

22A168

IN THE UNITED STATES SUPREME COURT

ORIGINAL

Paul Curtis Pemberton, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 State of Oklahoma, )  
 )  
 Respondent. )

Case Number

(Oklahoma Court of Criminal Appeals)  
(Case Number: PC-2021-1396)

Supreme Court, U.S.  
FILED  
AUG 16 2022  
OFFICE

**Petitioner's Motion For Extension of Time To File Petition For Certiorari**

**Comes Now**, the Petitioner, Paul Pemberton, Pro se, pursuant to Sup. Ct. Rule 13.5, and 28

U.S.C. § 2101(c), and applies for an extension of time to file his Petition For Certiorari of 60 days from September 3, 2022 to November 3, 2022 for good cause as follows:

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SUPREME COURT, U.S.

**Statement of the Case**

The case comes from a conviction on December 15, 2004, from the McIntosh County District Court, Case No. CF-2004-57, for Count One: Murder in the First Degree-Malice Aforethought, in violation of 21 O.S. § 701.7(A); and Count Two: Unlawful possession of a Firearm after Former Conviction of a Felony, in violation of 21 O.S. § 1283(c). Petitioner was sentenced to Life without Parole as to Count One and to Life as to Count Two.

**Statement of Good Cause being Shown for an Extension of 60 Days**

The Petitioner is applying for a 60 day extension of time to file the Petition For Certiorari under Sup. Ct. Rule 13.5, 28 U.S.C. § 2101(c). Petitioner was first housed at the Federal Annex, Moore Detention Facility, 111 S. Alabama, Okmulgee, OK 74447, on June 8, 2022 when Petitioner first received the OCCA's June 3, 2022 Order awaiting sentencing for a conviction for this same case from the U.S. District Court for the Eastern District of Oklahoma. Petitioner was sentenced on June 16, 2022 and then transported back to this facility here in Holdenville, OK, on June 23, 2022. Petitioner was able to begin the Petition in the Law Library on July 16, 2022 and on the second week, an inmate attacked an officer at this facility on a separate unit from where Petitioner is housed and the officer died as a

result of the attack and Petitioner is locked down at this facility and because of the circumstance these officers are not concerned with providing Petitioner the time to properly draft this Petition for review in this court. Because of the failure of these officers in control, to be concerned with allowing any inmates access to the law library at this particular time, Petitioner is unable to complete the Petition For Certiorari by September 3, 2022. As a result of this uncontrollable circumstance Petitioner will need an additional 60 days until November 3, 2022 to appropriately Petition this Court for Certiorari review of the June 3, 2022 Order from the Oklahoma Court of Criminal Appeals. Jurisdiction arises under Sup. Ct. Rule 10(b), 28 U.S.C. § 1257. Boumediene v. Bush, 550 U.S. 1301-02 (2007)(This Court's Rules expressly provide for extensions of time in which to file a petition for writ of certiorari, Rule 13.5, or a petition for rehearing of a ``judgment or decision . . . on the merits,&`` Rule 44.1, but they do not provide for any extension of time in which to file a petition for rehearing of an order denying certiorari. Such an order is plainly not a ``judgment or decision . . . on the merits.&``).

Respectfully Submitted,



Paul Pemberton, # 492659,  
DCF CS-152,  
6888 East 133<sup>rd</sup> Rd.,  
Holdenville, OK 74848

Certificate of Mailing and of Service

I certify that I mailed a true and correct copy of the foregoing Motion to:

- 1) United States Supreme Court,  
1 1<sup>st</sup> Street, N.E.,  
Washington, DC 20543-0001.

on the 16 day of August, 2022, by placing it in the U.S. Mails, first class postage prepaid.

Also on the same day and at the same time I served the State of Oklahoma at:

- 2) McIntosh County Assistant District Court,  
110 N. 1<sup>st</sup> Street, Room 205,  
Eufaula, OK 74432

