

No. _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

**JASON LENOIR,
Pro Se Applicant,**

vs.

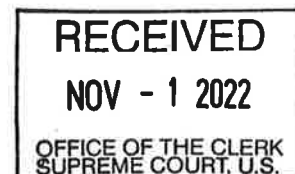
**LYNN GUYER, ATTORNEY GENERAL OF THE
STATE OF MONTANA**

Respondent,

**On Petition for a Writ of Certiorari to the United States Court of Appeals for
the Ninth Circuit**

**APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR
WRIT OF CERTIORARI**

Jason Lenoir
Pro Se Applicant
DOC ID # 3022525
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722



**APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR
A WRIT OF CERTIORARI**

*To the Honorable Elena Kagan, Circuit Justice for the
United States Court of Appeals for the Ninth Circuit:*

In accordance with Rule 13.5 of the United States Supreme Court Rules, Jason Lenoir, Pro Se Applicant, requests a forty five - day extension of time, up to January 7, 2023, within which to file his Petition for Writ of Certiorari.

Pro Se Applicant's Petition for Writ of Certiorari is currently due on November 23, 2022. In support of this application, Pro Se Applicant states:

1. Applicant's case raises at least two important constitutional questions:

Is a Criminal Defendant Entitled to a Certificate of Appealability When; (1) It is Demonstrated that a Substantial Showing of the Denial of a Constitutional Right Has Occurred Under the Sixth Amendment to the United States Constitution; and (2) The District Court's Procedural Ruling is at Least Debatable?

2. On March 4, 2022, the United States District Court for the District of Montana, Missoula Division, denied Pro Se Applicant's writ of habeas corpus, which was initially filed under to 28 U.S.C. § 2254 in November, 2019, and amended on March 29, 2021, alleging that he was denied his Sixth Amendment right to counsel when the trial court did not ensure that he knowingly, voluntarily, and intelligently waived his right to counsel in violation of *Faretta*, and denied a Certificate of Appealability.

3. Through appointed counsel, Pro Se Applicant timely appealed that denial to the United States Court of Appeals for the Ninth Circuit on April 4, 2022.

4. On August 25, the United States Court of Appeals for the Ninth Circuit denied Pro Se Applicant the relief sought, and denied him a Certificate of Appealability. ("See Attached")

5. The Supreme Court has certiorari jurisdiction over the case under 28 U.S.C. § 1254(1).

6. Pro Se Applicant currently has until November 23, 2022, to file a Petition for Writ of Certiorari. See U.S.S. Ct. R. 13.1.

7. Under Rule 13.5, a Supreme Court Justice may extend the time for seeking certiorari for up to sixty additional days.

8. Pro Se Applicant requests an additional forty five days (45) to have his Petition for Writ of Certiorari properly prepared by counsel of his choosing, and requests he be given up until January 7, 2023.

9. Pro Se Applicant represented himself in his trial before the Montana Fourth Judicial District, Missoula County. Having subsequently pleading guilty to charges in that court, Pro Se Applicant initially filed, Pro Se, a writ of habeas corpus in the United States District Court for the District of Montana, Missoula Division.

10. Upon review of his Pro Se petition, the United States District Court ordered him to be represented by the Public Defender's Office, and that office filed an amended writ with that court. However, since this matter now still presents important issues that cannot be handled Pro Se, Pro Se Applicant requests additional time to secure counsel of his choice who is better qualified to hand this matter with access to resources that which Pro Se Applicant lacks, considering that he is incarcerated in the Montana State Prison. Thus, granting Pro Se Applicant an additional forty five (45) days will allow him sufficient time to secure counsel of his choosing who can best handle these issues, ensuring that the important issues to be raised are properly, rather than hurriedly, presented to the Court.

11. This Application For Extension of Time To File A Petition for Writ of Certiorari is not requested or sought for the purpose of any delay, but, rather, so that justice may be done.

Wherefore, premises considered, Pro Se Applicant, Jason Lenoir, requests that he be granted a forty five-day extension of time, to January 7, 2023, within which to have his Petition for Writ of Certiorari before this Most Honorable Court.

Respectfully submitted,

A handwritten signature in cursive script, reading "Jason Lenoir", is written over a solid horizontal line.

Jason Lenoir
Pro Se Applicant