

Supreme Court, U.S.
FILED
SEP 26 2022
OFFICE OF THE CLERK

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CARLOS SANTANA R. GARCIA,
Petitioner,

v.

BOBBY LUMPKIN, Director, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,
Respondent.

No. 22-10225 USDC No. 6:20-cv-00084-H

APPLICATION TO EXTEND TIME TO FILE A
PETITION FOR A WRIT OF CERTIORARI

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SUPREME COURT, U.S.

TO THE JUSTICE OF THE SUPREME COURT;

COMES NOW, CARLOS SANTANA R. GARCIA, PETITIONER, IN PRO SE,
in the above styled cause, PURSUANT to the RULES OF THE
SUPREME COURT OF THE UNITED STATES, RULE 13.5; RULE 30.3;
and 28 U.S.C. § 2101 (c), hereby Files this APPLICATION TO EXTEND
TIME TO FILE A PETITION FOR WRIT OF CERTIORARI.

In support of this application and for good cause, petitioner has
provided a copy of the order and judgment sought to be reviewed,
a copy of institutional units indirect access to law library material,
and respectfully shows the court the following:

ORIGINAL

1. PETITIONER HAS BEEN PROCEEDING PRO SE, IN FORMA PAUPERIS, FROM THE STATE TRIAL COURTS ATTACKING HIS UNCONSTITUTIONAL DETENTION WITHOUT ANY LEGAL COUNSEL NOR LEGAL ADVICE.
2. PETITIONER IS A LAYMAN WITH NO ACADEMIC EDUCATION AS A LAWYER, NOR EXPERIENCED OR FAMILIAR WITH THE COMPLEXITY OF FORMING A PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE UNITED STATES.
3. PETITIONER UNDERSTANDS THE MAJOR IMPORTANCE OF PRESENTING AND FILING A PROPER WRIT OF CERTIORARI AND WANTS TO PROVIDE THE APPROPRIATE ACCEPTABLE FORMAT FOR THE SUPREME COURTS ANALYSIS.
4. PETITIONER DOES NOT HAVE THE SAME EQUAL DIRECT ACCESS TO THE PRISONS LAW LIBRARY MATERIAL AS GENERAL POPULATION OFFENDERS. PETITIONER HAS BEEN CLASSIFIED AND ASSIGNED TO ADMINISTRATIVE SEGREGATION/RESTRICTIVE HOUSING SINCE 2010, AND CONFINED TO A SINGLE CELL TWENTY-FOUR HOURS A DAY, SEVEN DAYS A WEEK, THEREBY LIMITING MY ACCESS. PETITIONER IS ONLY ALLOTTED THREE SPECIFIC STATUTES, CITATIONS, DEFINITIONS OR LAWS EACH DELIVERY DAY, WHICH IS THREE TIMES A WEEK. (ATTACHED DOCUMENT IN SUPPORT).
5. PETITIONER NEEDS ADDITIONAL TIME TO RESEARCH AND LOCATE PERTINENT SUPREME COURT AND FEDERAL CITATIONS FOR PETITION.
6. PETITIONER DOES NOT HAVE A TYPEWRITER, NOR HAS ANY ACCESS TO COPIER SERVICE OR DUPLICATION SERVICES AND MUST RELY ON HIS HAND-WRITING ABILITY TO MAKE COPIES AND FORM LEGAL DOCUMENTS TO THE COURTS. PETITIONER NEEDS TIME TO FORM A COHERENT LEGIBLE WRIT OF CERTIORARI TO THE COURT AND RESPONDENT.

7. On May 2022, while Petitioners Certificate of Appealability was pending a decision by the Court of Appeals of the Fifth Circuit, Petitioner sent a letter to the Clerk of the Supreme Court of the United States, requesting the necessary blank forms of the Supreme Court to indigent incarcerated prisoners wanting to file a writ of certiorari (i.e., Rules of the Supreme Court, forms to proceed in forma pauperis, any samples writs of certiorari and/or memorandum) that could aid a layman to form a proper petition for writ of certiorari to the Supreme Court. Petitioner did not receive any response nor material requested.
8. Petitioners Certificate of Appealability was denied by the Court of Appeals of the Fifth Circuit, on July 27, 2022. A copy of the order that was sent to petitioner is attached to this application.
9. Petitioner received the Fifth Circuits decision via mail post-marked July 28, 2022, physically received on August 5, 2022, and on August 9, 2022 filed a motion for extension of time to file petition for panel rehearing and/or rehearing en banc, which was denied on August 16, 2022.
10. Petitioner sent a second letter on August 26, 2022 to the Clerk of the Supreme Court of the United States, requesting again the material mentioned in number seven (#7), this material would be a valuable aid to a pro se indigent incarcerated petitioner, whom has never drafted nor filed a petition for writ of certiorari. The material requested was postmarked on September 8, 2022, and physically received on September 15, 2022 by petitioner, from units mailroom representative.

11. According to 28 U.S.C. § 2101 (c); Rule 13.5, after the judgment by the Court of Appeals of the Fifth Circuit denying certificate of appealability on July 27, 2022, petitioner has 90 days to file a petition for a writ of certiorari, on or before October 26, 2022.
12. Petitioner respectfully request in the interest of justice and for good cause shown, a 45 day extension, to effectively utilize the material requested to aid petitioner in preparing the appropriate format, to have sufficient time and opportunity to research and locate relevant citations, to have reasonable time and opportunity to hand write a legible coherent concise petition.
13. The current deadline to file writ of certiorari is October 26, 2022, should the court grant application to extend time to file by the requested 45 days, the new deadline to file writ of certiorari will be on or before December 10, 2020.
14. Respectfully submitted to be filed on this 23 day of September 2022.

Carlos Santana R. Garcia

CARLOS SANTANA R. GARCIA

PRO SE, TDCJ # 1317728

William P. CLEMENTS Unit

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