

IN THE UNITED STATES SUPREME COURT OF AMERICA

BENJAMIN F. WHITEMAN  
Petitioner-Below

CASE No. \_\_\_\_\_

V.

Robert MAY, WARDEN, et al.  
Respondent-Below

A Motion for An extention of time is which  
to file Petitioner above Petition for Writ of certiorari,  
For the follow reasons in the interest of Justice.

RE: BENJAMIN F. Whiteman V. Robert MAY, WARDEN, et al.,  
USCA3 No. 23-2456  
District Court No. 1-23-CV-00405

Justices Please grant the above Petitioner a 40 day - -  
extention of time because the LAW Library only Allows me  
one Hour and 15 minutes per-week in ORDER to research  
THE INCUSTODY Rule following 2254 (a) AS to A (COD)  
Following the All Writ of ERROR 165 (a), statute of A way-  
-Possible-in my case through A Writ of error by other -  
means of a conventional Procedural other than Coram nobis;  
AS REFERED to in Your Court's Rule in MORGAN, 98 LED 248, 346 US,  
502 (1953). My Problem is A Writ of Coram nobis under 165 (a)  
Petitions have been Banded for use by the Delaware Supreme  
Court; Whiteman Notes this Court in United States v. SMITH, 91 LED  
1610, 331 US 469, was A Writs of MANDAMUS. ON A Writ of  
Certiorari, to stop A Petitioner retrial of A NEW Trial.  
CAN A Writ of MANDAMUS be used in my case too, in  
Your Court, Where the INCUSTODY Rules Jurisdiction should not

Apply to Unconstitutional Sentences that run Afoul  
based on Mixing of Jurisdictional Statutes, one mandatory --  
11 Del. C. 4214(a) Sentencing of Life imprisonment, and the other  
follows Regular Sentae Sentences Guidelines following 11 Del. C. 4335(c)  
of Delaware Probation Act - in Whiteman case. Where the State is not  
seeking Life Sentence, under 4214(a) - The Court does not have --  
Jurisdiction to Declare without a State's file Motion under 4215(b);  
Because A Rule 11, Plea Deal of 2 to 20 years imprisonment, can't  
coincide together where Habitual Offender follows only mandatory  
time of A Life sentence - with a chance for Parole in 11 1/2 years;  
"Probations not jurisdictionally Allow for Habitual Offenders, / Please  
grant me more time, my Argument - ever Judge STIFTEL on June 19,  
1987 did not No How my sentence was going to workout - But it has to  
be unconstitutional if I can't serve it do to Being declared an  
Habitual Offender. Justice's thank for You time in this Legal  
Matter <sup>is</sup> something else".

Respectfully Submitted

Benjamin F. Whiteman

SBI. No. # 00169664

JAMES T. VAUGHN Corr. Center

1181 Paddock Road

Smyrna, Delaware 19977

DATED: FEB. 29, 2024

Benjamin F. Whiteman