

SUPREME COURT OF THE UNITED STATES

ANDRE THOMPSON, Pro Se
59623-066

Cr. No. 2-09-cr-00143-001

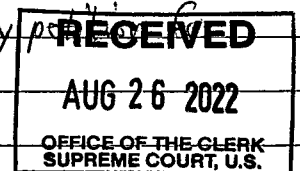
Request for an extension of time to file
a petition for writ of certiorari

I, Andre Thompson, Pro Se, humbly comes before this Honorable Court to request an extension of time to file my petition for writ of certiorari for the following reasons

My petition for rehearing and en banc (No. 22-1021), was denied by the Court of Appeals for the Third Circuit on June 3, 2022, leaving me with a deadline of September 3, 2022 to file a petition for a writ of certiorari.

An extension of time is needed because here at FCI Ray Brook the inmate population has been without access to the law library computers for weeks at a time, and without access to a copy machine and typewriter ribbons, for over 60 days now.

During the time that I had no access to the law library computers, I was unable to conduct the proper research to prepare my petition. Without access to a copy machine I am unable to provide the necessary parties with the required copies of my petition. And without a typewriter ribbon I will have to prepare my petition by handwriting and will likely have to handwrite any and all copies needed to proceed with the petition process. The administration here has not provided any timeline for the remedy of these issues. It is for those reasons that I am humbly requesting an extension of time to file my petition for writ of certiorari



August 18, 2022

Respectfully submitted,
Andre Thompson
Andre Thompson, Pro Se

CLD-129

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 22-1021

UNITED STATES OF AMERICA

VS.

ANDRE THOMPSON,
Appellant

(E.D. Pa. Cr. No. 2-09-cr-00143-001)

Present: AMBRO, SHWARTZ and BIBAS, Circuit Judges

Submitted are:

- (1) Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1); and
- (2) Petitioner's "Motion to Have the District Court's Judgment Vacated and Remanded"

in the above-captioned case.

Respectfully,

Clerk

ORDER

The foregoing request for a certificate of appealability is denied. We may issue a certificate of appealability "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). That standard is satisfied if the petitioner demonstrates that "jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." Buck v. Davis, 137 S. Ct. 759, 773 (2017) (citation omitted). Jurists of reason would not debate the District Court's decision to deny Appellant's second or successive motion to vacate under 28 U.S.C.

§ 2255, which was authorized by this Court, see C.A. No. 20-2075, and premised on the change in law effected by United States v. Davis, 139 S Ct. 2319 (2019). In particular, reasonable jurists would agree that because Thompson pleaded guilty to the substantive count of armed bank robbery, which is categorically a crime of violence under the elements clause, see United States v. Johnson, 899 F.3d 191, 204 (3d Cir. 2018), there is no reasonable possibility that any error affected the § 924(c) conviction, even assuming that conspiracy to commit armed bank robbery is not also a crime of violence. See United States v. Wilson, 960 F.3d 136, 151 (3d Cir. 2020). For the same reason, the change in law effected by Davis did not undermine the validity of Appellant's guilty plea. Appellant's "Motion to Have the District Court's Judgment Vacated and Remanded" is denied.

By the Court,

s/Patty Shwartz
Circuit Judge

Dated: April 29, 2022
JK/cc: Andre Thompson
All Counsel of Record



A True Copy:

Patricia S. Dodszeit

Patricia S. Dodszeit, Clerk
Certified Order Issued in Lieu of Mandate

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 22-1021

UNITED STATES OF AMERICA

VS.

ANDRE THOMPSON,
Appellant

(E.D. Pa. Cr. No. 2-09-cr-00143-001)

SUR PETITION FOR REHEARING

Present: CHAGARES, Chief Judge, McKEE, AMBRO, JORDAN, HARDIMAN,
GREENAWAY, JR., SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY,
and PHIPPS, 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 panel and the Court en banc, is denied.

BY THE COURT,

s/Patty Shwartz
Circuit Judge

Dated: June 3, 2022
JK/cc: Andre Thompson
Robert A. Zauzmer, Esq.