

Office of the Clerk
Supreme Court of the United States
1 First Street, N.E.
Washington DC 20543

AUGUST 23, 2022

RE: United States v Brewer, Appeal No. 21-3297
District Court No. 1:13-CR-13-03

Dear Clerk,

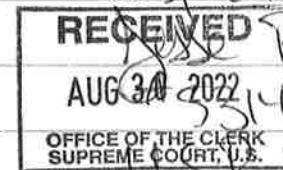
I am the petitioner and defendant
in the above-referenced matter.

This is a request for an extension of time to file my Writ of Certiorari, which is due September 30, 2022. My decision was finalized June 30, 2022 where my Rehearing En Banc was denied in the 3rd Circuit.

This request is being made because I am currently in the Special Housing Unit and do not have access to the Law Library to litigate my issues. Thankyou

cc: Solicitor General's Office
950 Pennsylvania Ave, N.W.
Washington D.C. 20530-0001

Personal File



ALD-109

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 21-3297

UNITED STATES OF AMERICA

VS.

JESSE BREWER, Appellant

(M.D. Pa. Crim. No. 1-13-00013-003)

Present: JORDAN, RESTREPO, and SCIRICA, Circuit Judges

Submitted is appellant's notice of appeal, which may be construed as a request for a certificate of appealability under 28 U.S.C. § 2253(c)(1), in the above-captioned case.

Respectfully,

Clerk

ORDER

Appellant's request for a certificate of appealability is denied because jurists of reason would not debate the District Court's denial of his claims or his proposed claims under 28 U.S.C. § 2255. See 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000). We make that determination largely for the reasons explained by the Magistrate Judge. We separately address two points.

First, as part of appellant's claim that his trial counsel should not have conceded the interstate-commerce element of Hobbs Act robbery, appellant argued that the concession violated the rule of McCoy v. Louisiana, 138 S. Ct. 1500 (2018). It did not, and jurists of reason would not debate that point, both because appellant does not claim to have objected to the concession and because conceding that element was not tantamount to a concession of guilt of the offense, which counsel otherwise contested. See id. at 1510-11.

Second, the Magistrate Judge recommended denying appellant's motion to

supplement at ECF No. 369 for several reasons, including that appellant's proposed claims were untimely. Even if jurists of reasons could debate some of the points that the Magistrate Judge raised (which we do not decide), jurists of reason would not debate whether these claims were timely. Appellant did not raise these claims within one year of the date on which his conviction became final, see 28 U.S.C. § 2255(f)(1), and they do not relate back to any of the claims that appellant previously asserted, see Wilkerson v. Superintendent Fayette SCI, 871 F.3d 221, 236-37 (3d Cir. 2017); cf. United States v. Santarelli, 929 F.3d 95, 101-03 (3d Cir. 2019). Jurists of reason would not debate these points.

By the Court,

s/ L. Felipe Restrepo
Circuit Judge

Dated: April 6, 2022
cc: Carlo D. Marchioli, Esq.
Jesse Brewer
Enid W. Harris, Esq.



A True Copy:

Patricia S. Dodszeit

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

PATRICIA S. DODSZUWEIT
CLERK

TELEPHONE NO.
215-597-2995

OFFICE OF THE CLERK



UNITED STATES COURT OF APPEALS
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106-1790
Website: www.ca3.uscourts.gov

April 6, 2022

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Carlo D. Marchioli, Esq.
Office of United States Attorney
Middle District of Pennsylvania
228 Walnut Street, P.O. Box 11754
220 Federal Building and Courthouse
Harrisburg, PA 17108

RE: USA v. Jesse Brewer
Case Number: 21-3297
District Court Case Number: 1-13-cr-00013-003

ENTRY OF JUDGMENT

Today, **April 06, 2022** the Court issued a case dispositive order in the above-captioned matter which serves as this Court's judgment. Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very Truly Yours,

s/ Patricia S. Dódszuweit

Clerk

By: Desiree,

Case Manager

267-299-4252

cc: Mr. Peter J. Welsh

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 21-3297

UNITED STATES OF AMERICA

v.

JESSE BREWER

No. 1-13-cr-00013-003

SUR PETITION FOR REHEARING

Before: CHAGARES, *Chief Judge*, McKEE, AMBRO, JORDAN, HARDIMAN, GREENAWAY, JR., SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, and *SCIRICA *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/ L. Felipe Restrepo
Circuit Judge

Date: June 30, 2022

*Judge Scirica's vote is limited to panel rehearing only.

Appeal No. 21-3297
United States v. Jesse Brewer
Page 2

cc: Carlo D. Marchioli, Esq.
Jesse Brewer
Enid W. Harris, Esq.