

No

IN THE
SUPREME COURT of the United STATES

VINICIO J Garcia TDCS # 1828198 - Petitioner
USDC W:22-CV-007 USCA Fifth Circuit 23-40028

VS

Bobby Lumpkin et al Director TDCS Respondents
MOTION FOR EXTENSION of Time to file Petition
FOR writ of certiorari United STATES Court
OF Appeals Fifth Circuit For denial to Proceed
IFB from order issued on Dec 19, 2023 received
by Petitioner on JAN 4, 2024

VINICIO J Garcia
Bill Clements Unit
9601 Spur 591
AMARILLO, TX 79107

MOTION FOR EXTENSION of Time to file Petition FOR WRIT OF Certiorari From the US Court of APPEALS For the Fifth Circuit For Denial to Proceed IFP

Petitioner States the following:

I Continued DELAYS and interference with incoming and outgoing mail at the Bill Clements unit

II Never Received Response to Request for Information From the SUPREME Court of the UNITED STATES regarding Rules and Procedures and forms Necessary to write a writ of certiorari which was mailed NOV 15, 2023. Received the information on Feb 27, 2024 Postmarked Feb 8, 2024 sent by the Deputy CLERK.

III Both the UNITED STATES District Court of the EASTERN District of Texas TYLER Division and the UNITED STATES Court of APPEALS Fifth Circuit have ignored the MAILBOX Rule in dismissing Petitioners motions and/or objections.

In all documentation Presented these courts the Postmark is cited and the date actually received is shown as part of the Response to indicate compliance with timeliness of filing.

It is taking from 10 to more than 30 days from date of Postmark to receive legal mail.

IV I was moved to Bill Clements in AUG, 2022
I have been moved 10 times to various cells.

I was placed in a cell that flooded for 120 days before the problem was corrected. It took 5 minutes to fix.

ON JUNE 7, 2023 when I was moved to High Security a LARGE BAG OF LEGAL and Personal CORRESPONDENCE was stolen. Despite Repeated Requests and finally Grievances NO effort was made to Review the video which have shown who stole it and have it returned.

It has severely impacted all my Legal efforts in the Courts.

V. I have been Repeatedly denied LAW library threatened, harassed and locked up for protest, and denial of LAW LIBRARY.

Summary

The Court has JURISDICTION under USC § 1254 (1)

Given the issues Presented I ask that in the interest of Justice Petitioner be Granted a Sixty (60) day extension to Present the merits of his argument on Petition for writ of certiorari.

Petitioner requests that the Courts of the US are 'screening' and I do not ^{know} of any 'opposing' counsel so will

inform me who is the opposing counsel.
As FARAS I know there is currently no
opposing counsel

Per USC § 1748 I swear under Penalty
of Perjury that the above statements
are true and correct executed on Feb 29, 2024

Vincent J Garcia
1828158

Vincent J Garcia
Bill Clements
9601 SPUR 591
Amarillo TX 79107

CERTIFICATE of Service

I Vinicio J Garcia TDCJ 1828198 do declare that on Feb 29, 2024 I did Place the Motion for EXTENSION of time to file a writ of CERTIORARI to the United STATES COURT OF APPEALS Fifth Circuit in the UNITED STATES SUPREME COURT.

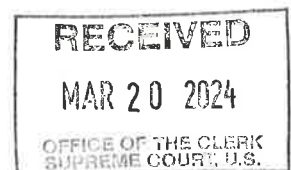
THIS motion is in RESPONSE to Letter dated Feb 8, 2024 from Scott S. Harris CLERK by Angela Jimenez received by me Feb 27, 2024

THE motion was sealed in an envelope, then placed in the Ind. Gent SUPPLY envelope (ISE). The ISE was placed in the mailbox of 18 Building of the Bill Clements unit to be sent Postage PrePaid by the Bill Clements LAW Library. The motion has 4 Pages.

I swear under Penalty of PerJURY these statements are true and correct executed on Feb 29, 2024

Vinicio J Garcia
1828198

Bill Clements



**United States Court of Appeals
for the Fifth Circuit**

No. 23-40028

VINICIO J. GARCIA,

Plaintiff—Appellant,

versus

BOBBY LUMPKIN; WARDEN TOWNSEND; WARDEN MARSHALL,

Defendants—Appellees.

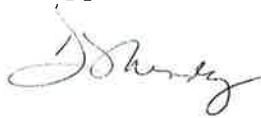
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:22-CV-67

CLERK'S OFFICE:

Under 5TH CIR. R. 42.3, the appeal is dismissed as of December 19, 2023, for want of prosecution. The appellant failed to timely pay the filing fee.

No. 23-40028

LYLE W. CAYCE
Clerk of the United States Court
of Appeals for the Fifth Circuit



By: _____
Donna L. Mendez, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT



A True Copy
Certified order issued Dec 19, 2023

Lyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

December 19, 2023

Mr. David O'Toole
U.S. District Court, Eastern District of Texas
211 W. Ferguson Street
Room 106
Tyler, TX 75702

No. 23-40028 Garcia v. Lumpkin
USDC No. 6:22-CV-67

Dear Mr. O'Toole,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Donna L. Mendez, Deputy Clerk
504-310-7677

cc: Mr. Vinicio J. Garcia