

SUPREME COURT OF THE UNITED STATES

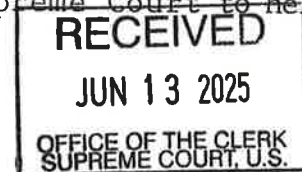
STACY L. CONNER,	§	
petitioner,	§	
	§	CASE NUMBER
VS.	§	
	§	
TEXAS COURT OF CRIMINAL APPEALS, et al.,	§	
respondent(s).	§	

**MOTION FOR EXTENSION OF TIME
TO FILE A PETITION FOR WRIT OF CERTIORARI**

SPECIFICALLY, to the Honorable Justice Tetanji Brown Jackson:

Comes Now, Petitioner Stacy L. Conner, hereinafter referred to only as Conner, who submits Pro Se this "Motion for Extension of Time to File a Petition for Writ of Certiorari" pursuant to Supreme Court Rule(s) 22, 30(2)(3), and in support of will show the following:

- 1.) Conner wishes to challenge an 'Order' issued on 2/24/25 by the 5th Circuit in Case No. 23-5847, that is clearly vague and ambiguously disposes of his valid Constitutional Claims without ever actually addressing any of the merits themselves.
- 2.) The 90 day deadline governing the filing of a petition for writ of certiorari ends on 5/25/25, which is a sunday. Monday the 26th is Memorial Day (a holiday); therefore the real due date is May 27, 2025.
- 3.) Conner has already made a request of the Supreme Court to help



aid him with the filing of his Writ by asking to be supplied with any specific forms along with any of the Court's Rules that controls such submissions; but as of this date Conner has not heard back from the Court, nor from your Clerk on this matter.

Did you receive my request?

4.) It's often perceived that inmates in general have a lot of idle time on their hands. Conner, even though in his seventies, is a working inmate who is required to perform certain duties and attend grueling classes on an almost daily basis that leave him utterly exhausted. His "Free Time" is truly limited.

5.) STILL, it's worth mentioning that Conner has not been flippant nor lackadaisical (in any way) with his obligation & responsibilities to argue this case: he filed a "Sanctioned Out of Time Petition for Rehearing En Banc" with the 5th Circuit, and has written independently a number of the Circuit Judges of the Court; but have yet to hear further on any of his many concerns and only because of time constraints is forced to take this action in order to preserve its availability.

6.) Conner is a layman, unschooled nor taught in law who's compelled by his circumstances and limited education to via for himself Pro Se in the litigation of this complex and extensive (very important) endeavor that could tax even the most experienced and robust of attorneys.

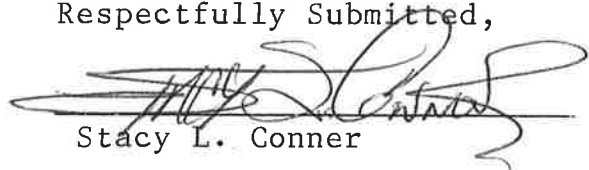
7.) The issues Conner wishes to bring before the Court have the potential to effect a large number of our populace, especially those that are incarcerated. The Supreme Court has many requirements that are exact and demanding . . . excellence & perfection

take Time! Conner gets but one shot at this thing. He cann't afford to get it wrong. Please, allow him the time necessary so he can make it the best shot possible.

8.) This Motion is made in Good Faith solely on the 'reasonable explanations' given (and many others unrevealed), it is not presented or based on any misguided purposes of strategy nor delay, but only on the solid foundation of Truly NEEDING more Time! Furthermore, none of the parties (including the Court itself) can be harmed by the granting of this precious gift of Time. Only in its refusal will the administration of justice be thwarted and the scales be left askewed at an odd unsightly level.

Wherefore, Premises Considered, Conner Prays the Supreme Court of the United States will (a) issue a cause number for this case, (b) supply the requested forms and rules to help facilitate filing, and (c) Grant an additional full sixty (60) days time period (ending no sooner than on July 26, 2025) in which to submit his Petition for Writ of Certiorari.

Respectfully Submitted,

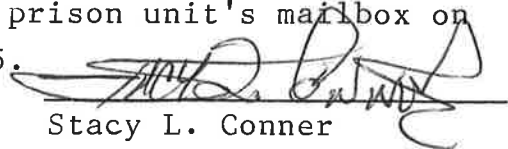

Stacy L. Conner

Certificate of Service

I do so certify that a True & Correct copy of this "Motion For Extension of Time to File a Petition for Writ of Certiorari" is being forwarded by prepaid first-class U.S. mail to:

Attorney General's Office of Texas
P.O. Box 12548 Capital Station
Austin, Texas 78711-2548

by my (personally) placing same in the prison unit's mailbox on this saturday the 17th day of May 2025.


Stacy L. Conner

Stacy L. Conner
#1428940 Polunsky Unit
3872 FM 350, South
Livingston, Tx. 77351-0000

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

No. 23-50847

United States Court of Appeals
Fifth Circuit

FILED

February 24, 2025

STACY L. CONNER,

Lyle W. Cayce
Clerk

Plaintiff—Appellant,

versus

KEN PAXTON, *individually and in his official capacity*; GREG ABBOTT,
Governor of the State of Texas, individually and in his official capacity; TEXAS
COURT OF CRIMINAL APPEALS,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:23-CV-1058

ON PETITION FOR REHEARING

Before SOUTHWICK, WILLETT, and OLDHAM, *Circuit Judges*.

PER CURIAM:

IT IS ORDERED that the petition for rehearing is DENIED.

United States Court of Appeals for the Fifth Circuit

No. 23-50847
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 26, 2024

Lyle W. Cayce
Clerk

STACY L. CONNER,

Plaintiff—Appellant,

versus

KEN PAXTON, *individually and in his official capacity*; GREG ABBOTT,
Governor of the State of Texas, individually and in his official capacity; TEXAS
COURT OF CRIMINAL APPEALS,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:23-CV-1058

Before SOUTHWICK, WILLETT, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Stacy L. Conner, Texas prisoner # 1428940, filed a civil rights complaint raising claims stemming from the determination by the Texas Court of Criminal Appeals that his petition for discretionary review (PDR) had been untimely filed. The district court dismissed Conner's civil action,

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

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without prejudice, as frivolous or for failure to state a claim pursuant to 28 U.S.C. § 1915(e). The district court also denied Conner's motion for a new trial and to alter or amend the judgment. Conner now moves for authorization to proceed in forma pauperis (IFP) on appeal, which constitutes a challenge to the district court's certification that any appeal would not be taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

In his pro se filings, Conner first argues that the district court's certification order inaccurately stated the reasons given for dismissing his action. However, the certification order referred to the prior order dismissing Conner's complaint, which is sufficient. *See id.* at 202 n.21. Further, contrary to Conner's contention, the certification order correctly summarized the reasons given in the dismissal order of September 11, 2023.

Conner questions the district court's recharacterization of his complaint as a mandamus petition. The label placed on a pro se prisoner's filing is not determinative, and the filing may be recharacterized by a court "according to the essence of the prisoner's claims." *Solsona v. Warden, F.C.I.*, 821 F.2d 1129, 1132 n.1 (5th Cir. 1987). Because Conner's complaint requested an order requiring state officials to treat his PDR as timely filed, the district court did not err in treating the filing as a mandamus petition and dismissing it. *See Moye v. Clerk, Dekalb Cnty. Sup. Ct.*, 474 F.2d 1275, 1275-76 (5th Cir. 1973); *Santee v. Quinlan*, 115 F.3d 355, 356-57 (5th Cir. 1997).

Because Conner's claims concern a single alleged violation based on the state court's determination in 2010, that his PDR was untimely, and the consequences flowing from that determination, his challenge to the district court's determination that his claims are untimely fails. *See McGregor v. La. State Univ. Bd. of Supervisors*, 3 F.3d 850, 867 (5th Cir. 1993). With regard to the district court's dismissal of his claim of denial of access to the courts as

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duplicative and frivolous, Conner's failure to brief the issue results in waiver. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Finally, given that the district court dismissed Conner's claims on procedural grounds, it did not abuse its discretion by failing to issue findings of fact and conclusions of law in response to Conner's postjudgment motion to address the merits of his contention that his PDR was timely filed. *See Rollins v. Home Depot USA*, 8 F.4th 393, 397 (5th Cir. 2021).

As shown by the foregoing, Conner has failed to show that "the appeal involves legal points arguable on their merits (and therefore not frivolous)." *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (internal quotation marks and citation omitted). Accordingly, his IFP motion is DENIED, and the appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 & n.24; *Howard*, 707 F.2d at 220; 5TH CIR. R. 42.2. Conner's motion for the appointment of counsel is DENIED.

The district court's dismissal in the instant case as frivolous or for failure to state a claim on which relief may be granted results in a strike pursuant to 28 U.S.C. § 1915(g), and the dismissal of the instant appeal as frivolous counts as another strike. *See Adepegba v. Hammons*, 103 F.3d 383, 388 (5th Cir. 1996), *abrogated in part on other grounds by Coleman v. Tollefson*, 575 U.S. 532, 537 (2015). As discussed by this court, Conner previously received a strike based on the district court's dismissal of a civil action as frivolous and for failure to state a claim. *See Conner v. Davis*, 690 F. App'x 288, 289 (5th Cir. 2017). Because Conner has now accumulated three strikes, he is BARRED from proceeding IFP in any civil action or appeal unless he is under imminent danger of serious physical injury. *See* 28 U.S.C. § 1915(g).