

Ms. Lakendria N. Goings
Reg. No. 20646-035
F.C.I. Aliceville
Post Office Box 4000
Aliceville, Alabama

May 8, 2025

Office of the Supreme Court
of the United States
One First Street, N.E.
Washington, D.C. 20543

Re: Request for an extension of time to file certiorari petition

Dear Sir/Madam: *United States Supreme Court*

I am respectfully requesting an extension of time in which to file my petition for a writ of certiorari seeking review of the decision from the United States Court of Appeals for the Fifth Circuit in *United States v. Lakendria Nicole Goings*, U.S. App. Lexis 3672 (5th Cir. February 18, 2025).

Due to circumstances outside of the undersigned's control, she was unable to timely file her certiorari petition to this Court and respectfully seeks and extension so that she can seek discretionary review of the lower court's error in summarily affirming the district court's ruling.

As an aside, the undersigned Pro se Petitioner respectfully seeks that this Court recognize its mailbox rule as announced in *Houston v. Lack*, 287 U.S. 266 (1987), which allows for pro se prisoner filings to be considered submitted on the date given to prison officials since she has no control as to the processing of mail at her prison facility.

Thank you for your time and attention to this very important matter, and I look forward to hearing from your office soon.

Respectfully submitted,
Lakendria Goings
Ms. Lakendria N. Goings
Pro se Petitioner
05-18-2025

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SUPREME COURT, U.S.

United States Court of Appeals
for the Fifth Circuit

No. 24-30365
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
February 18, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

LAKENDRIA NICOLE GOINGS,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 3:18-CR-148-1

Before GRAVES, WILLETT, and WILSON, *Circuit Judges*.

PER CURIAM:*

Lakendria Nicole Goings, federal prisoner # 20646-035, appeals the denial of her motion to stay or to modify her scheduled restitution payments under the Inmate Financial Responsibility Program (IFRP). Further, she has filed a motion to modify her criminal judgment to reflect that her restitution payments are stayed. The Government has moved for summary affirmance

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

No. 24-30365

on the basis that Goings has abandoned any appellate claims as to the denial of her motion. Alternatively, the Government requests an extension of time to file a merits brief.

In her opening brief, Goings presents no claims that can be viewed as a challenge to, or argument concerning, the denial of her motion to stay or to modify her restitution payment schedule. She thus has effectively abandoned any challenge to the order from which she has appealed. *See United States v. Scroggins*, 599 F.3d 433, 447 (5th Cir. 2010); *United States v. Miranda*, 248 F.3d 434, 443 (5th Cir. 2001). While her response to the Government's motion for summary affirmance includes arguments that implicate the merits of her motion, she has raised those claims too late. *See Scroggins*, 599 F.3d at 447; *United States v. Aguirre-Villa*, 460 F.3d 681, 683 n.2 (5th Cir. 2006). She therefore has failed to brief any challenge to the denial of the motion that we need to review. *See Scroggins*, 599 F.3d at 447.

Summary affirmance, which applies where the position of a party "is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case," *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), is not appropriate here. However, because the appeal is without merit, further briefing is unnecessary.

Accordingly, the judgment of the district court is AFFIRMED. The Government's motion for summary affirmance and its alternative motion for an extension of time to file a merits brief are DENIED. Goings's motion for a modification of the criminal judgment is DENIED.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

February 18, 2025

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing
or Rehearing En Banc

No. 24-30365 USA v. Goings
USDC No. 3:18-CR-148-1

Enclosed is a copy of the court's decision. The court has entered judgment under Fed. R. App. P. 36. (However, the opinion may yet contain typographical or printing errors which are subject to correction.)

Fed. R. App. P. 39 through 41, and Fed. R. App. P. 39, 40, and 41 govern costs, rehearings, and mandates. **Fed. R. App. P. 40 require you to attach to your petition for panel rehearing or rehearing en banc an unmarked copy of the court's opinion or order.** Please read carefully the Internal Operating Procedures (IOP's) following Fed. R. App. P. 40 for a discussion of when a rehearing may be appropriate, the legal standards applied and sanctions which may be imposed if you make a nonmeritorious petition for rehearing en banc.

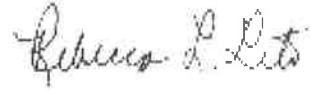
Direct Criminal Appeals. Fed. R. App. P. 41 provides that a motion for a stay of mandate under Fed. R. App. P. 41 will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, this court may deny the motion and issue the mandate immediately.

Pro Se Cases. If you were unsuccessful in the district court and/or on appeal, and are considering filing a petition for certiorari in the United States Supreme Court, you do not need to file a motion for stay of mandate under Fed. R. App. P. 41. The issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

Court Appointed Counsel. Court appointed counsel is responsible for filing petition(s) for rehearing(s) (panel and/or en banc) and writ(s) of certiorari to the U.S. Supreme Court, unless relieved of your obligation by court order. If it is your intention to file a motion to withdraw as counsel, you should notify your client promptly, **and advise them of the time limits for filing for rehearing and certiorari.** Additionally, you MUST confirm that this information was given to your client, within the body of your motion to withdraw as counsel.

Sincerely,

LYLE W. CAYCE, Clerk

A handwritten signature in cursive script, appearing to read "Rebecca L. Leto".

By: Rebecca L. Leto, Deputy Clerk

Enclosure(s)

Mr. Brandon Bonaparte Brown
Ms. Camille Ann Domingue
Ms. Lakendria Nicole Goings