

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

TODD CLEAVENGER — PETITIONER

VS.

STATE OF OHIO — RESPONDENT

APPLICATION TO EXTEND THE TIME TO FILE A
PETITION FOR A WRIT OF CERTIORARI

PETITIONER:

TODD CLEAVENGER
PO BOX 8107
MAUSFIELD, OHIO 44901
PRO-SE

RESPONDENT:

STATE OF OHIO
OFFICE OF OHIO ATTORNEY GENERAL
30 E. BROAD ST., 17TH FL.
COLUMBUS, OH 43215

MEMORANDUM IN SUPPORT:

Petitioner Todd Cleavenger hereby respectfully requests an extension of time to file a petition for a writ of certiorari, due to causes — not of his own making, and/or fault. This court, pursuant to USCS Ct. R. 30(3), has the ability¹¹ to extend the time to file a petition for a writ of certiorari *** [and] shall be made to an individual Justice." see id. And, USCS Ct. R. 13(5) specifically articulates that "[F]or good cause, a Justice may extend the time to file a petition for a writ of certiorari for a period not exceeding 60 days."

Herein, petitioner Todd Cleavenger ("Cleavenger") requests an extension because he is not able to comply with the mandates of this court, to submit his petition for a writ of certiorari, in compliance with this court's local rules. Specifically, Cleavenger can not submit his petition for a writ of certiorari ("petition") in

a standard typesetting process, and/or in a typeset in a "Century family", to this court, currently, Local Rule 33 (1)(a), (b).

This is so, because Clewenger has no way to produce his petition — as the printer at the institution he is housed at — is currently broke and inoperable. The printer for the law library has been broke, for weeks, (see attached exhibit "1" incorporated herein). Therefore, Clewenger can not — and has not been able to — finish the petition he created, and, print off the petition. Moreover, there is no apparent date in the foreseeable future, that when the printer will be fixed. see id.

As also evidenced, the law library printer not working was sudden, and not something that could have been planned for, by Clewenger. Therein, a waiver of time limitation is also applicable herein,

USCS Supreme Ct. R. 13(5) details that a Justice may extend the time to file a petition, for "good cause". And, this court has patently refused to extend the date for filing a petition

due to any issues arising out of attorney efficiencies, or for items which could have been accounted for previously, if planned properly. See: Madden v. Texas, 498 U.S. 1301, at *1304.

Herein, that is not the fact pattern in the case sub judice.

Cleavenger, has acted in good faith, and this extension is only requested due to a delay that is from circumstances beyond his control (see attached exhibit "2", incorporated herein). As such, this justice, indeed this court, should grant Cleavenger an extension of time to file his petition, as he has demonstrated "good cause" to warrant such extension herein, see: Schacht v. United States, 398 U.S. 58, at *64-65. Herein, Cleavenger has "acted in good faith", and the reasons for the extension request, are "largely beyond his control". see id.

The judgment to be reviewed, is the Ninth Judicial District [of Ohio], wherein the 3-judge panel had a split decision affirming Cleavenger's conviction, on August 24, 2022 (C.A. Case No. 29519) (see attached exhibits "3-4", incorporated herein); thus, 28 U.S.C. § 1257(a), is invoked.

WHEREFORE, due to any one of, a combination thereof,
and/or all of the merits as aforementioned, Cleavenger
respectfully requests an extension of 60-days with which to
file his petition, or an amount of time that this justice and
court deem fair, equitable and just.

Respectfully Submitted:

T - M. C

Mr. Todd Cleavenger, pro-se

Po BOX 8107

Manfield, Ohio 44901

PIW: A763634

Exhibit "2A"

AFFIDAVIT OF FACT

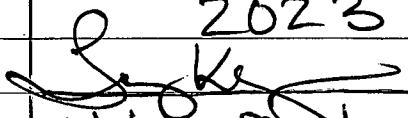
I, Todd M. Cleaver, do hereby attest, declare, and affirm to the below facts, under penalty of perjury, as I have personal knowledge of same, to wit:

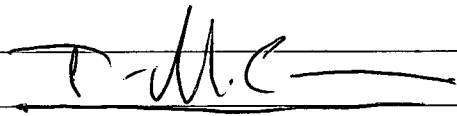
- 1) I am the petitioner to the United States Supreme Court, for a petition for writ of certiorari, from the Ninth Judicial District Court [Ohio] Case No. CA-29519, affirming the criminal conviction against me;
- 2) I am over the age of eighteen (18), am competent to testify, as to all matters asserted in this affidavit;
- 3) I have, on the approximate date of April 7, 2023 — completed my petition for writ of certiorari to the US Supreme Court, on a computer in the law library, at Richland Correctional Institution, the prison where I currently reside;
- 4) I have been unable to print off my petition for writ of certiorari, due to the printer at Richland Correctional Institution, for the law library — not working and being inoperable;
- 5) I had been diligently working on my petition for writ of certiorari, since the approximate date of February 1, 2023;
- 6) Due to not being able to print off my petition for writ of certiorari, I am requesting an extension of time, in order to allow Richland Correctional Institution time to fix the printer issue, (see attached exhibit "A", incorporated herein);

Exhibit "2-B"

- 7) I have sent numerous emails to staff at Richland Correctional Institution, to attempt to get the printer problem solved "quicker" — by informing multiple members of management — all to no avail;
- 8) As of the date affixed below, the printer at Richland Correctional Institution is still not working for any and all legal pleadings completed in the law library — to be printed;
- 9) Further Affiant Japheth Naught;

Subscribed, And Sworn Before
Me, This 21 Day of April
2023


Notary Signature


Mr. Todd Cleavenger
Affiant

