

SUPREME COURT OF THE UNITED STATES

DANNY FABRICANT,)	
	(
Petitioner,)	No.
	(
v.)	CORRECTED APPLICATION FOR
	(EXTENSION OF TIME WITHIN
A. MIRANDA, et al,)	WHICH TO FILE A PETITION
	(FOR WRIT OF CERTIORARI
Defendants.)	
	(

Petitioner seeks a 60 day extension of time in which to prepare and file a Petition For Writ of Certiorari related to the Court of Appeals for the Ninth Circuit's Opinion in Fabricant v. A. Miranda, et al, Case No. 21-16345, filed May 26, 2022. A timely combined Petition for Panel Rehearing and Rehearing En Banc was Denied on October 26, 2022.

Copies of the Ninth Circuit's Memorandum Opinion and Order Denying are Exhibits A and B, hereto.

Petitioner, not knowing that this Court had enacted new Rules, effective January 1, 2023, did what thousands of incarcerated Petitioners have been doing for decades; timely mailed a letter to the Clerk of the Court (accompanied by a copy of the October 26, 2022 Ninth Circuit Order Denying Rehearing/Regearing En Banc) requesting a 90 day time extension. (Exhibits C and B [Another redundant copy of Exhibit B is not what normally would have been Exhibit D]).

By letter dated February 15, 2023, Clayton R. Higgens, Jr. of this Court sent Petitioner a letter (Exhibit D) returning the documents Petitioner had mailed to the Court a month earlier and advising that a Corrected Application should be prepared, served and sent for filing. That large envelope was received by Petitioner on February 28, 2023. The envelope also contained a 'new' Rules booklet.

The following (should) comply with the Court's 'new' Rules.

RECEIVED
MAR 10 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

RULE 10(c)

The Certiorari Petition to-be-filed concerns a ruling by a United States Court of Appeals that "has decided an important Federal question in a way that conflicts with relevant decisions of this Court."

RULE 13.5

The reasons an extension of time is needed are;

1. Petitioner is an involuntary Guest of the Lompoc, CA Federal Penitentiary. There are somewhere between 1,600 and 1,800 other involuntary Guests here.

2. The law library here is located in the Education Dept. The law library contains 13 (LEXIS connected) electronic law library terminals and eight (8) typewriters, that are on a 'first come' use system. The use of the typewriters are NOT limited to legal work. There are always budding authors of the next Best Seller using a couple of the typewriters, all day long, as well as the new rash of Guests slowly typing up administrative appeals over errors made by staff related to their 'First Step Act' scoring and time computations. Additionally, Petitioner's housing unit is one of the two (of eight) furthest from the Education Dept., which, when one adds in that Petitioner is currently 73½ years of age and uses a non-wheeled walker to get around, he usually is left typewriterless, for parts, or all, of the Library sessions.

Petitioner goes to the Education Dept. for every morning session (M-F 7:30 to 10:30 AM, 7:00 to 9:00 AM on Sundays) and the four (4) evening sessions (M-Th roughly 6:15 to 7:30 PM). He spends the afternoons undergoing Doctor Ordered physical therapy, on the playground.

Petitioner has several other matters pending in various Courts that constantly require 'short' documents or Responses/Oppositions.

Petitioner has an Opening Brief due in the Ninth Circuit on March 27, 2023 in Fabricant v. Shinn, et al, Case No. 22-56204. He very recently filed a Reply Brief in the Ninth Circuit in U.S. V. Fabricant, 21-50180. Petitioner is also awaiting a ruling from the District Court for the Central District of CA, in Fabricant v. CIR, 21 CV-2902-ODW(AS). The Government filed their Reply to Petitioner's Response to their MTD on December 6, 2022.

Additional documents may be necessary in that case, if the Government's MTD is not Denied, such as Objections to a Report and Recommendation from the Magistrate Judge, etc.

CONCLUSION

In order to properly prepare a Petition for Writ of Certiorari, Petitioner will need at least 60 days from the below date.

VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct. Executed on the below date, at Lompoc, CA.

Dated: March 2, 2023


DANNY FABRICANT, Petitioner

CERTIFICATE OF SERVICE

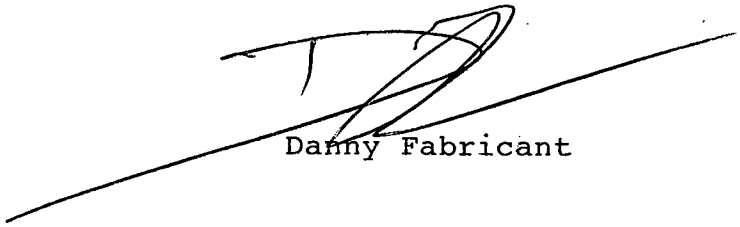
A copy of this document and attachments are being mailed on the below date to:

AUSA ROBERT L. MISKELL
Suite 4800
405 W. Congress St
Tucson AZ 85701

SOLICITOR GENERAL
950 Pennsylvania Ave NW
Washington DC 20530

By placing same in envelopes with sufficient postage thereon and depositing them in the outgoing mailbox in my housing unit.

Dated: March 2, 2023


Danny Fabricant