

IN THE UNITED STATES SUPREME COURT OF AMERICA
AND/OR
(11TH) ELEVENTH CIRCUIT COURT OF APPEALS
ATLANTA, GEORGIA

MICAH LAMB J23663
PETITIONER

VS.

FLORIDA SECRETARY OF THE
DEPARTMENT OF CORRECTIONS
RICKY O. DIXON AND RESPONDENTS

CASE NUMBER:

PROVIDED FOR MAILING
AT CALHOUN CI ON

NOV 09 2022

STAFF INITIALS
INMATE INITIALS

"MOTION FOR EXTENSION OF TIME"

COMES NOW THE PETITIONER MICAH LAMB, PRO SE, HEREBY IN GOOD FAITH FILES THIS "MOTION FOR EXTENSION OF TIME" TO PREVENT THE WORKING OF A MANIFEST INJUSTICE, THAT STILL CONTINUES, THEREFORE S. Ct. RULE 13.5, 30, APPLIES SEE, AS FOLLOWS:

(1). PETITIONER FILED HIS F.R.C.P. 60 (b) (2), 15 (2)(c) INITIAL "COA" BRIEF, TOO THE (11TH) ELEVENTH CIRCUIT COURT OF APPEALS, WHICH DENIED THE APPEAL ON SEPTEMBER 15TH, 2022. PETITIONER THEN FILED A TIMELY MOTION FOR REHEARING ON, PRISON DATE STAMPED SEPTEMBER 29TH, 2022, SEE, APPENDIX "AA", SEE, MULEROV. LEFEVRE, 873 F.2d 534, 536 (2d Cir. 1989) ("REARGUMENT MOTION"), FILED UNDER THE MAILBOX RULE SEE RAY V. CISMENS, 700 F.3d 993, N.L.J. (7th Cir. 2012) MAKES PETITIONER BE TIMELY FILED WITHIN THE 21 DAYS GIVEN BY THE (11TH) CIRCUIT COURT, SEE, APPENDIX "B", OF NEWLY DISCOVERED EVIDENCE, THAT A FOIA, TO NEW STATE ATTORNEY MELISSA NELSON THAT COST PETITIONER \$39.65 FOR (5) FIVE CASSETTE AUDIO TAPES, HAS PROVED A AVENUE FOR THE OPPOSING PARTIES TO UTILIZE MENOACITY, TO DENY PETITIONER DUE PROCESS OF THE LAWS.

(2). THE "MANIFEST INJUSTICE", OCCURS AGAIN ON NOVEMBER 7TH, 2022, SEE, APPENDIX "A" OF THE (11TH) ELEVENTH CIRCUIT, SENDING ME THE WRONG COURT ORDER FOR:

RICHARD HUNSTEIN V. PREFERRED COLLECTION,

CASE NUMBER: 19-14434

THE ABOVE MISDEED, MISMANOWT, OR MISHAP, EQUATES TO THE (11TH) CIRCUIT COURT AND ITS JUDGES OR NOT-READING PETITIONER'S "ACTUAL INNOCENCE EXCEPTION" WHEN NEWLY DISCOVERED EVIDENCE RECEIVED MAY 11TH, 2021, SHOWS SOMEBODY ELSE COMMITTED THE CRIMES SEE BUCK V. DAVIS, 137 S. Ct. 759 (2017); PRICE V. DOTY, 865 F.3d 676, 682 (D.C. Cir. 2017) ("AND AS AMICUS OBSERVED, FOIA PLAYS A SIGNIFICANT ROLE IN UNCOVERING UNDISCLOSED "BRADY" MATERIAL AND EVIDENCE OF INEFFECTIVE ASSISTANCE OF COUNSEL SEE AMICUS GR. 7 AND IN PRACTICE HAS LED TO UNCOVERING RECORDS RELEVANT TO INEFFECTIVE-ASSISTANCE-OF-COUNSEL CLAIMS, SUCH AS PICT OFFERS NOT COMMUNICATED BY DEFENSE TO CLIENTS, SEE, HARE V. U.S., 688 F.3d 878, 880 (7th Cir. 2012); ALBUQU-DELEON V. GONZALES, 410 F.3d 1090, 1100 (9th Cir. 2005), AS WELL AS

(FBI) (1) PETITIONER IN LAMB V. INCH FIA, DEPT. OF CORR, 142 S.Ct. 603 (2021) OF CORRUPT DETECTIVE SAMUEL O. KOVISTO (6396) WANTING TO KILL BLACK U.S. PRESIDENT BRACK OBAMA AND HIS ENTIRE FAMILY, SEE, U.S. V. FOWLER, 465 F.2d 664, 668 (D.C. Cir. 1972) ("COURT REMANDED TO DISTRICT COURT FOR A HEARING AT WHICH THE DEFENDANT MAY FULLY CROSS-EXAMINE THE WITNESS AS TO HIS USE OF NARCOTICS AT OR ABOUT THE TIME IN QUESTION, AND AS TO FULL REASONS FOR HIS DISMISSAL FROM THE POLICE FORCE, THE COURT MAY ALSO RECEIVE EVIDENCE FROM THE (JSD) POLICE DEPARTMENT AS TO THE REASONS FOR DISMISSAL,") THE INJUSTICE DID TO PETITIONER BY DETECTIVE KOVISTO WAS LESS SUBTLE THAN TO PRESIDENT OBAMA, BUT STILL EFFECTIVE.

EVIDENCE OF BRADY VIOLATIONS, SEE MONROE V. ANGELONE, 323 F.3d 286, 294 (4th Cir. 2003); BAGLEY V. LUMPKIN, 798 F.2d 1297, 1299 (9th Cir. 1986); U.S. V. McDAVID, NO: 06-CR-0035 ECF NO. 442 (E.D. CAL. JULY 14, 2014) (DESCRIBING BRADY MATERIALS OBTAINED THROUGH FOIA THAT LED TO THE RELEASE OF A MAN SENTENCED TO 19.5 YEARS IMPRISONMENT); EX PARTE MILES, 359 S.W.3d 647 (TEX. CT. CRIM. APP. 2012) (UNACATING THE CONVICTION OF A MAN SENTENCED TO SIXTY (60) YEARS IMPRISONMENT AFTER FOIA REQUEST UNCOVERED SUPPRESSED POLICE REPORTS AND EVIDENCE THAT ANOTHER PERSON CONFESSED TO THE CRIME); SEE ALSO TIMOTHY HOWARD NATIONAL REGISTRY OF EXONERATIONS (LAST VISITED JULY 25, 2017) (DESCRIBING SUPPRESSED EVIDENCE UNCOVERED THROUGH FOIA THAT LED TO THE EXONERATION OF (2) TWO MEN WHO HAD SPENT DECADES ON DEATH ROW). FOIA THUS PROVIDED AN IMPORTANT VEHICLE FOR VINDICATING SIGNIFICANT RIGHTS - AND FOR KEEPING PROSECUTORS HONEST. INDEED IN SOME CASES IT PROVIDED THE ONLY VEHICLE. LONGV. HOOKS, 972 F.3d 442, 469 (4th Cir. 2020) (INDEED WHEN POLICE OR PROSECUTORS CONCEAL SIGNIFICANT EXCULPATORY OR IMPERCHING MATERIAL IN STATE'S POSSESSION, IT IS ORDINARILY INCUMBENT ON THE STATE TO SET THE RECORD STRAIGHT, BANKS V. DRETKE, 124 S. Ct. 1256 (2004)). CASTLE BERRY V. BRIGANO, 349 F.3d 286, 294 (6th Cir. 2003) (CITING U.S. V. FROST, 125 F.3d 346, 383 (6th Cir. 1997) (STATING THAT COURTS SHOULD EVALUATE THE MATERIAL EFFECT OF EXCULPATORY EVIDENCE BY EXAMINING EVIDENCE COLLECTIVELY, NOT ITEM-BY-ITEM); THEREFORE THE AFFECTED GROUNDS CLAIMS ARE: SEE APPENDIX 12IA, 2, 4/17, 6/7, 9, 16 THAT HAS A MATERIAL EFFECT, SHOWING THE SEARCH WARRANT/AFFIDAVIT BY LEAD DETECTIVE (AFFILANT RAYMOND P. CECIL) (5589) INTENTIONALLY OMITTED THE EXCULPATORY EVIDENCE FROM REVIEWING STATE TRIAL JUDGE DAN CONSIDERATION, WHICH WOULD PROVE RESPONDENTS LACKED PROBABLE CAUSE TO ISSUE A OVERBROAD/INVALID WARRANT ON PETITIONERS 6000 SQUARE FOOT 5617 TEMPEST STREET HOUSE GROUND CLAIM # 9. SEE U.S. V. SIMMONS, 77 F. SUPP. 2d 908 (D. ILL. 2001) (OFFICER OMITTED MATERIAL INFORMATION, GOOD FAITH EXCEPTION TO THE EXCLUSIONARY DID NOT APPLY); CAUSED TRIAL COUNSEL DANILO MARKKA TO BE INEFFECTIVE ASSISTANTS OF COUNSEL ON ALL GROUNDS CLAIMS; SEE U.S. V. GROVER, 755 F.3d 811, 814 (7th Cir. 2014) (CITING OWENS V. U.S., 387 F.3d 607, 610 (7th Cir. 2004) (COUNSEL WAS INEFFECTIVE IN ARGUING WHAT SHOULD HAVE BEEN A SUCCESSFUL MOTION TO SUPPRESS THE EVIDENCE FOUND IN PETITIONERS HOME BECAUSE THE WARRANT WAS BASED ON A BAREBONES AFFIDAVIT THAT DID NOT ESTABLISH PROBABLE CAUSE WE HELD THAT THE AFFIDAVIT WAS SO INADEQUATE THAT THE GOOD FAITH EXCEPTION DID NOT APPLY AND GRANTED HABEAS CORPUS RELIEF UNDER 28

(F12)(A). ON DECEMBER 7TH, 2001 POLICE REPORTS DISCLOSED BY DETECTIVE MICHAEL OF EYEWITNESS MR. LOUIS WILLIAMS, WAS CUT-OFF ON ROWE AVE. BY THE SUSPECT DRIVING A CHEVY LUMINA, HAD HAIR BRAIDS/PLAITS, SEE APPENDIX 159A, 159B AND IDENTIFIED SUSPECT THRU CLEAR WINDSHIELD, PREVIOUS GROUND CLAIM # 16, SEE APPENDIX 12IA;

(B) BANK WITNESS MISS LINA STARLING AT JURY TRIAL PAGE 179 SAID THEIR WAS ONLY (2) TWO SUSPECTS IN THE CHEVY LUMINA, SHE LOOKED INSIDE, AND STATED ALL BANK CUSTOMERS FROM GOING IN THE BANK;

(C) NEWLY DISCOVERED EVIDENCE OF AARON LAMB'S CONFESSION ON THE (5) FIVE AUDIO TAPES STATED (1) BETTY MCDUFFEY WAS DRIVING A CHEVY LUMINA DURING THE CRIME, (2) THE AK-47 ASSAULT RIFLE USED IN THE CRIME WAS NOT PETITIONERS MICHAEL LAMB'S; SEE CASTLE BERRY V. BRIGANO, 349 F.3d 286, 295 (6th Cir. 2003) (VICTIMS DESCRIPTION OF ASSILANT OFFERED FROM PETITIONERS (MICHAEL LAMB) APPEARANCE IN IMPORTANT ASPECT);

(D) RENEGADE DETECTIVE KQVISTO (6396) WAS INTENTIONALLY SENT ON THE MISSION BY HEAD STATE ATTORNEY HARRY SHORTEN TO ILLEGALLY SEIZE WITHOUT A SEARCH WARRANT AND PROBABLE CAUSE PETITIONERS CHEVY LUMINA, WHEN STATE POLICE FILE STATED THE TIRE PATTERNS ON PETITIONERS LUMINA DID NOT MATCH THE TIRE CAST. MOUNT OF THE SUSPECT VEHICLE, SEE APPENDIX 28A, 29A, 30A, 138 S. Ct. 1663 (2018) (COURT REVERSED WHEN POLICE ILLEGALLY SEIZED MOTORCYCLE WITHOUT SEARCH WARRANT); U.S. V. MICHAEL, 541 F. SUPP. 956, 940 (4th Cir. 1982); U.S. V. SEIDEL, 794 F. SUPP. 1098 (4th Cir. 1992);

(E) JUNICE V. ZOOK, 876 F.3d 551, 570 (4th Cir. 2017) (CITING ELLS V. SHERIDAN, 775 F.3d 386, 401 (6th Cir. 2014) (WITHHELD EVIDENCE THAT WITNESSES IDENTIFIED ALTERNATIVE PERPETRATORS MATERIAL IN PART OFFENSE COULD HAVE POINTED TO GOVERNMENTS FAILURE TO PURSUE ALTERNATIVE SUSPECTS AS EVIDENCE THAT INVESTIGATION WAS SHODDY (QUOTING KYLES, 514 U.S. AT 665)).

U.S.C.A. § 2255 BASED ON INEFFECTIVE ASSISTANCE OF COUNSEL ON A FAILED MOTION TO SUPPRESS¹¹; BOZSIK V. BRADSHAW, LEXIS 95531, AT 21 (6 Cir. 2009) ("F.R.C.P. 60(b) GRANTED, CITING MILLER V. HEAVY LIFTING AND SHIPPING, 231 F.3d 242, 248 (6 Cir. 2000) ("FINDING THAT A COURT WILL PERMIT A PARTY TO ADD EVEN A NEW LEGAL THEORY IN AN AMENDED PLEADING AS LONG AS IT ARISES OUT THE SAME TRANSACTION OR OCCURRENCE"); HAGEMAN V. SIGNAL L.P. GAS, 486 F.2d 479, 483 (6 Cir. 1973) ("AN AMENDMENT WHICH ADDS ANOTHER CLAIM . . . DOES RELATE BACK TO THE DATE OF THE ORIGINAL COMPLAINT"); COLLECTIVELY WOULD ESTABLISH THAT PETITIONER IS "ACTUALLY INNOCENT" OF ALL CHARGES¹¹ SEE, OLSON V. McFAUL, 843 F.2d 918 929-930 (6 Cir. 1988) ("McFAUL IS ACTUAL INNOCENT, BASED ON HIS CONVICTION FOR THEFT UNDER A LEGAL THEORY THAT WAS CONTRARY TO STATE LAW HE WAS ENTITLED TO THE WRIT EVEN THOUGH HE DID NOT SHOW CAUSE FOR HIS PROCEDURAL DEFAULT"); HOUSE V. BELL, 126 S. Ct. 2064 (2006) WAS SHOWN TOO BYE-PASS ANY PROCEDURAL BARS WHICH WOULD AFFORD PETITIONER IMMEDIATE RELEASE; SEE HOWELL V. SUPERINTENDENT OF STATE, 897 F.3d 54 (4th Cir. 2020) ("GRANTED F.R.C.P. 60(b)(6) WHEN NEW EVIDENCE THAT SOMEONE ELSE COMMITTED THE CRIME I.D. AT 60 EDITING, REEVES V. FAYETTE SEE, 897 F.3d 154 (4th Cir. 2020) ("EVIDENCE ANOTHER SUSPECT WAS NEW GIVEN THAT IT WAS KNOWN BUT NOT PRESENTED ALLEGEDLY DUE TO INEFFECTIVE (ATTORNEY DAVID MARK REA) ASSISTANCE OF (TO PETITIONER MICHAEL LAMB) COUNSEL"); STANDO V. OUTGER, 901 F.2d 893 (11 Cir. 1990) DE ANGELO V. VEAGER, 490 F.2d 1012, 1014 (3d Cir. 1973) ("INNOCENT-SEEMING CONDUCT GRANT WRIT"); SHINELL V. U.S., 89 S. Ct. 584 (1969), OF INNOCENT CONDUCT BY PETITIONER.

(3). CALHOUN CORRECTIONAL INSTITUTION LAW LIBRARY AND LIBRARIAN HAS STATE FUNDED VIA INTERNET SERVICES HAS TOLD ALL PRISON INMATES THAT HE WILL NOT DO ANY STATE, FEDERAL, OR U.S. SUPREME COURT DOCKET INQUIRIES FOR PETITIONER TO DISCOVER WHETHER THE 11TH CIRCUIT COURT ACTUALLY MADE A JUDICIAL RULING ON PETITIONER'S SEPTEMBER 29TH, 2022 "MOTION FOR REHEARING" SEE APPENDIX "A A H".

MOREOVER THE PRESENT DAY AND THE UP-COMING NUMEROUS HOLIDAYS, LIKE VETERANS DAY, THANKSGIVING, CHRISTMAS, AND NEW YEAR'S IS JUST WEEKS AWAY, PLUS THE U.S. POSTAL OFFICE HAS A NEW POLICY THAT SLOW MAIL IS DUE TO TAX CUTS, PETITIONER WANTS TO FILE A WRIT OF CERTIORARI ON THE HEREIN 1ST, 2d, 4TH, 5TH, 6TH, 7TH, 8TH, AND 11TH U.S. CONSTITUTIONAL VIOLATIONS, AND REQUEST THIS COURT TO GRANT PETITIONER 60 DAYS TO PREPARE HIS WRIT, SEE U.S. V. BALENTINE, 245 F.2d 223 (2d Cir. 1957) ("EXTENSION OF TIME GRANTED"); TALVERNA V. WAINWRIGHT, 547 F.2d 1239 (5 Cir. 1977) ("PETITIONER MUST BE AFFORDED AN OPPORTUNITY TO BE HEARD"); MARSHALL V. JERRICO, 100 S. Ct. 1060 (1980), COMPARE APPENDIX BB FROM THE U.S. POSTAL SERVICE; JOHNSON V. CHAMPION, 288 F.3d 1215, 1227-1228 (10 Cir. 2002) ("CAUSE EXISTED FOR VIOLATION OF STATE RULE REQUIRING THAT PETITION CONTAIN CERTIFIED COPY OF TRIAL COURT ORDER BECAUSE CLERK'S FAILURE TO MAIL PRISONER A CERTIFIED COPY OF THE COURT'S ORDER AND THE DIFFICULTIES PRISONER FACED IN OBTAINING SUCH A COPY WITHIN A TIGHT TIME-FRAME"), DEMONSTRATES EXTRAORDINARY CIRCUMSTANCES STILL OUT OF PETITIONER'S CONTROL.

(FNB) ("ON THE WRIT OF CERTIORARI, ITS A PLACE ON PAGE JURISDICTION LINE 4, 5 AND 6, THAT MUST BE ANSWERED BY PETITIONER WITH A LEGIT REHEARING, COURT ORDER FROM THE 11TH CIRCUIT COURT OF APPEALS, THAT I FEEL HAS BEEN CREATED, BUT NOT IN PETITIONER'S ACTUAL POSSESSION")

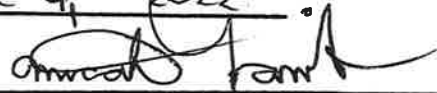
" CONCLUSION "

(1). GRANT PETITIONER 60 DAYS FOR EXTENSION OF TIME DUE TO THE HOLIDAYS ARE COMING, U.S. MAIL WILL BE MOVING SLOW, WHEN THE (11TH) ELEVENTH CIRCUIT COURT SENT PETITIONER THE WRONG COURT ORDER, I.E. RICHARD HUNSTEIN V. PREPARED COLLECTION, CASE NUMBER, 19-14434, UNTIL PETITIONER RECEIVES THE CORRECT COURT ORDER;

(2). IF THE (11TH) CIRCUIT, IS FOUND TO HAVE MADE A RULING ON ATTACHED MOTION FOR REHEARING, DATED 9-29-22; IT SHOULD NOTIFY ALL PARTIES WITH UPDATED COURT'S JUDICIAL RULING, CERTIFIED; THAT WOULD AVERT MEMORANDUM AND A MANIFEST INJUSTICE.

" OATH "

UNDER THE PENALTIES OF PERJURY I DO SWEAR THAT THE FACTS AND CIRCUMSTANCES ARE TRUE AND CORRECT, SEE RAY V. U.S., 416 F.3d 1063, 1068 (7th Cir., 2005) EXECUTED ON NOVEMBER 9, 2022



" CERTIFICATE OF SERVICE "

I HEREBY CERTIFY THAT THIS "MOTION FOR EXTENSION OF TIME" HAS BEEN GIVEN TO FLORIDA DEPARTMENT OF CORRECTIONS OFFICIALS TO BE U.S. MAILED TO: UNITED STATES SUPREME COURT, ONE FIRST STREET, N.E. WASHINGTON D.C. 20543, WASHINGTON D.C. 20543, ATTORNEY GENERAL ASHLEY MOODY, THE CAPITOL PL-01, TALLAHASSEE, FLORIDA 32399, (11TH) ELEVENTH CIRCUIT COURT OF APPEALS, 50 FORTYTH STREET, ATLANTA, GEORGIA, 30303, FILED ON THIS DATE OF NOVEMBER 9, 2022, SEE RAY V. CLEMENTS, 700 F.3d 993, N.D. (7th Cir., 2012) ("MAILBOX RULE").



MICHAEL LAMB J23663, B2-275
CALHOUN CORRECTIONAL INSTITUTION
19562 INSTITUTIONAL DRIVE
BLOUNTSTOWN, FLORIDA 32424

(F14) (SEE SCHUOTER V. LUCENT TECH. INC., 327 F.3d 569, 577 (7th Cir., 2001) ("THE COURT HELD THE SHIFTING AND INCONSISTENT EXPLANATIONS CAN PROVIDE A BASIS FOR FINDING OR PRETEXT . . . IF THE EXPLANATIONS ARE SUFFICIENTLY SHIFTING AND INCONSISTENT TO PERMIT ANO INFERENCE OF MEMORANDUM CITING STALTER V. WALMART STORE, 195 F.3d 285, 291 (7th Cir., 1999).