

UNITED STATES SUPREME COURT

Bobby O'Dell Clark
Petitioner
v.

Case NO 7:15: CV:1
17 50087
CLARK V. DAVIS Director TOCJ

Lorie Davis, Director TOCJ CID
Respondant

PETITIONER'S ORIGINAL MOTION FOR LEAVE TO seek
Permission to receive Extension of Time, Continuance and file
Handwritten Pleadings.

Pursuant to Tx. Rules of Civil Proc Rule 501, 502, 509.

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW: Bobby O'Dell Clark, TOCJ-CID # 1700701 who now moves
the Honorable Court by motion for Permission to receive Extension of Time, continuance and
file Handwritten Pleadings and will show the Court the following:

I.

Petitioner Bobby O'Dell Clark; is presently confined in TOCJ-CID Unit in Amarillo
Texas in Potter County Texas.

II.

Petitioner, has limited knowledge and comprehension of Post-conviction litigations and
has no access to the Paralegal who has been assisting him in his cause.

III.

Petitioner, has limited access to the Facility's law library, due to the present Facility
is conducting both a Unit lock-down, and comprehensive cell search which has now
restricted all offenders to cell space, and restricted movements

IV.

Petitioner, herein will not be permitted access to his files, and or timely respond to all or
any court proceedings due to the Administrative Unit lock down for up to 45 days
until its complete and regular movement will resume. Where he petitions the
Honorable Court's Permission to file for Extension of Time/continuance/and file Hand-
written Pleadings:

Sincerely Submitted
x Bobby O'Dell Clark

VERIFICATION

I BOBBY O'Dell Clark # 1700701, here by verifies Pursuant to Tx C.P. Rem Code
132001-132003 and Fed 28 USC 1746 under the penalty of Perjury these are true & correct
executed on 10th day of March 2018 x Bobby O'Dell Clark

UNITED STATES SUPREME COURT

Bobby O'Dell Clark

Petitioner

§

Cause NO: 7:15-CV-1

v.

§

17-5089

Lorrie Davis Director TDCJ-CID

Clark v Davis Director

Respondant

§

PETITIONER'S ORIGINAL MOTION OF LEAVE FOR
EXTENSION OF TIME / CONTINUANCE

Pursuant to Tx. Rules Civil Proc Rule 501, 502

TO THE HONORABLE JUDGE OF SAID COURT

COMES NOW: Bobby O'Dell Clark Petitioner Prose who moves the Court by motion in the above styled and number cause and herein will show the court the following:

I.

Petitioner Bobby O'Dell Clark TDCJ ID # 1700701 is presently confined in TDCJ-CID in Potter County, Texas

II.

Petitioner, is presently housed in minimum custody, and is confined to his cell space with no access to the assistance necessary to timely file, respond to all or any court's pleadings and has limited knowledge to criminal/post conviction procedures

III.

Petitioner, has limited censored access to unit law library

IV.

Petitioner, is now restricted to cell space for Administrative Comprehensive Cell Searches and unable to meet, pass, visit, research any litigation due to circumstances beyond his control

V.

Petitioner will be hindered and limited to access for up to 45 days which will cause irreparable damage to his on going litigation. Which he now Petitions the Honorable Court for Extension of time / Continuance: Pursuant to Tx Rules of Civil Procedures Rule 501, 502

PRAYER.

Petitioner Bobby O'DELL CLARK hereby Prays the Honorable Court Grant him the essential additional days necessary and requested in enclosed order so he may comply and seek Redress.

Sincerely Submitted
x Bobby O'Dell Clark

VERIFICATION

I Bobby O'Dell Clark hereby say's and verifies that pursuant to Tx C. P. R. C. 132.001 - 132.003 under the Penalty of Perjury these are true and correct

Sincerely Submitted
Executed on 16th day of March 20 15 x Bobby O'Dell Clark

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-50087
USDC No. 7:15-CV-1



Certified as a true copy and issued
as the mandate on Dec 15, 2017

Attest: *Steph W. Conner*
Clerk, U.S. Court of Appeals, Fifth Circuit

BOBBY O'DELL CLARK,

Petitioner-Appellant

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

Appeal from the United States District Court
for the Western District of Texas

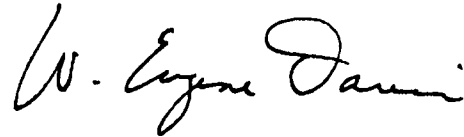
ORDER:

Bobby O'Dell Clark, Texas prisoner # 1700701, seeks a certificate of appealability (COA) so that he may appeal the district court's dismissal of his 28 U.S.C. § 2254 petition. In his § 2254 petition, Clark challenged his murder conviction resulting in a 99 year sentence. Clark argues that appointed counsel rendered ineffective assistance of counsel at trial. He also argues that the prosecutor's introduction of evidence of his prior convictions was improper. He has abandoned all of the other claims raised in his § 2254 petition. *See Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1999).

A COA must be issued before this court has jurisdiction for this appeal. *See Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003). A COA may issue "only

No. 17-50087

if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *see also Miller-El*, 537 U.S. at 336. When a district court has rejected a constitutional claim on the merits, the applicant must “demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Clark has failed to make the requisite showing, and his motion for a COA is DENIED.

A handwritten signature in black ink, reading "W. Eugene Davis". The signature is written in a cursive, flowing style.

W. EUGENE DAVIS
UNITED STATES CIRCUIT JUDGE

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-50087

BOBBY O'DELL CLARK,

Petitioner - Appellant

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent - Appellee

Appeal from the United States District Court
for the Western District of Texas

Before DAVIS, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:

A member of this panel previously denied appellant's motion for certificate of appealability. The panel has considered appellant's motion for reconsideration. IT IS ORDERED that the motion is DENIED.