

PEDRO RODRIGUEZ 14745493  
VISTA DETENTION FACILITY  
325 S. NECHOSE DR.  
VISTA CA 92081  
N3-16

NO \_\_\_\_\_  
IN THE SUPREME COURT OF THE UNITED STATES  
JANUARY 2024 TERM

PEDRO RODRIGUEZ  
PETITIONER - APPELLANT  
V

KATHLEEN ALLISON, SECRETARY  
RESPONDENT - APPELLEE  
USCA # 22-55989

PETITION FOR A WRIT OF HABEAS CORPUS TO THE  
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MOTION REQUEST FOR 60 DAY EXTENSION  
28 USC § 2107(c); US SUP CT R 13.5

PEDRO RODRIGUEZ, IN PROSE  
VISTA DETENTION FACILITY  
325 S. NECHOSE DR  
VISTA CA 92081  
N3-CELL 16

## DECLARATION IN SUPPORT OF MOTION

I PEDRO RODRIGUEZ AM THE PETITIONER / APPELLANT IN THIS CASE. I HEREBY STATE AS FOLLOWS IN SUPPORT OF THE WITHIN REQUEST FOR EXTENSION OF TIME OF 60 DAYS TO FILE PETITION FOR CERTIORARI IN THIS COURT TITLE 28 USC § 2101(C); US SUP CT R. 13.5.

1 PETITIONER'S MOTION REQUEST FOR CERTIFICATE OF APPEALABILITY WAS DENIED 10/25/23 IN CASE # 22-55989 (USCA 9<sup>th</sup> CIR) PETITIONER BELIEVES PETITION FOR WRIT OF CERTIORARI IS DUE JANUARY 25, 2024.

2 PETITIONER'S CLAIMS ARE BASED ON ACTUAL INNOCENCE PER ATTACHED "A" PETITIONER WAS CHARGED AND CONVICTED OF DEFRAUDING CA GOVERNMENT AGENCY EMPLOYMENT DEVELOPMENT DEPT FOR AN AMOUNT OF 8,400- EIGHT THOUSAND FOUR HUNDRED DOLLARS AND SENTENCED TO PRISON MARCH 2017. PER ATTACHED "A" EMPLOYMENT DEVELOPMENT DEPARTMENT NO FRAUD REFERRAL EVER OCCURRED AND NOTICE OF OVERPAYMENT WAS NOT MAILED UNTIL TWO YEARS AFTER PETITIONER WAS SENT TO PRISON AND THE AMOUNT OVER WAS TWO THOUSAND TWO HUNDRED SIXTY FIVE DOLLARS 2,265.00, SIX THOUSAND DOLLARS LESS WITH NO FRAUD REFERRAL ATTACHED. THE CLAIM WAS SQUASHED BY THE SHONATELLO SUPREME COURT IN THE INTEREST OF JUSTICE NO CRIMINAL COMPLAINT WAS EVER LEVIED.

3 PETITIONER IS STILL IN CUSTODY INSPIRE OF BEING PAROLED FROM STATE PRISON 9/2021

2073

PETITIONER IS STILL HELD IN SAME AGGREGATE SENTENCE FOR 16 YEARS MISDEMEANOR CONVICTION OF COUNT. PER ATTACHED B PETITIONERS PRESENT SANC SAN DIEGO SHERIFFS DEPT ARE NOT DELIVERING INCOMING OR OUTGOING MAIL. AS OF MID DECEMBER UPON INFORMATION AND BELIEF THE 9<sup>TH</sup> CIR COURT OF APPEALS HAVE NOT RECEIVED PETITIONERS PETITION FOR REHEARING EVEN THOUGH THEY FILED IN NOVEMBER.

4. ATTACHMENT 'B' ARE EXAMPLES OF MAIL RETURNED TO SENDER INCLUDING MAIL RETURNED TO SAN DIEGO SHERIFFS DEPT, PETITIONERS SANC.

5. PETITIONER IS ACTUALLY INNOCENT, THE 9<sup>TH</sup> CIR COURT INCONNECTIONALLY RULD PETITIONER WAS PRESENTING CLAIMS OF PREVIOUS DIFFERENT CASE.

6. PETITIONER IS DISABLED SUFFERS NEUROPATHY AND HAS HARD TIME WRITING.

### CONCLUSION

FOR THE REASONS HEREIN THE PETITIONER RESPECTFULLY REQUESTS AN EXTENSION OF 60 DAYS TO FILE PETITION FOR WRIT OF HABEAS CORPUS TO AND INCLUDING MARCH 26, 2024.

RESPECTFULLY SUBMITTED  
PEDRO RODRIGUEZ  
IN PRO SE

12/30/23



3073

Proof of Service by Mail

I Pedro Rodriguez, DECLARE:  
I AM OVER 18 YEARS OF AGE AND A PARTY TO  
THIS ACTION. I AM PRISONER OF VISTA DETENTION FACILITY  
325 S. MICHIGAN DR,  
VISTA CA 92081  
NS-16

ON 12/30/23

I SERVED THE ATTACHED MOTION REQUEST FOR 60  
DAY EXTENSION OF TIME ON THE PARTIES HEREIN  
BY PLACING TRUE AND CORRECT COPIES THEREOF  
ENCLOSED IN A PREPAID ENVELOPE HAND DELIVERED  
TO SHERIFFS DEPUTY FOR MAIL TO

SUPREME COURT OF THE UNITED STATES  
SUPREME COURT BUILDING  
1 FIRST NORTHWEST  
WASHINGTON DC 20543

I DECLARE UNDER PENALTY OF PERJURY UNDER THE  
LAWS OF THE UNITED STATES OF AMERICA THAT THE  
FORGEBEARER IS TRUE AND CORRECT

EXECUTED 12/30/23

Pedro Rodriguez  
12 Pro X

J  
RECEIVED  
JAN 12 2024  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.