

No. 22-

In the

SUPREME COURT OF THE UNITED STATES

DOUGLAS TYRONE ARMSTRONG,

Petitioner,

v.

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

Respondent.

**Application for an Extension of Time Within Which to File a Petition
for a Writ of Certiorari to the United States Court of Appeals for the
Fifth Circuit**

APPLICATION TO THE HONORABLE JUSTICE SAMUEL A. ALITO, JR.

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APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 for the Rules of this Court, Applicant Douglas Tyrone Armstrong hereby requests a 30-day extension of time within which to file a petition for a writ of certiorari, such that a petition may be timely filed up to and including November 18, 2022.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *Armstrong v. Lumpkin*, No. 21-40130 (5th Cir. July 21, 2022) (attached as Exhibit 1).

JURISDICTION

The United States Court of Appeals for the Fifth Circuit entered its judgment on July 21, 2022. This Court will have jurisdiction over a timely filed petition for writ of certiorari pursuant to 28 U.S.C. § 1254(1). Under Supreme Court Rule 13(1), the petition is currently due to be filed by October 19, 2022.

REASONS JUSTIFYING AN EXTENSION OF TIME

1. Applicant respectfully requests a 30-day extension of time within which to file a petition for a writ of certiorari, such that a petition may be timely filed up to and including November 18, 2022.
2. Pursuant to Supreme Court Rule 30.4, extraordinary circumstances exist to grant this extension.
3. Applicant is incarcerated in Texas prisons, and his counsel are located in Minneapolis, Minnesota. Attorney-client communication has been very difficult for that reason. Pursuant to prison rules, Applicant is only pre-approved to contact his attorneys

through one of his attorneys' office phone number. (Calls to cell phones are not allowed.) For several weeks, due to other out-of-office commitments, that attorney has not been in his office during the times Applicant has called. Therefore, it has been approximately four weeks since the last time Applicant and his counsel have conferred regarding a petition for certiorari.

4. An additional 30 days will allow time for Applicant and his counsel to confer as to a petition for certiorari.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that this Court grant a 30-day extension of time within which to file a petition for a writ of certiorari, such that a petition may be timely filed up to and including November 18, 2022.

Dated: October 13, 2022

By: /s/ Michael C. McCarthy

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