

FEBRUARY 7, 2023

TUESDAY

To: U.S. Supreme Court, Clerk of Court - Scott S. Harris / Lisa Nesbitt

FROM: MR. BYRON S. LLOYD
610611

No. 21-30768 Lloyd v. Hooper
U.S.D.C. No. 5:19-CV-433

Dear Mr. Harris,

Good day. The pro-se, indigent - Honorably Discharged "Desert Storm" Veteran (now disabled) PETITIONER, Byron S. Lloyd, having recently received this Court's Copy of the Rules and sample petition for a writ of certiorari packet dated Jan. 23, 2023, indicating that the document sent to this Court failed to comply; respectfully asks this Court for an extension of time, Rule 30, until May 20, 2023, to properly file an indigent petition for writ of certiorari concerning my: habeas petition denial of certificate of appealability (C.O.A.) August 25, 2022; a timely filed rehearing en banc September 7, 2022; and motion to stay mandate January 6, 2023, to the merits to unadjudicated claims of:

- 1.) Prosecutor Misconduct - State suborned perjury;
- 2.) New Evidence Discovered in Habeas Proceeding (in supplemental C.O.A.), that should have warranted an evidentiary hearing, presented to both the Federal District Court and the U.S. Court of Appeals Fifth Circuit, also including a FRCP Rule 59(c) and a FRCP Rule 60(b)(2),(3), that remain unanswered and unreviewed.
A deliberate abandonment and abdication of judicial review

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(abuse of discretion), under the "presumption of correctness," abridging a pro-se litigant prisoner's federal rights. See CONE v. BELL, 556 U.S. 449, 472 (2009) (federal habeas review was not subject to the deferential standard applicable to claims adjudicated on the merits in state court proceedings, where the state courts did not reach the merits of the claim, and this claim would be reviewed de novo, 28 USCA § 2254 (d)); NOBLES v. JOHNSON, 127 F.3d 409, 416 (5th Cir. 1997) ("Review is de novo when there has been no clear adjudication on the merits.").

The petitioner has since requested pending prices concerning his original habeas petition along with his supplemental COA from the Fifth Circuit Court of Appeals, to file a certiorari petition, due to the fact that they were "one-off" originals from an uncounselled, indigent pro-se litigant prisoner; therefore the extension to file / submit until May 20, 2023, is respectfully asked of this Honorable Court.

Will an unjustly convicted Veteran and Family Man, pro-se indigent litigant continue to be deprived a full and fair judicial review from the highest court in the United States of America, Lloyd v. Louisiana, 137 S. Ct. 237 (2016) (denying certiorari) ?

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WHEREFORE the petitioner, Mr. Byron S. Lloyd, prays that this Honorable Court view this petition favorably and grant the extension of time until May 20, 2023, "maintain[ing] consistency" and "promot[ing] the interest of justice." 28 U.S.C. § 2073 (b). Respectfully Submitted, *By*

BYRON LLOYD 2/7/23