

1 MICHAEL JACE
2 C.S.P. 3B03-109 BA3055
3 P.O. BOX 3466
4 Corcoran, CA 93212

5 UNITED STATES SUPREME COURT

6 MICHAEL JACE
7 Petitioner

8 APPLICATION FOR EXTENSION OF TIME TO
9 FILE A PETITION FOR WRIT OF CERTIORARI;
10 DECLARATION OF MICHAEL JACE

11 v.

12 RON DAVIS, Warden,
13 Respondent

14 Petitioner respectfully requests a sixty-day extension of time
15 to November 21, 2022, to file a Petition for Writ of Certiorari. The
16 entry date of judgment from the Ninth Circuit Court of Appeals was June
17 24, 2022. (Case No. 22-55241)

18 The nature of the issues petitioner will bring before this Court
19 would address; relief Federal Courts have authority to give under
20 Rule 60 and what constitutes "good cause" under Rule 60; the extent
21 of a Magistrate judge's jurisdiction in a habeas corpus proceeding
22 when a petitioner has not given consent for the magistrate to issue
23 a final ruling; clarification of fundamental unfairness that violates
24 a petitioner's Fourteenth Amendment right to due process; and fur-
25 ther clarification on what constitutes a Richter Presumption rebuttal.

26 There are issues not presented that petitioner is contemplating
27 but he can not determine the validity of the issue because of Cor-
28 coran prison's continued obstruction and continued lockdowns due to
COVID-19.

As set forth in the attached Declaration of Michael Jace, (with
exhibits to support) this application is made for good cause.

Dated: September 1, 2022

Respectfully submitted

Michael Jace
Petitioner

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SEP 13 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

DECLARATION OF MICHAEL JACE

I, Michael Jace, declare as follows:

1. I am the petitioner and have prepared this declaration in support of an extension request and am incarcerated at Corcoran State Prison.

2. On June 25, 2022 Corcoran prison shut down Lexis Nexis (Inmate Computer) through July 24, 2022 for maintenance. Without Lexis Nexis petitioner could not do legal research. (Exhibit A)

3. On approximately July 25, 2022, Building #5 of yard 3B was quarantined due to COVID-19. This placed the entire 3B yard on a Modified Program. Without a Preferred Legal User designation (PLU) which petitioner did not have at the time because it is Corcoran's policy that "PLU status is the last 30 days before a court deadline, per Title 15 section 3122 (b)(6)," per Senoir Librarian Lirones.

4. On approximately July 28, 2022, Building #3 where petitioner is incarcerated was quarantined due to COVID-19 until August 10th; then from August 10 through August 17 petitioner was isolated in Building #2. Per medical protocols petitioner had no access to the law library during this time.

5. On approximately August 15, 2022, a new librarian, L.T.A. Parks was assigned to yard 3B. This after previous LTA Cormier was reassigned due to numerous complaints of inadequate law library access and shortage of librarians. LTA Parks is on heat medication and it routinely surpasses 100 degrees during the summer in Corcoran. On Thursday August 18, LTA Parks shut down the law library early due to the heat. On Monday August 22, she did not report to work on yard 3B. On Thursday, August 25, she shut down the law library early

1 again. After she stopped the first session at approximately 9:45
2 (the session is scheduled to run from 8:30-11:30 a.m.), she did not
3 run the second session. The current library schedule is Monday and
4 Thursday at 8:30- 11:30 then 12:30-2:30 on both days.

5 6. Petitioner was finally issued a PLU on August 25th. The first
6 request was made August 18th. The PLU designation did not stop LTA
7 Parks from taking any of the actions she took on August 25th nor
8 did it prevent her from refusing to show-up for work on Yard 3B on
9 August 29th or September 1, 2022. It is important to note that Edu-
10 cation was run on both August 29th and September 1st, so there is no
11 legitimate excuse for law library not to be run. A C.O. was assign-
12 to the building.

13 7. This obstruction is an ongoing issue for which petitioner
14 has had to file a 1983 civil suit (Exhibit B). In spite of this Cor-
15 coran prison continues to obstruct petitioner's meaningful access
16 to the courts by denying him physical access to the law library
17 (Exhibit C)

18 8. From June 27, 2022 through September 1, 2022, the day peti-
19 tioner mailed this request for an extension, Corcoran has violated
20 Title 15 3123(b), which requires petitioner be given two hours of
21 access to the law library per calender week, with impunity. This is
22 a minimum standard that no other prison that petitioner has been in-
23 carcerated had an issue meeting.

24 For the foregoing reasons I am requesting a sixty-day extension
25 of time until November 21, 2022, to ensure that I am able to com-
26 ~~plete~~ the Petition for Writ of Certiorari.
27

1 I declare under penalty of perjury under the laws of the United
2 States of America and the State of California that this declaration
3 is true.

4 Executed on September 1, 2022, at Corcoran, California.
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6 MICHAEL JACE
7 Petitioner
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