

COMBINED MOTION TO DOCKET PETITION FOR WRIT OF CERTIORARI
ENLARGEMENT OF TIME IN WHICH TO SUPPLEMENT THE PETITION

Pro se Petitioner Stephen Aguiar respectfully moves the Court to docket his Petition for Writ of Certiorari and grant him an enlargement of time in which to supplement the Petition and by filing a complete Petition accompanied by a Motion to Proceed in Forma Pauperis as required under the Court's rules.

The filing deadline on which the Petitioner must file his Petition in this case is November 22, 2023 based on the date of the Second Circuit Court of Appeals' Orders. See Attached final orders/judgments.

The Petitioner seeks a 60 day enlargement of time that would extend the deadline on which he must file his complete Petition to January 22, 2024. There is good cause to docket this case, issue a docket number, and grant the Petitioner the enlargement of time for which he seeks to file his complete Petition. First, the Petitioner is self represented and must perform much needed research that requires access to the law library. Second, access to the law library is severely limited with repeated closures due to security reasons and prison officials have removed law library access to prisoners in the housing units. Last, the Petitioner has a diagnosed traumatic brain injury and has a learning disability and requires the help of fellow prisoners to file his Petition.

For the above detailed reasons, the Petitioner therefore moves the Court to grant this combined motion, docket the Petition, grant the Petitioner a 60 day enlargement of time in which to file his complete Petition for the Court and order that the complete Petition be filed on or before January 22, 2024.

I certify under penalty of perjury, see 28 U.S.C. Section 1746, that I am a prisoner confined to an institution and relying on the prison mailbox rule of *Houston v. Lack* I gave this parcel to prison officials on November 20, 2023 by certified United States Mail with postage fully prepaid and his motion is therefore timely filed on November 20, 2023.

Respectfully submitted,

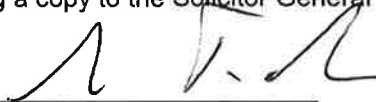


Stephen Aguiar, pro se
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FMC Devens
P.O. Box 879
Ayer, MA 01432

Dated: November 20, 2023

CERTIFICATE OF SERVICE

I, Stephen Aguiar, do hereby also certify that I caused a copy of the foregoing to be served on the opposing party by First Class United States Mail with postage fully prepaid by mailing a copy to the Solicitor General's Office at 950 Pennsylvania Avenue, NW, Washington DC.



Stephen Aguiar, pro se

Dated: November 20, 2023

D. Vt.
17-cv-172
00-cr-119
Sessions, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 6th day of July, two thousand twenty-three.

Present:

Raymond J. Lohier, Jr.,
Michael H. Park,
William J. Nardini,
Circuit Judges.

Stephen Aguiar,

Petitioner-Appellant,

v.

23-342

United States of America,

Respondent-Appellee.

Appellant, pro se, moves for a certificate of appealability and to hold the appeal in abeyance or alternatively, for remand. Upon due consideration, it is hereby ORDERED that the motions are DENIED and the appeal is DISMISSED. Appellant has fully served the sentence for the supervised release revocation judgment, therefore the appeal of the 28 U.S.C. § 2255 denial as to that judgment is DISMISSED as moot. *United States v. Propper*, 170 F.3d 345, 347-48 (2d Cir. 1999). As to his 2001 conviction, Appellant has not shown that “jurists of reason would find it debatable whether the district court was correct in its procedural ruling,” as to the untimeliness of the Appellant’s motion filed pursuant to § 2255. *Slack v. McDaniel*, 529 U.S. 473, 478 (2000).

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk of Court




**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 25th day of August, two thousand twenty-three.

Stephen Aguiar,

Petitioner - Appellant,

v.

United States of America,

Respondent - Appellee.

ORDER

Docket No: 23-342

Appellant, Stephen Aguiar, filed a motion for panel reconsideration, or, in the alternative, for reconsideration *en banc*. The panel that determined the appeal has considered the request for reconsideration, and the active members of the Court have considered the request for reconsideration *en banc*.

IT IS HEREBY ORDERED that the motion is denied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk