

ORIGINAL

No. 23-_____
(CAPITAL CASE)

IN THE
SUPREME COURT OF THE UNITED STATES

Arturo Daniel Aranda,
Petitioner,

v.

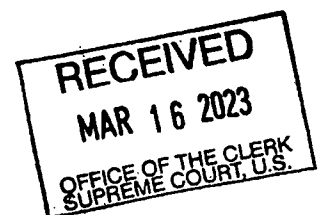
Bobby Lumpkin, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,
Respondent.

*On Petition for a Writ of Certiorari to
the United States Court of Appeals for the Fifth Circuit*

**MOTION TO FILE PETITION FOR A WRIT OF CERTIORARI
AND APPLICATION TO PROCEED IN FORMA PAUPERIS OUT OF
TIME**

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Counsel for Petitioner



Petitioner, Arturo Daniel Aranda, in accordance with this Court's Rules 21 and 33.2 respectfully requests leave to file his Petition for a Writ of Certiorari and accompanying Application to Proceed *In Forma Pauperis* out of time. In support of this motion, Petitioner states as follows:

1. This is a capital case. There is no execution date currently scheduled.
2. Mr. Aranda seeks review of the decision of the United States Court of Appeals for the Fifth Circuit affirming the denial of his petition for a writ of habeas corpus by the United States District Court for the Southern District of Texas.
3. The judgment of the court of appeals was entered on November 9, 2022. On February 2, 2023, Justice Alito extended the time to file this petition by thirty (30) days to and including March 9, 2023.
4. On March 9, 2023, undersigned counsel completed and electronically filed with the Court the Petition for a Writ of Certiorari and Application to Proceed *In Forma Pauperis*. Also, on March 9, 2023, counsel transmitted a copy of each by e-mail to Natalie D. Thompson, Assistant Solicitor General, Office of the Attorney General of the state of Texas, representing the respondent party. Ms. Thompson acknowledged receipt on March 9, 2023. The required original and 10 hard copies of the Petition for a Writ of Certiorari and Application to Proceed *In Forma Pauperis*, although provided to counsel's mail room on March 9, 2023 for transmitting by FedEx to this Court, were not shipped until the next morning on March 10, 2023.
5. Counsel regrets this error and accepts full responsibility for the late shipment of the hard copies to this Court.

6. A petition for writ of certiorari is essential in this case because Mr. Aranda is under a death sentence and his post-conviction case presents substantial, important, and recurring questions of constitutional law.

7. Accordingly, Petitioner respectfully requests that this Court grant his motion and accept the late filing of the Petition for a Writ of Certiorari and Application to Proceed *In Forma Pauperis*.

March 14, 2023

Respectfully submitted,

/s/ James K. Kearney

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