

No. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

FIFTH CIRCUIT # 22-40251

PETITIONER

vs

RESPONDENT

DU WRIT OF CERTIORARI TO THE SUPREME COURT, UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

APPLICATION TO JUSTICE TO EXTEND TIME TO FILE A PETITION FOR CERTIORARI

DONALD FOSTER
2665 PRISON ROAD 1
WALDWRIGHT UNIT
LOVELAND, TEXAS 75851

APPLICATION TO JUSTICE TO EXTEND TIME TO FILE PETITION FOR CERTIORARI

RECEIVED APR 25 2023 OFFICE OF THE CLERK SUPREME COURT, U.S.

RELIEF SOUGHT:

DONALD FOSTER, ON BEHALF OF HIMSELF AND PURSUANT TO SUPREME COURT RULE 13.5, REQUESTS THAT JUSTICE GRANT JUSTICE FOR THIS COURT, EXTEND THE TIME FOR FILING A PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT IN THE MATTER OF FOSTER V JACKSON, USDC NO. 9:20-cv-1166, FOR A PERIOD OF SIXTY (60) DAYS OR FROM APRIL 13TH, 2023 THROUGH JUNE 12TH, 2023.

ON OR ABOUT THE 18TH OF JANUARY, 2023, THE FIFTH CIRCUIT HANDS DOWN A DECISION DENYING PETITIONER'S INTERCIRCUIT APPEAL. A TRUE AND CORRECT COPY OF THE DECISION AND ORDER OF THE COURT IS REPORTED AT EXHIBIT 'A'

JURISDICTION:

THE SUPREME COURT WILL HAVE JURISDICTION OVER THIS MATTER BECAUSE 28 USC § 1254(b) GIVES THIS COURT JURISDICTION OVER AN APPEAL OF A FINAL JUDGMENT OF A UNITED STATES COURT OF APPEALS.

REASON WHY RELIEF FROM TIME LIMIT NEEDED:

UNDER SUPREME COURT RULE 13.1, TIME FOR FILING OF A PETITION FOR WRIT OF CERTIORARI IN THIS MATTER EXPIRED OR EXPIRES ON APRIL 10TH, 2023

PETITIONER IS NEITHER A LAWYER NOR REPRESENTS HIMSELF PRO SE BEFORE THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT TO FILE A NOTICE OF APPEAL IN ORDER TO FILE A TIMELY PETITION FOR WRIT OF CERTIORARI IN THIS MATTER.

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PETITIONER WAS NEVER INFORMED OF THE DATE FOR FILING, EVEN BY THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT.

THE METHOD OF PROCEEDING ON MOTIONS AND INTERLOCUTORY APPEALS PRO SE AND WHO, IN FACT, IGNORANT OF THESE MATTERS, THEREFORE PETITIONER FILED HIS NOTICE OF APPEAL WITH FIFTH CIRCUIT COURT OF APPEALS ON THE 11TH OF FEBRUARY, 2023 AND A EXTENSION OF TIME MOTION WITH THE FIFTH CIRCUIT COURT OF APPEALS, NOT KNOWING THE SAME WAS SUPPOSE TO BE FILED WITH THIS SUPREME COURT UNTIL PETITIONER RECEIVED NOTICE OF THE SAME FROM THE FIFTH CIRCUIT COURT OF APPEALS ON OR ABOUT THE 29TH OF MARCH, 2023.

NEED FOR LENGTH OF EXTENSION SOUGHT:

PETITIONER CONTENDS THAT ADDITIONAL TIME IS NEEDED TO PROPERLY RESEARCH AND FIND THE PROPER ARGUMENT THAT IS MERITORIOUS WITHIN A WRIT OF CERTIORARI AND A SUPPORTING ARGUMENT IN THIS APPEAL PROCESS. IT IS RELEVANT THAT PETITIONER BE GIVEN ADDITIONAL TIME BASED ON HIS SITUATION.

PETITIONER IS PRESENTLY HOUSED IN RESTRICTED HOUSING, WHERE HE IS NOT ALLOWED OUT OF HIS CELL, BUT FOR A MEDICAL APPOINTMENT, OR SHOWER AND NOT ALLOWED DIRECT ACCESS TO THE LAW LIBRARY, DENIED ANY ASSISTANCE NOR APPOINTED AN ATTORNEY BY THE COURTS.

PETITIONER IS REQUIRED THROUGH AN ILLEGAL BOOK MOBILE, SECURUS TABLET AND DELIVERY REQUESTS IN ORDER TO RECEIVE PHOTOCOPIES OR CASE LAW, RULES, CODES AND OTHER LEGAL REQUESTS FROM SECURITY PERSONNEL WHO ARE NOT VERSED IN LEGAL ASSISTANCE OF ANY FORM, YET ALLOWED TO ISSUE MY REQUESTS PIECE-MEAL.

PETITIONER WAS RECENTLY MADE AWARE THAT HE HAD TO REQUEST FORMS FROM THE SUPREME COURT CLERK IN ORDER TO FILE A WRIT OF CERTIORARI AND MAILED OUT HIS REQUEST SOON THEREAFTER.

DUE TO PETITIONER'S LIMITED ABILITY AT LITIGATING AND NO FORMS OF ASSISTANCE IN DRAFTING THE SAME AS WELL AS MAKING COPIES, PETITIONER NEEDS ADDITIONAL TIME TO PRESENT THE WRIT OF CERTIORARI TO THIS SUPREME COURT.

THIS IS PETITIONER'S FIRST REQUEST FOR AN EXTENSION OF TIME IN THIS WRIT OF CERTIORARI PROCESS, WHEREIN, PETITIONER IS NOT A LAYMAN OF THE LAW. THIS REQUEST IS NOT DESIGNED TO DENY THIS COURT OR HARM THE ADVERSE PARTY, BUT TO ADDRESS THE COURT PROPERLY.

PETITIONER RESPECTFULLY REQUEST AN EXTENSION UP TO SIXTY (60) DAYS TO FILE THE WRIT OF CERTIORARI AND BRIEF.

PERSUASIVE GROUNDS FOR CERTIORARI IN THIS CASE

THE ACTION OF ASSISTANT WARDEN BENNY JACKSON IN REMOVING ALL OF PETITIONER'S PROPERTY AND THEREAFTER HAVING IT DOCUMENTED IN TEXAS DEPARTMENT OF CRIMINAL JUSTICE WEBSITE THAT PETITIONER HAD BEEN TRANSFERRED TO THE ESTERLE UNIT, RAISES GRAVE CONSTITUTIONAL CONCERNS OF THE FIRST, FOURTH, FIFTH AND FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES THAT REACH FAR INTO THE CHANGING TIMES. THE PROPERTY REMOVED FROM PETITIONER'S CELL ALLEGED TO BE A MIXTURE OF LEGAL, RELIGIOUS AND PERSONAL IN NATURE AND NECESSARY FOR PETITIONER'S PRACTICE IN REPRESENTING HIMSELF, PRACTICE AS A CHRISTIAN AND TO TAKE OF HIS WELL-BEING. PETITIONER DIRECTS THIS COURT TO HEALY LEWIS, 259 F. SUPP.2D 1178 FOR SUPPORT.

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DECLARATIONS:

I HEREBY DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. 28 USC § 1746.

DATE: April 8th, 2023.

RESPECTFULLY SUBMITTED,  
Isi Donabot Foster

CERTIFICATE OF SERVICE:

I HEREBY CERTIFY THAT A TRUE AND CORRECT ORIGINAL TRUE COPY OF THIS MOTION TO EXTEND TIME TO FILE PETITION FOR CERTIORARI WAS FORWARDED BY U.S. MAIL, PROPERLY ADDRESSED, POSTAGE PREPAID, UNDER THE AIRMAIL MAIL SYSTEM, TO THE U.S. POSTAL SERVICE BEFORE 5:00 P.M. OF THE RECIPIENT'S LOCAL TIME TO:

SUPREME COURT OF THE UNITED STATES, CLERK'S OFFICE  
10 FIRST AVENUE N.W., WASHINGTON, D.C. 20543

DATE: April 8th, 2023.

RESPECTFULLY SUBMITTED,  
Isi Donabot Foster #1038609  
21065-PRISON RD, L. WAINWRIGHT UNIT  
Aubrey, Texas 75851

THE STATE OF TEXAS  
COUNTY OF POLK

AFFIDAVIT OF DONALD FOSTER

DONALD FOSTER, PETITIONER, BEING DULY SWORN, DEPOSES AND STATES:

MY NAME IS DONALD FOSTER, I AM OVER 18 YEARS OF AGE, I RESIDE AT 2665 PRISON RD-1, WATSON WRIGHT UNIT, LOVELAND, TEXAS 75851, I AM FULLY COMPETENT TO MAKE THIS AFFIDAVIT AND I HAVE PERSONAL KNOWLEDGE OF THE FACTS STATED IN THIS AFFIDAVIT. TO MY KNOWLEDGE, ALL OF THE FACTS STATED IN THIS AFFIDAVIT ARE TRUE AND CORRECT.

I AM THE PETITIONER IN THE COURTS BELOW AND THE POTENTIAL PETITIONER IN THIS MATTER. I MAKE THIS AFFIDAVIT IN SUPPORT OF THE MOTION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR WRIT OF HABEAS CORPUS.

AFTER THE ARREST AND PLACEMENT IN "ISAIL" (PRE-HEARING DETENTION) AT UNIT LEVEL THE FOLLOWING TOOK PLACE;

DUE TO THE DENIAL OF ALL OF LIFE'S BASIC NECESSITIES & ALL OF PETITIONER'S PROPERTY, PETITIONER FILED A COMPLAINT AND A TEMPORARY RESTRAINING ORDER BASED ON LIFE ENDANGERMENT AND THE MISSING PROPERTY.

HOWEVER, THE HONORABLE RON CLARK HANDLED THE SAME TO MAGISTRATE JUDGE ZACH HAWTHORNE, WHO ALLOWED THE TEMPORARY RESTRAINING ORDER TO SIT ON HIS DESK FOR MORE THAN FOURTEEN (14) DAYS, GIVING THE SAME PRELIMINARY INJUNCTION STATUS.

WHEREIN, THIS MAGISTRATE CONCLUDED AFTER PETITIONER ASSURED HIM, THAT PETITIONER HAD NEVER BEEN TRANSFERRED FROM POLINSKY UNIT, DECIDED TO DENY THIS ACTION BECAUSE THE WEBSITE OF TEXAS DEPARTMENT OF CRIMINAL JUSTICE SAID PETITIONER HAD BEEN TRANSFERRED TO ESTERNE UNIT. THIS WAS THE FALSE NARRATIVE HE USED TO NOT GRANT THE RESTRAINING ORDER AND CAUSE PETITIONER IRREPARABLE HARM.

THEREAFTER, PETITIONER FILED AND PLACED IN THE HANDS OF THE PRISON OFFICIALS, EVERY RESPONSE INCLUDING A "REQUEST FOR RECONSIDERATION" THAT LED UP TO THE INTERLOCUTORY APPEAL.

PETITIONER CONTENDS THAT AFTER APPELLING THE SAME TO THE FIFTH CIRCUIT COURT OF APPEALS, THIS COURT OF APPEALS DENIED PETITIONER ANY FORM OF ASSISTANCE & ATTORNEY REPRESENTATION, ONLY A DENIAL. PETITIONER IS NOT A LAYMAN OF THE LAW NOR VERSED IN LAW.

I SIGNED THIS AFFIDAVIT ON APRIL 8TH, 2023 PURSUANT TO 22 USC § 1716.

RESPECTFULLY,  
151 Donald Foster #1082609  
2665 PRISON RD-1, WATSON WRIGHT  
UNIT, LOVELAND, TX 75851