

IN THE
SUPREME COURT OF THE UNITED STATES

SEAN TRENT BARNES, PRO SE

Petitioner,

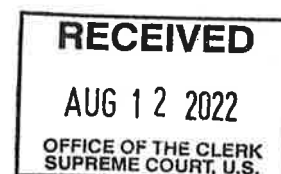
versus

UNITED STATES OF AMERICA,

Respondent.

MOTION FOR LEAVE SEEKING A SIXTY (60) DAY
ENLARGEMENT OF TIME IN WHICH TO FILE A
PETITION FOR WRIT OF CERTIORARI

NOW COMES Petitioner Sean Trent Barnes, Pro Se, and pursuant to Rule 30, Supreme Court Rules, Title 18, United States Code, §3006A(d)(7), Petitioner Sean Trent Barnes respectfully moves this Honorable Court and Chief Justice John G. Roberts, Jr. for a sixty (60) day Enlargement of Time which would allow Petitioner Barnes the opportunity to file a Petition for Writ of Certiorari to this Court for its consideration. Moreover, Petitioner Sean Trent Barnes, Pro Se, respectfully asks the Supreme Court to review the opinion and judgment entered by the United States Court of Appeals for the Fourth Circuit on May 24, 2022, denying Petitioner's Certificate of Appealability, under the caption United States vs Barnes, No's. 5:17-cr-00158-D-1, 5:20-cv-00512-D.



Questions Presented

Where a Certificate of Appealability should have been granted by the Fourth Circuit Court of Appeals. Whereas, said motion alleged: (a) ineffective assistance of counsel based on a failure to investigate, (b) Petitioner Barnes purported waiver of appeal was not knowing and voluntary, (c) standby counsel was constitutionally ineffective during the sentencing proceedings, in violation of Petitioners Sixth Amendment right to effective representation, (d) The Government's erroneous position regarding Petitioners' efforts to withdrawal his plea of guilty and acceptance of the plea agreement, an egregious error by defense counsel regarding a specific sentence constitutes grounds for withdrawal of the plea, (e) the 360-month term of imprisonment was determined by judge found facts that where not proved to a jury beyond a reasonable doubt, (f) the district court erred when it accepted Barnes guilty plea without determining a factual basis and ensuring that Barnes understood the nature of the charges in violation of Rule 11 and constituting plain error.

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Relief Sought

Petitioner Barnes, Pro Se, appellant, in the action captioned above, respectfully moves the court for a sixty (60) day Enlargement of Time in which to file a Petition for Writ of Certiorari. Without the extension the time for filing a Petition for Writ of Certiorari would expire on August 23, 2022. Petitioner Barnes requests an Enlargement of Time up to and including October 22, 2022.

Grounds For Motion

Although motions for Enlargement of Time to file briefs are not favored by this Court, the Court is authorized to grant an Enlargement of Time when justice requires.

1. Petitioner Barnes respectfully submits he is a federally incarcerated inmate at FCI Beckley located in Beaver, WV. For all practical purposes FCI Beckley has been on continuous lockdown since the inception of COVID-19 in 2019.
2. Petitioner Barnes is a layman of law and lacks the necessary formal training in the field of legal research, writing, and the preparation of significant arguments to be presented in his Petition for Writ of Certiorari.
3. FCI Beckley is devoid of any staff or inmates trained legal matters in which to assist inmates.
4. Petitioner Barnes has been unjustly, detrimentally, and unconstitutionally denied the sorely needed access of the institution law library in order to conduct meaningful research, study, analyze and finally, type and file the Motion for Writ of Certiorari to this Court.
5. FCI Beckley does not have a prisoner assistance program and vehemently discourages any inmates who do possess formal legal training to assist and help less educated inmates.
6. Therefore, Petitioner Barnes has been unjustly denied the sorely needed access and use of the law library that he desperately needs to effectively prepare a motion for Writ of Certiorari to this Court.

CONCLUSION

WHEREFORE, for the articulated reasons stated herein, Petitioner Barnes respectfully asks this Court to grant him the needed sixty (60) day Enlargement of Time in which to prepare and file a Petition for Writ of Certiorari. In the alternative, the Court should direct the Fourth Circuit to issue a Certificate of Appealability on the issues presented in this petition.

Done this 29th day of July 2022,

Respectfully submitted,



SEAN TRENT BARNES, Pro Se,
REG. NO. 63480-056
PO BOX 350
BEAVER, WV 25813
FCI BECKLEY

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing motion seeking a sixty (60) day Enlargement of Time has been mailed via first class pre-paid mail this 29th day of July 2022 to the following party: U.S. Attorney, 150 Fayetteville Street, Suite 2100, Raleigh, NC 27601.

Done this 29th day of July, 2022,

Respectfully submitted,



SEAN TRENT, Pro Se,
PO BOX 350
BEAVER, WV 25813
REC. NO. 63480-056
FCI BECKLEY

UNPUBLISHED

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

No. 22-6102

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SEAN TRENT BARNES,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, District Judge. (5:17-cr-00158-D-1; 5:20-cv-00512-D)

Submitted: May 19, 2022

Decided: May 24, 2022

Before MOTZ and HARRIS, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Sean Trent Barnes, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sean Trent Barnes seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 motion. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(B). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists could find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 137 S. Ct. 759, 773-74 (2017). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable and that the motion states a debatable claim of the denial of a constitutional right. *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

We have independently reviewed the record and conclude that Barnes has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED