court of Appeals
No. 22-2539

MOTION FOR EXTENSION OF TIME

Seth Williams respectfully requests an extension of time by 60 days to file his petition for a writ of certiorari. The prison where Williams is incarcerated, FCC Coleman Low, is currently on lockdown because of an on-site construction project. The construction is expected to last for months longer, and as such Williams cannot access the law library or typing rooms while the construction is ongoing. As such, Williams has been forced to write this motion via the prison's email (TRULINCS) system.

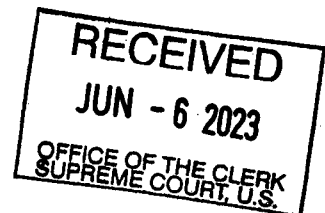
Williams respectfully requests an extension of time by 60 days to file his petition for certiorari.

Respectfully by Seth Williams on May 23, 2023:



Seth Williams

Reg. No. 69724-067 Unit C-1
Federal Correctional Complex
P.O. Box 1031 (Low Custody)
Coleman, Florida 33521-1031



CLD-067

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 22-2539

UNITED STATES OF AMERICA

VS.

SETH WILLIAMS, Appellant

(M.D. Pa. Crim. No. 1-10-cr-00341-001)

Present: GREENAWAY, JR., MATEY, and FREEMAN, Circuit Judges

Submitted are:

- (1) By the Clerk is the within appeal for possible summary action under 3rd Cir. LAR 27.4 and Chapter 10.6 of the Court's Internal Operating Procedures and for a determination as to whether a certificate of appealability is required;
- (2) By the Clerk for possible dismissal due to lack of timely filing;
- (3) Appellant's response; and
- (4) Appellant's motion under Rule 36

in the above-captioned case.

Respectfully,

Clerk

ORDER

Appellant Seth Williams appeals from an order entered by the District Court on July 27, 2022, granting in part and denying in part his motion to correct his judgment of sentence pursuant to Federal Rule of Criminal Procedure 36. First, we decline to dismiss this appeal for lack of timely filing, as Federal Rule of Appellate Procedure 4(b) is not jurisdictional where the Government has not raised the issue of timeliness on appeal and Williams' notice of appeal was filed just one day late. See United States v. Muhammad, 701 F.3d 109, 111 (3d Cir. 2012); see also United States v. Mitchell, 518 F.3d 740, 751

(10th Cir. 2008) (declining to sua sponte dismiss a criminal appeal filed “one day late”). However, we summarily affirm the District Court’s order, as this appeal presents no substantial question. See 3d Cir. I.O.P. 10.6. To the extent that Williams sought to correct a clerical error in his judgment, the District Court appropriately did so, and to the extent Williams sought any other form of relief from his sentence, “Rule 36 provides no basis to correct substantive errors in [a] sentence.” See United States v. Bennett, 423 F.3d 271, 278 (3d Cir. 2005). In light of this disposition, we deny appellant’s pending motion. We need not decide whether to issue a certificate of appealability because one is not required for this appeal. See 28 U.S.C. § 2253(c)(1).

By the Court,

s/Joseph A. Greenaway, Jr.
Circuit Judge

Dated: February 3, 2023
Lmr/cc: Christian T. Haugsby, Esq.
Seth Williams

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 22-2539

UNITED STATES OF AMERICA

v.

SETH WILLIAMS,
Appellant

On Appeal from the
United States District Court for the Middle District of Pennsylvania
(D.C. Civil Action No. 1-10-cr-00341-001)
District Judge: Honorable Yvette Kane

SUR PETITION FOR REHEARING

Present: CHAGARES, *Chief Judge*, JORDAN, HARDIMAN, GREENAWAY, JR.,
SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, and
FREEMAN, *Circuit Judges*.

The petition for rehearing filed by Appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the Court en banc, is denied.

BY THE COURT,

s/ Joseph A. Greenaway, Jr.
Circuit Judge

Dated: March 13, 2023
Sb/cc: Seth Williams
Christian T. Haugsby, Esq.