

**IN THE
UNITED STATES SUPREME COURT**

STATE OF LOUISIANA

NO. _____

VS.

**LOUISIANA SUPREME COURT NO.'S
2023-KP-00624 & 2023-KO-00494**

DARRYL PUDEKER

DISTRICT COURT NO. 496-717 (E)

MOTION FOR EXTENSION OF TIME

MAY IT PLEASE THE COURT.

NOW INTO COURT, comes Petitioner, Darryl Puderer #601803 (hereinafter referred to as "Petitioner) in a Pro-Se capacity, respectfully submits the instant "*Motion for Extension of Time*" to file an Application for Writ of Certiorari and moves the court to "**GRANT**" the same. Petitioner now submits the following information and facts in support, to wit:

(1)

Petitioner states that the Louisiana Supreme Court entered a final judgment in his case **(2023-KP-00624 and 2023-KO-00494)** on November 8, 2023, allowing him ninety (90) days to apply for a Writ of Certiorari to this Honorable Court to review the ruling issued in the lower State Appellate Court (2022-KA-0623; La. App. 4th Cir.)

(2)

Petitioner states that he previously wrote the Clerk of Court's office, for the Honorable United States Supreme Court two (2) correspondences, requesting a "Pro-Se" Informational Filing Packet, due to him being a novice and layman of the law.¹ However, to this present day—date, he has not received a reply from the Clerk of Court for this Honorable Court, and thus has not received the

¹ See: Exhibit-A

requested information which is needed for the filing of his Writ to this Honorable Court.

(3)

Additionally, Petitioner states that the “Raymond Laborde Correctional Center” (RLCC) prison facility, where he is currently detained, is still in a state of cautionary lock-down due to the COVID-19 crisis, and a rise in cases because of variants of the virus, and even though he does now have some access to the law library, the access is very limited and only for 1-2 hours each time he is eventually placed on the call-out for the law library, and that he is not always placed on the call-out when he requests it, depending on the amount of offenders who request access around that time.

(4)

Further, Petitioner states that the RLCC’s Law Library is only open for access to offenders during the weekdays (administrative work days [Monday-Friday]) from 8:00am-7:00pm, and that no offenders have any access during the weekends (Saturdays & Sundays) or on any holiday whatsoever. The building where the law library is located is completely shut-down and off-limits to offenders during the weekends. Further, when Petitioner is finally placed on the call out for access to the library, he is only allowed one (1) two-hour session per allowed access; and, due to the recent cold weather and freezing temperatures, the RLCC Prison Officials have not allowed any offenders access to the law library, due to the building where it’s located being shut-down for approximately one (1) week.

(5)

Petitioner states that he has limited access to the law library and needed research materials; and, that he has also requested assistance from an “Inmate Counsel Substitute” (ICS), to no avail. Petitioner is a novice and layman of the law and unfamiliar with legal research and court procedure, civil or criminal. Petitioner also lacks computer training and must utilize one while attempting to conduct legal research on “Westlaw.” Petitioner is also a novice typist and it takes him a considerable

amount of time to conduct his research and to type any legal documents to be submitted to the court.

(6)

Petitioner further states that he is a first-time offender and that prior to his arrest, he was a successful small business owner and had no prior arrests, felony convictions, or criminal history whatsoever. Accordingly, Petitioner asserts that is he has absolutely no prior experience with the judicial system and process.

(7)

Petitioner who is currently proceeding in a Pro Se capacity, requests that this Honorable Court review the instant pleading and any future pleadings, liberally, and in accordance with the rulings of Haines v. Kerner, 404 U.S. 519 92 S.Ct. 594, 30 L. Ed. 2d 652 (1972); State v. Moak, 387 So. 2d 1108 (La. 1980) (Pro-Se petitioner not held to same stringent standards as a trained lawyer); State v. Egana, 771 So. 2d 638 (La. 2000) (Less stringent standards than formal pleadings filed by lawyers). Puderer is a novice and layman of the law and untrained in the ways of filings and pleadings of formal proceedings in this Honorable Federal Court,

(8)

Further, Petitioner states that his state habeas corpus (Post-Conviction) Petition (Orleans CDC. No. 496-717 [E]), that was recently pending and where he was granted an “out-of-time” appeal, was just recently reversed by the Louisiana Supreme Court on November 8, 2023. Petitioner states that he has written his attorney, Mr. Justin Caine Harrell, of H2 Law, LLC., and has requested his *pro-se* assistance with filing an additional pleading in State or Federal Court. However, at this time, Petitioner is waiting to be contacted by his attorney to see if he will be of assistance with further pleadings. Therefore, for the above and foregoing mentioned reasons, Petitioner—Plaintiff is respectfully requesting an “Extension of Time” and an extension of thirty (30) days or until March 8, 2024, to file an application for Writ of Certiorari into this Honorable Court.

CONCLUSION AND PRAYER

THEREFORE, for the above and foregoing mentioned reasons and in the “*Interests-of Justice*,” Petitioner, Darryl Puderer, states that this Honorable Court should grant the instant motion and Petitioner—Plaintiff respectfully requests an extension of thirty (30) days or until March 8, 2024.

WHEREFORE, for the above and foregoing mentioned reasons and in the “*Interests-of Justice*,” Petitioner prays that this Honorable court will grant the instant motion and Petitioner—Plaintiff prays for an extension of thirty (30) days or until March 8, 2024.

Respectfully submitted on the th29 day of January, 2024.



**Darryl Puderer #601803
General Delivery
1630 Prison Road
Cottonport, LA. 71327**

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2023-KP-00624

VS.

DARRYL PUDERER

IN RE: Darryl Puderer - Applicant Defendant; Applying For Writ Of Certiorari,
Parish of Orleans Criminal, Criminal District Court Number(s) 496-717, Court of
Appeal, Fourth Circuit, Number(s) 2022-KA-0623;

November 08, 2023

Writ application granted. See per curiam.

SJC

JTG

WJC


JBM

Weimer, C.J., dissents.

Hughes, J., dissents.

Griffin, J., dissents.

Supreme Court of Louisiana
November 08, 2023



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2023-KO-00494

c/w

No. 2023-KP-00624

STATE OF LOUISIANA

VS.

DARRYL PUDERER


On Writ of Certiorari to the Court of Appeal, Fourth Circuit, Parish of Orleans
Criminal

PER CURIAM

Writ granted. The lower court judgments granting an out of time appeal are vacated for the reasons assigned in Judge Lobrano's dissent.

CERTIFICATE OF SERVICE


I do hereby certify that a copy of the foregoing has been served upon the Clerk of Court, for the U.S. Supreme Court, 1 First Street, NE, Washington, DC. 20543, by placing same in the institution's legal-mail system, for depositing in the U.S. Mail, properly addressed and with proper postage on this 29th day of January, 2024.



Darryl Puderer

VERIFICATION

I do hereby verify that the information contained in the foregoing are true and correct to the best of my information, knowledge and belief under the penalties of perjury.



Darryl Puderer

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