

Daniel Hess (Inmate No., 14837-273).
United States Penitentiary.
P.O. BOX 24550.
Tucson, AZ. 85734.

IN THE UNITED STATES SUPREME COURT

Daniel Hess,
(Petitioner).

Vs.

United States of America,
(Respondent).

Case No.

Related Appeal No. 23-2257

(For the Eighth Circuit Court of Appeals).

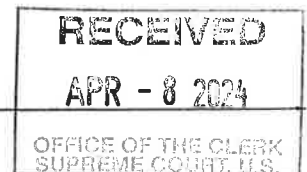
APPLICATION FOR EXTENSION OF TIME
IN WHICH TO FILE
PETITION FOR WRIT OF CERTIORARI

Relief Requested.

1. Petitioner Daniel Hess (Hess) appearing in pro se and respectfully moves this Honorable Court for leave to extend the time within which he may file a petition for Writ of Certiorari to review the judgment of the Eighth Circuit Court of Appeal's, that denied the Certificate of Appealability on _____ . The cause there in is titled Hess V. United States. Particularly, he requests the Court extend the time from 03/11/24 to 04/11/24.

Grounds to grant relief.

2. The Prison facility -- USP Tucson, located in Tucson, AZ -- is marred by violence and homicides. As a result, lockdowns have become the norm. Recently an assault on staff has shifted the dynamics of operations in this Prison. This operational restructuring has precluded access to legal resources viz : legal documents, papers, typing material, typewriters, access to law-library, books, and assistance from jailhouse clerks to name a few. Thus, the First Amendment right to a meaningful access to the Courts stands implicated.



3. From December of 2023 through February of 2024, less than 15 days were spent on normal operations in this facility. That alone may justify granting extension of time. However, additional time requested herein is needed for further studying and researching the issues of the court's decision below. Access to which, has become extremely difficult due to the newly implemented operations.

4. Another pertinent affect of these lockdowns and operational changes is the unprecedented delays in sending and receiving mails. That includes legal mails as well. In some instances, the mails are served to Prisoners several days after the deadline to respond. In Petitioner's case, his Petition for En banc review -- though timely filed, -- was delivered nearly 45-days after the mandate was issued by the court below.

5. No amount of filing grievances in the Prison has affected the change in view of the Officials. In fact, Petitioner is at the mercy of this Unit Counsellors and their available time to access his own documents. The Officials cite, staff shortages and large case load as reasons to decline access. Other times, they procrastinate, so much so, that the deadlines have come and gone. Even though, these ring the sounds of prison grievances, Petitioner has no other means, but to seek extension from this Court.

6. Petitioner does not seek this extension for dilatory purposes. No parties will be prejudiced by granting this extension at this time. Petitioner does not make this application in bad faith.

CONCLUSION.

7. The foregoing demonstrates conditions outside the Petitioner's control. Each of which justifies in meeting the ends of justice. WHEREFORE, Petitioner respectfully requests an ORDER extending the time for filing a petition for Writ of Certiorari -- a valuable opportunity in his collateral attack -- be GRANTED in this case.

Respectfully Submitted,

Date Executed:

By: Daniel Hess.

2/23/2024

Daniel Hess

Certificate of Service.

On the Feb day of 23, the year 2024, the undersigned deposited the foregoing motion(s) ;

- (i). Affixed with adequate postage prepaid ;
- (ii). Certified and tracked using ;
- (iii). As per the Prison Mailbox Rule ;

For it to be delivered to the Office of the Clerk.

A true copy of the motion(s) were also served at the following address

I SWEAR, AFFIRM, and CERTIFY that the foregoing is true and correct to the best of my knowledge. It is offered under the penalty of perjury, as authorized by the laws of United States. See 28 U.S.C.S. §1746.



Name:

Inmate No.

United States Penitentiary.

P.O. BOX 24550.

Tucson, AZ. 85734.

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 23-2257

Daniel Hess, also known as Jason Hess

Petitioner - Appellant

v.

United States of America

Respondent - Appellee

Appeal from U.S. District Court for the District of South Dakota - Western
(5:20-cv-05005-KES)

JUDGMENT

Before COLLOTON, KELLY, and STRAS, Circuit Judges.

This appeal comes before the court on appellant's application for a certificate of appealability. The court has carefully reviewed the original file of the district court, and the application for a certificate of appealability is denied. The appeal is dismissed.

September 05, 2023

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 23-2257

Daniel Hess, also known as Jason Hess

Appellant

v.

United States of America

Appellee

Appeal from U.S. District Court for the District of South Dakota - Western
(5:20-cv-05005-KES)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

December 12, 2023

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans