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ORIGINAL

SUPREME COURT OF THE UNITED STATES

OFFICE OF THE CLERK

WASHINGTON, DC 20543-0001

FILED

JUN 06 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

JOSEPH LOCHMETH EWALAN

PETITIONER

VS

STATE OF WASHINGTON

RESPONDENT

MOTION APPLICATION FOR AN
EXTENSION OF TIME TO FILE
A PETITION FOR A WRIT OF
CERTIORARI

ORIGINAL

6-05-2023

IDENTITY OF THE MOVING PARTY

I. COME NOW PETITIONERS, JOSEPH LOCHMETH EWALAN, PRO SE, WHO RESPECTFULLY MOVES THESE COURTS FOR RELIEF SET BELOW.

II. RELIEF.

PETITIONERS SEEKS RELIEF, THE APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI.

ON MARCH 10, 2023, MR. EWALAN, APPLIED FOR AN EXTENSION OF TIME TO FILE A WRIT OF CERTIORARI, PENDING NINTH CIRCUIT DECISION. THE COURTS RESPONDED, ASKING MR. EWALAN TO WAIT UNTIL THE UNITED STATES COURT OF APPEALS OR BY THE STATE HIGHEST COURT IN WHICH A DECISION COULD BE HAD 28 USC 1254 AND 1257.

HAS OF TODAY MR. EWALAN, WOULD REPORT TO THESE HONORABLE COURTS THAT, THE UNITED STATES COURT OF APPEALS REACHED A DECISION DENYING CERTIFICATE OF APPEALABILITY ON MAY 12, 2023. SEE ATTACHED COPY OF COURT OPINION.

(EXHIBIT 1), AROUND THE SAMETIME, MR. EWALAN

RECEIVED

JUN 21 2023

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SUPREME COURT 112

PERSONAL RESTRAINT PETITION, ~~ON~~ BASED ON ONE CLAIM: RACIAL DISCRIMINATION IN JURY SELECTION ON APRIL 19, 2023. WITH THE SUPREME COURT OF WASHINGTON STATE. See (EXHIBIT 2) THE SUPREME COURT OF STATE OF WASHINGTON TRANSFERRED THE PETITION, APRIL 20, 2023, TO THE COURT OF APPEALS OF THE STATE OF WASHINGTON. See (EXHIBIT 3).

ON MAY 12, 2023. COURT OF APPEALS OF THE STATE OF WASHINGTON ACTING CHIEF JUDGE, REQUESTED PROSECUTING ATTORNEY TO RESPOND TO THE PETITION ON OR BEFORE JULY 17, 2023. See exhibit 4) Court of appeals letter to prosecuting attorney Snohomish County.

Mr. EWALAN, IS WORRIED, BECAUSE, HE UNDERSTANDS VERY LITTLE IN REGARD TO COURT RULES, FOR EXAMPLE, HE UNDERSTANDS THAT, AFTER THE STATE HIGHEST COURT RENDERS A DECISION HE HAS 90 DAYS TO APPEAL FOR A WRIT OF CERTIORARI; NOT SURE, HOW LONG OR HOW MANY DAYS HE IS LEFT TO FILE CERTIORARI, FOLLOWING UNITED STATES COURTS OF APPEALS DECISION DENYING THE PETITION? 30 DAYS, 90 DAYS NOT SURE.

THAT IS WHY HE IS WRITING TO ASK FOR AN EXTENSION, BECAUSE, BY THE TIME THE STATE PROSECUTING ATTORNEY RESPONDS TO Mr. EWALAN PETITION AS REQUESTED BY THE COURT OF APPEALS, 90 DAYS WOULD HAVE ELAPSED SINCE UNITED STATES COURTS OF APPEALS, DENIED Mr. EWALAN'S CERTIFICATE OF APPELLABILITY. FURTHERMORE, PROSECUTING ATTORNEY MIGHT REQUEST EXTENSION OF TIME TO RESPOND. THEREFORE, IT'S Mr. EWALAN RESPONSIBILITY TO REQUEST AN EXTENSION OF TIME TO ANSWER TIME-BARRIED, JUST

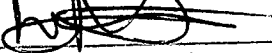
INCASE;

HERE, IT CLEAR, WASHINGTON SUPREME COURT, FOUND Mr
EWALAN, CLAIM OF RACIAL DISCRIMINATION IN JURY
SELECTION, WAS UNREASONABLE DETERMINATION OF FACT,
IN LIGHT OF THE EVIDENCE PRESENTED; MILLER-EL V. BRETKE,
545, U.S. 231, 240, 265, 125 S. CT. 2317, 2325-2340, 165
L. ED. 2d 196, 214-230 (2005); AND FURTHERMORE
RETRACTIVE, SOMETHING THE U.S. COURT OF APPEALS DIDNT
FIND TO BE DENYING CERTIFICATE OF APPELLABILITY.

FINALLY, SEE SUPREME COURT OF THE UNITED STATES LETTER,
RESPONDING TO Mr. EWALAN'S REQUEST FOR AN EXTENSION OF
TIME, WHILE THE CASE PENDING IN U.S. COURT OF APPEALS
(EXHIBIT 5).

FOR THE ABOVE REASONS STATED ABOVE, Mr. EWALAN'S KINDLY
REQUEST THESE HONORABLE COURT FOR EXTENSION OF
TIME, PENDING, WASHINGTON STATE COURT OF APPEALS AND
WASHINGTON SUPREME COURT DECISION, WHENEVER PROSECUTING
ATTORNEY WILL RESPOND AS REQUESTED. ON OR BEFORE JULY 17, 2023

RESPECTFULLY



JOSEPH LUCHUA EWALAN

DOC 392824

WASHINGTON STATE PENITENTIARY

1313 N. 13th AVE

WALLS WALLS, WA 99362

(Exhibit 1)

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

MAY 12 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JOSEPH LOCHUCH EWALAN,

No. 22-35408

Petitioner-Appellant,

D.C. No. 2:20-cv-01497-JLR
Western District of Washington,
Seattle

v.

DONALD HOLBROOK, WSP
Superintendent,

ORDER

Respondent-Appellee.

Before: CANBY and SUNG, Circuit Judges.

Appellant's motion to transmit to this court a CD containing audio from appellant's direct appeal oral argument (Docket Entry No. 10) is granted.

Appellant's motion for consideration of the oral argument presented in support of his direct appeal (Docket Entry No. 9) is granted.

The request for a certificate of appealability (Docket Entry Nos. 5 and 7) is denied because appellant has not shown that "jurists of reason would find it debatable whether the petition 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); *see also* 28 U.S.C. § 2253(c)(2); *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012); *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

(Exhibit 1)

All remaining motions are denied as moot.

DENIED.

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