

IN THE UNITED STATES SUPREME COURT

THOMAS BARTHOLOMEW SIMPSON,  
Petitioner-Appellant,

v.

U.S. 4th No.: 23-6980

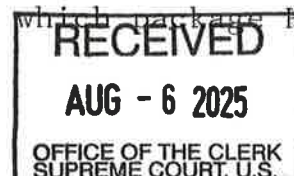
U.S. Sup. No.: \_\_\_\_\_

CHADWICK DOTSON,  
Respondent-Appellee.

MOTION FOR CONTINUANCE

COME NOW Thomas Bartholomew Simpson, pro se, and file this motion for an extension of time to file his writ of certiorari from the denial of a certificate of appealability and dismissal of his appeal, for the following reasons:

1. The Supreme Court of Virginia refused Petitioner's appeal on June 29, 2018. Rehearing denied Oct. 2, 2018.
2. Petitioner filed his writ of habeas corpus in the Spotsylvania County Circuit Court on September 30, 2019 and it was dismissed and denied on December 21, 2020.
3. That Petitioner appealed his habeas corpus denial to the Supreme Court of Virginia and it was dismissed and denied on May 11, 2022. Rehearing denied June 30, 2022.
4. That Petitioner filed a timely §2254 petition on July 5, 2022, which the E.D. of Virginia dismissed and denied on Aug. 24, 2023, and the Fourth Cir. denied his request for certificate of appealability on March 25, 2025.
5. That Haynesville Correctional Center went on two major lockdowns within 30 days between May and June of 2025, impeding Petitioners access to the law library in order to shepardize and prepare his petition for writ of certiorari.
6. That Petitioner contacted this Court via U.S. Postal Service and requested filing package and requirements, which package H.C.C.



sent back to the Supreme Court of the United States on June 6, 2025 because it was not first mailed to VADOC's Central Distribution Center, denying him timely access to the court by the Respondent. (Enclosed).

WHEREFORE, Petitioner moves this Supreme Court of the United States to grant him an extension of time to file his petition for writ of certiorari due to government impediment by the Respondent for the above reasons mentioned in ¶ 5 and 6.

Respectfully submitted:

Thomas B. Simpson 6/17/25  
Thomas Bartholomew Simpson

Haynesville Correctional Center  
P.O. Box 129  
Haynesville, Virginia 22472

MAILING ADDRESS

VADOC Centralized Mail Distribution Center  
3521 Woods Way  
State Farm, VA 23160

State of:	<u>Virginia</u>
County of:	<u>Richmond</u>
The foregoing instrument was acknowledged	
before me:	<u>17<sup>th</sup></u> day of <u>June</u> 2025
<u>Rose Brown</u>	
Notary Public	
My Commission Expires <u>9/30/2029</u>	

ROSE BROWN
NOTARY PUBLIC
REGISTRATION # 368271
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES September 30, 2029

**UNPUBLISHED**

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

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**No. 23-6980**

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THOMAS BARTHOLOMEW SIMPSON,

Petitioner - Appellant,

v.

CHADWICK DOTSON,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (1:22-cv-00794-LMB-IDD)

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Submitted: February 20, 2025

Decided: March 25, 2025

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Before THACKER, HARRIS, and RUSHING, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Thomas Bartholomew Simpson, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

## PER CURIAM:

Thomas Bartholomew Simpson seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 petition. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(A). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists could find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 580 U.S. 100, 115-17 (2017). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable and that the petition states a debatable claim of the denial of a constitutional right. *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

We have independently reviewed the record and conclude that Simpson has not made the requisite showing. Simpson argues that the state trial court erred by admitting certain evidence and that his counsel rendered ineffective assistance by failing to adequately object to the admission of the evidence. But federal courts "do not sit to review the admissibility of evidence under state law," and Simpson has not shown that the allegedly "erroneous evidentiary rulings were so extreme as to result in a denial of a constitutionally fair proceeding" or that his counsel's alleged failure to object was unreasonable or prejudicial. *Burket v. Angelone*, 208 F.3d 172, 186 (4th Cir. 2000) (collecting cases); *see Strickland v. Washington*, 466 U.S. 668, 687 (1984) (discussing

showing required to establish ineffective assistance of counsel). Additionally, contrary to Simpson's contentions on appeal, we conclude that reasonable jurists could not debate that he failed to establish cause and prejudice to excuse the procedural default of the prosecutorial misconduct claims he raised in the district court. *See Hayes v. Carver*, 922 F.3d 212, 216 (4th Cir. 2019) (explaining that federal courts ordinarily may not consider procedurally defaulted claims). Finally, while Simpson asserts that the state habeas court violated his constitutional rights by adopting a pre-drafted dismissal order, he has not made a debatable showing that he is in custody as a result of that alleged constitutional error. *See* 28 U.S.C. § 2254(a); *Plymail v. Mirandy*, 8 F.4th 308, 320 n.7 (4th Cir. 2021) (noting that § 2254 petitioner must be in custody "as a result of the challenged state . . . decision for habeas relief to be available" (internal quotation marks omitted)).

Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*DISMISSED*



Virginia Department of Corrections

## Grievance Receipt Report



DOC Location: HCC Haynesville Correctional Center

Report generated by Samuels, M

Report run on 06/18/2025 at 11:34 AM

Grievance Number: HCC-25-WRI-00702

Next Action Date:

On this date:	06/16/2025	I have received a statement from:
Simpson, Thomas B	1532237	Haynesville Correctional Center
	of	HU5-B-40-B
(Offender Name and DOC#)		(Filed Location and Housing)
Setting out the following complaint:		
Inmate states on 6/6/25 legal mail from the US Supreme Court addressed to him was returned back under the assumption they are sending drugs into the compound.		
		
(Signature)		

Officer Initials: \_\_\_\_\_