

WRIT NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JOSE ROJAS-MELITON

PETITIONER-APPELLANT

Vs.

BOBBY LUMPKIN, DIRECTOR, TDCJ-CID

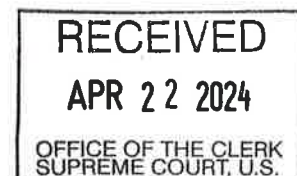
RESPONDENT-APPELLE

ON CERTIORARI FROM THE FIFTH CIRCUIT COURT OF APPEALS

PETITIONER'S MOTION FOR AN EXTENSION OF TIME
TO FILE HIS WRIT OF CERTIORARI

COMES NOW, Jose Rojas-Meliton, the Petitioner in the above cause, and seeks for this Honorable Court's permission to extend the filing deadline for his writ of certiorari by Sixty (60) days or to an reasonable amount of time this Court sees fit, and will further show JUST CAUSE to GRANT his request as explained below:

- 1• The Petitioner is currently incarcerated in the TDCJ-CID H.H. Coffield Unit in Anderson County, Texas.
- 2• The Petitioner is currently indigent and is without Counsel for his/her help; therefore he is proceeding in the pro se status.
- 3• The Petitioner's Certificate of Appealability was denied as unnecessary on March 20, 2024.

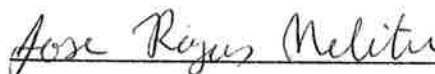


4. Therefore, the original deadline ninety (90) day deadline to file his certiorari is June 18, 2024.
5. The TDCJ-CID H.H. Coffield Law Library only allows inmates ten (10) hours per week to conduct their research, while seeking help, prepare and draft out legal documents, then file their documents in the proper court[s].
6. The Petitioner is a laymen in the law and has a hard time interpreting case law and navigating the Lexis Nexis system.
7. The Petitioner requests for a Sixty (60) day extension of time so he may perfect a document worthy of this Court's review and to ensure he receives a "full bite" of the apple on said review. The proposed deadline is August 17, 2024.
8. The Petitioner's motion is prepared in GOOD FAITH and not to harass the proceeding, Officer of the Court, nor the Tribunal itself.

PRAYER FOR RELIEF:

The Petitioner prays that this Honorable Court will GRANT his request for an extension of time to file his writ of certiorari by Sixty (60) days up to and including August 17, 2024, or to an reasonable amount of time this Court sees fit.

Respectfully Submitted,



Jose Rojas-Meliton
Pro se Litigant.

INMATE DECLARATION:

I, Jose Rojas-Meliton, TDCJ# 02149143, the Petitioner in the above cause, being incarcerated in the TDCJ-CID H.H. Coffield Unit in Anderson County, Texas, declares that the foregoing above is true and correct under the penalty of perjury. Executed on this 5 day of April 2024.

Jose Rojas Meliton

Jose Rojas-Meliton
TDCJ# 02149143
H.H. Coffield Unit
2661 FM 2054
Tennessee Colony, Texas 75884-5000
Pro se Litigant.

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JOSE ROJAS-MELITON,

PETITIONER-APPELLANT

Vs.

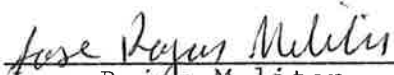
BOBBY LUMPKIN, DIRECTOR, TDCJ-CID

RESPONDENT-APPELLEE

DECLARATION OF INMATE FILING

I am an inmate confined in an institution. Today the 5 day of April 2024, I am depositing the Petitioner's motion for an extension of time to file his certiorari, certificate of service, and declaration of inmate filing in the above cause, into the institution's internal mailing system. First-Class postage is being prepaid either by me or by the institution on my behalf. See Houston v. Lack, 487 U.S. 266, 270 (1987).

I, Jose Rojas-Meliton, TDCJ# 02149143, the Petitioner in the above cause, being incarcerated in the TDCJ-CID H.H. Coffield Unit in Anderson County, Texas, declares that the foregoing above is true and correct under the penalty of perjury. Executed on this 5 day of April 2024. See 28 U.S.C. § 1746; 18 U.S.C. § 1621.



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Vs.

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RESPONDENT

PROOF OF SERVICE

I, Jose Rojas-Meliton, TDCJ# 02149143, do swear or declare that on this date April 05, 2024, as required by Supreme Court Rule 29 I have served the enclosed motion for an extension of time to file writ of certiorari, motion for leave to proceed in forma pauperis, and declaration of inmate filing on each party to the above proceeding or that party's counsel, and every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with First-Class postage prepaid, or by delivery to a third-party commercial carrier for delivery within three calendar days.

The Names and addresses of those served are as follows:

Office of the Attorney
General of Texas
Criminal Appeals Division
ATTN: Edward Marshall
P.O. BOX 12548
Austin, Texas 78711-2548

I, Jose Rojas-Meliton, TDCJ# 02149143, the Petitioner in the

above cause, being incarcerated in the TDCJ-CID H.H. Coffield Unit in Anderson County, Texas, declares that the foregoing above is true and correct under the penalty of perjury. Executed on this 05 day of April 2024.

Jose Rojas Meliton

José Rojas-Meliton
TDCJ# 2149143
H.H. Coffield Unit
2661 FM 2054
Tennessee Colony, Texas 75884-5000
Pro se Litigant.

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 20, 2024

Lyle W. Cayce
Clerk

No. 23-20575

JOSE ROJAS-MELITON,

Petitioner—Appellant,

versus

BOBBY LUMPKIN, *Director, Texas Department of Criminal Justice,
Correctional Institutions Division,*

Respondent—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:22-CV-537

Before CLEMENT, ENGELHARDT, and RAMIREZ, *Circuit Judges.*

PER CURIAM: *

Jose Rojas-Meliton, Texas prisoner # 02149143, was convicted by a jury of aggravated sexual assault of a child and sentenced to 75 years of imprisonment. He currently appeals the district court's denial of his Federal Rule of Civil Procedure 60(b) motion seeking relief from the order denying

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 23-20575

his motion under Federal Rule of Appellate Procedure 4(a)(6) to reopen the period to appeal the denial of his 28 U.S.C. § 2254 application.

Because Rojas-Meliton's Rule 60(b) motion sought relief from the order denying his motion to reopen under Rule 4(a)(6), his motion for a certificate of appealability is DENIED as unnecessary. *See Ochoa Canales v. Quarterman*, 507 F.3d 884, 888 (5th Cir. 2007); *Dunn v. Cockrell*, 302 F.3d 491, 492 (5th Cir. 2002). We dispense with further briefing because this appeal may be resolved on the available record.

In his Rule 60(b) motion and on appeal, Rojas-Meliton primarily argues that he was entitled to relief under Rule 4(a)(6), because his counsel abandoned him—resulting in his missing the deadline to appeal—and that counsel's abandonment is an “extraordinary circumstance” entitling him to relief under Rule 60(b)(6). *See Buck v. Davis*, 580 U.S. 100, 123 (2017). However, this court has already “reject[ed] Rojas-Meliton's argument that his counsel abandoned him and that such abandonment warranted an exception to Rule 4(a)(6)(A)'s strictures.” *Rojas-Meliton v. Lumpkin*, No. 23-20308, 2023 WL 7490049, at *1 (5th Cir. Nov. 10, 2023) (unpublished). Rojas-Meliton's arguments to the contrary are barred by the law-of-the-case doctrine, which precludes this court from reexamining the issue. *See Alpha/Omega Ins. Servs., Inc. v. Prudential Ins. Co. of Am.*, 272 F.3d 276, 279 (5th Cir. 2001).

Accordingly, Rojas-Meliton has failed to demonstrate any abuse of discretion in the district court's denial of his Rule 60(b) motion. *See Buck*, 580 U.S. at 122-23; *Perez v. Stephens*, 745 F.3d 174, 177 (5th Cir. 2014). The district court's denial of Rojas-Meliton's Rule 60(b) motion is AFFIRMED.