

SUPREME COURT OF THE UNITED STATES

JOSEPH RANDOLPH MAYS, pro se

Appellant/Petitioner,

v.

UNITED STATES OF AMERICA,

Appellee/Respondent.

No. _____

RE: 22-7177

5:22-cv-36

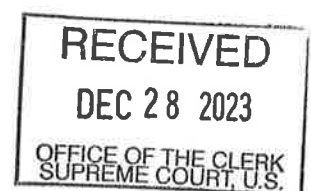
(NDWV 4th Cir 2022)

MOTION FOR EXTENSION OF TIME TO FILE
WRIT OF CERTIORARI

The Appellant/Petitioner, Joseph Randolph Mays, a DC inmate incarcerated in the Federal Bureau of Prisons, at FCI Victorville II, since May 8, 2023, comes before this Honorable Court to request an extension of time to file his Writ of Certiorari for his case (Case No.: 22-7177 Mays v. United States, RE: 5:22-cv-36 (NDWV 4th Cir 2022)).

The Appellant, respectfully, requests this extension for the following reasons: 1) the Appellant has an Amended Complaint (Second) due in the Ninth Circuit immediately (Case No.: 2:22-cv-05524-SVW-EVC Mays v. Birkholz); 2) The Appellant has an

Page 1 of 2



informal brief due in the Fourth Circuit Court of Appeals, of which receipt of the appeal was intentionally delayed because it was nineteen (19) days, from the postmark (and date on appeal document) of November 8, 2023 for Case No.: 23-7127 - Joseph Mays v. Jennifer Sand (RE: 3:20-cv-199-GMG) (See Exhibit A); and 3) due to a Writ of Certiorari that is due in this Honorable Court on December 29, 2023 for Case No.: 20-7540 Mays v. Smith RE: 5:18-ct-3106-PL (EDNC 4th Cir 2020) (See Exhibit B). The Appellant, respectfully, prays that this Honorable Court will grant this extension of time due to his caseload.

I, Joseph R. Mays, declare, under 28 USC § 1746, that the foregoing is true and correct under penalty of perjury under the laws of the United States of America. Executed on December 4, 2023.

Respectfully submitted,

15/1
Joseph R. Mays, 43487-007
FBI Victorville II Medium
PO BOX 3050
Adelanto, CA 92301

Attachments:

- Exhibit A - Informal Brief/Appeal
Case No.: 23-7127 (4th Cir COA)
(1) Page (dated 11-8-2023)
- Exhibit B - Extension [Granted]
Notice - US Supreme Court
Letter dated 11-15-2023
(1) Page

UNPUBLISHED

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

No. 22-7177

JOSEPH RANDOLPH MAYS,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at
Wheeling. John Preston Bailey, District Judge. (5:22-cv-00036-JPB-JPM)

Submitted: May 23, 2023

Decided: March 25, 2023

Before AGEE, WYNN, and QUATTLEBAUM, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Joseph Randolph Mays, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joseph Randolph Mays appeals the district court's orders dismissing with prejudice his action under the Federal Tort Claims Act, 28 U.S.C. §§ 1346, 2671-2680, and denying his motion to file an out-of-time response to the United States' motion to dismiss. We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's orders. *Mays v. United States*, No. 5:22-cv-00036-JPB-JPM (N.D.W. Va. Sept. 6, 2022; Sept. 22, 2022). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

FILED: May 25, 2023

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-7177
(5:22-cv-00036-JPB-JPM)

JOSEPH RANDOLPH MAYS

Plaintiff - Appellant

v.

UNITED STATES OF AMERICA

Defendant - Appellee

J U D G M E N T

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

FILED: September 11, 2023

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-7177
(5:22-cv-00036-JPB-JPM)

JOSEPH RANDOLPH MAYS

Plaintiff - Appellant

v.

UNITED STATES OF AMERICA

Defendant - Appellee

O R D E R

The court denies the petition for rehearing.

Entered at the direction of the panel: Judge Agee, Judge Wynn, and Judge
Quattlebaum.

For the Court

/s/ Nwamaka Anowi, Clerk

**Additional material
from this filing is
available in the
Clerk's Office.**

SUPREME COURT OF THE UNITED STATES

RE: Case No.: 22-7177 Mays v. United States 5:22-cr-36 (MOLUV)
CERTIFICATE OF SERVICE

I, Joseph R. Mays, do hereby certify on this 4th day of December 2023, that a true and correct copy of My Motion for an Extension of Time to file a Writ of Certiorari, dated December 4, 2023, (2 Pages), with Supporting Exhibits (2 Pages), and this Certificate of Service (1 Page), for a total of (5 Pages), was given to an FCI Victorville II staff member/placed in the institution mailbox, with proper postage attached, at FCI Victorville II, in Adelanto, California, and filed pursuant to the "prison mailbox rule" in *Houston v. Lack*, 407 U.S. 266 (1968) and sent via Certified Mail (Receipt #: 7020 2450 0000 6440 0010), to the Clerk of the Court for the Supreme Court of the United States at 1 First Street NE in Washington, DC 20543.

I, respectfully, ask the Clerk of Court to electronically file a copy of the above-captioned case with:

United States Attorney's Office for the
Northern District of West Virginia
Po Box 591
Wheeling, WV 26003

/s/
Joseph R. Mays, 43407-007, pro se
FCI Victorville II Medium
Po Box 3050
Adelanto, CA 92301