

Jose Luis Garcia (# F44226)
Correctional Training Facility
P.O. Box 705
Soledad, California 93960-0705

March 5, 2024

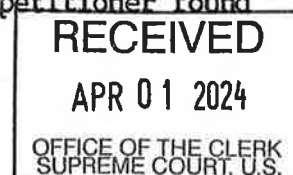
Supreme Court of the United States
Office of the Clerk
1 First Street NE
Washington, DC 20543

Re: Application for an extension of time to file a petition for writ of
Certiorari, Jose Luis Garcia v. K. Park

Dear Justices:

Petitioner Jose Luis Garcia ID No. F44226, is an inmate currently housed at the Correctional Training Facility in Soledad, California. Petitioner is an inmate with a very limited proficiency with the English language but with the assistance of another inmate he filed in the United States District court for the Northern District of California a civil right complaint under 42 U.S.C. § 1983 against a prison doctor for deliberate indifference to his medical needs and condition. (Case No. 21-cv-09048-JD.) On October 31, 2022, the district court granted summary judgment in Defendant's favor, petitioner appealed, but the United States Court of Appeals for the Ninth Circuit affirmed the judgment of the lower court on December 15, 2023, Case No. 22-16840. (Attachment A.)

Petitioner's current deadline to file a petition for writ of certiorari in this Court is due on or about March 20, 2024. However, petitioner contends that he is not able to meet the current deadline because the inmate who originally helped him to file his complaint was transferred to another institution. However, recently, petitioner found



another inmate who is able to help him to file the petition for this Court's analysis, but this inmate has not finished reading the record yet to learn about the facts to be developed in the next petition. For this reason petitioner respectfully request this Court to grant him a 60-days extension of time to and including Monday May 20, 2024 in which to file a petition for writ of certiorari in this Court.

Dated: March 5, 2024

Respectfully submitted by,



Jose Luis Garcia (ID No. F44226)
Petitioner In Pro-Per

PROOF OF SERVICE
BY PERSON IN STATE CUSTODY
(C.C.P. §§ 1011, 1013 (A), 2015.5: F.R.C.P.5; 28 U.S.C. § 1746)

I, Jose Luis Garcia, declare:

I am over 18 years of age, and am a party to this action. I am a resident of the Correctional Training Facility Prison in the County of Monterey, State of California. My prison Address is:

CDCR #: F-44226

Correctional Training Facility

P.O. Box 705, LA Cell #: 312L

Soledad, Ca. 93960-0705

On March 5, 2024, I served the Attached:

Application for an extension of time to file a petition for writ of
Certiorari, Jose Luis Garcia v. K. Park

On the parties herein by placing true, and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, **verified by, and given to prison staff ***, for deposit in the United States Mail provided at the above-named Correctional Institution in which I am presently confined.

The envelope was addressed as follows:

1. Clerk of the United States Supreme Court

1 First Street NE, Washington, DC 20543

2. Office of the Attorney General of California

455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true, and correct.

Executed on: March 5, 2024


(Declarant's Signature)

* Please, note that according to the prison mail box rule, the document(s) mentioned herein is considered filed the day it is handed over to prison authorities for mailing to the court. See Huizar v. Carey (9th Cir. 2001) 273 F. 3d 1220, 1221; Moore v. Twomey (2004) 120 Cal. App. 4th 910, 913-918. Houston v. Lack 487 U.S. 266 (1988, U.S.)

ATTACHMENT A

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 15 2023

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JOSE LUIS GARCIA,

Plaintiff-Appellant,

v.

KYEONG PARK,

Defendant-Appellee.

No. 22-16840

D.C. No. 3:21-cv-09048-JD

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
James Donato, District Judge, Presiding

Submitted December 12, 2023**

Before: WALLACE, LEE, and BUMATAY, Circuit Judges

California state prisoner Jose Luis Garcia appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging deliberate indifference to his serious medical needs. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Toguchi v. Chung*, 391 F.3d 1051, 1056 (9th Cir.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

2004). We affirm.

The district court properly granted summary judgment because Garcia failed to raise a genuine dispute of material fact as to whether defendant was deliberately indifferent in treating Garcia's foot issues. *See id.* at 1057-60 (prison officials act with deliberate indifference only if they know of and disregard a risk to the prisoner's health; medical malpractice, negligence, or difference of opinion concerning the course of treatment does not amount to deliberate indifference).

AFFIRMED.