

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ROBERT VELEZ,

Petitioner, .

VS.

UNITED STATES OF AMERICA

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR THE SIXTH
CIRCUIT

APPLICATION TO JUSTICE ELENA KAGAN TO EXTEND TIME
TO FILE
PETITION FOR CERTIORARI

ROBERT VELEZ
REG. NO. 21160-074
U.S.P. POLLOCK
P.O. BOX 2099
POLLOCK, LA 71467
Petitioner *pro se*

**APPLICATION TO JUSTICE ELENA KAGAN TO EXTEND TIME
TO FILE
PETITION FOR CERTIORARI
(Sup. Ct. R. 13.5)**

RELIEF SOUGHT

Robert Velez, on behalf of himself request that Justice Elena Kagan, Justice for the Sixth Circuit, extend the time for filing a petition for a writ of certiorari to the United States Court of Appeals for the Sixth Circuit in the matter of *Velez v. United States*, No 17-5369, for a period of 30 days, or from March 12, 2018 up to and including April 13, 2018.

GROUND FOR RELIEF

Judgments Below

The decision of the United States Court of Appeals for the Sixth Circuit appears at Exhibit A to the petition and is un-reported.

The decision of the United States District Court for the Eastern District of Tennessee (Greeneville Division) appears at Exhibit B to the petition and is reported at *Velez v. United States*, 2017 U.S. Dist. LEXIS 36949 (E.D. Tenn., Mar. 15, 2017) .

The order denying rehearing by the United States Court of Appeals appears at Exhibit C to the petition and is reported at *Velez v. United States*, No. 17-5369, 2017 U.S. App. LEXIS 25269 (Dec. 13, 2017).

The decision of the Sixth Circuit Court of Appeals, denying petitioner's direct appeal appears at Exhibit D and is reported at *United States v. Velez*, 485 Fed. Appx. 793, 2012 U.S. App. LEXIS 12957 (6th Cir.), 2012 FED App. 673N (6th Cir.) (6th Cir. Tenn., 2012).

Jurisdiction

- 3.) The Supreme Court will have jurisdiction over this matter because 28 U.S.C. § 1254(1) gives the Court jurisdiction over an appeal of a final judgment of a United States Court of Appeals.

Reasons Why Relief From Time Limit Needed

- 4.) Under Supreme Court Rule 13.1, the time for filing of a petition for writ of certiorari in this matter expired on March 13, 2018.
- 5.) On February 23, 2018, Petitioner filed an application for an extension of time in which to file a petition for a Writ of Certiorari in the above titled case, which was received on March 1, 2018. The bases for this request was due to multiple institutional lockdowns due to precautionary reasons, occurring where petitioner is housed. These lockdowns occurred between: (1) Monday, December 18, 2017 through Wednesday, January 3, 2018; (2) Tuesday, January 20, 2018 through Monday, February 5, 2018; and (3) Wednesday, February 14, 2018 through Wednesday, March 7, 2018 in which the institution returned to modified operations.
- 6.) Petitioner, a layperson had his initial application dated (February 23, 2018) returned for the following reasons: (1) the lower court opinion wasn't appended to the application; and (2) the order denying rehearing wasn't appended to the application. Rule 13.5.

Need for Length of Extension

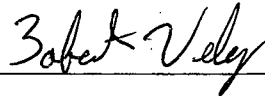
- 7.) Due to being on perpetual lockdown since December 18, 2017, Petitioner is in need of the particular length of the extension in order to comply with Supreme Court Rules. Should this Justice find excusable neglect.

Persuasive Grounds for Certiorari in This Case.

8.) The lower court summarily denied Petitioner's COA based on plain errors of law, whereas, Petitioner's rights are being substantially affected.

9.) Petitioner is currently serving a 444-month sentence.

Date: 3/26/18

A handwritten signature in black ink, appearing to read "Robert Velez", written over a horizontal line.

Petitioner's Signature

ROBERT VELEZ

REG. NO. 21160-074

U.S.P. POLLOCK

P.O. BOX 2099

POLLOCK, LA 71467

Petitioner *pro se*

APPENDIX A
AFFIDAVIT OF ROBERT VELEZ

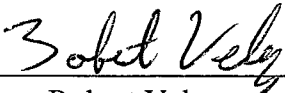
State of Louisiana)
County of Grant)

Robert Velez, being duly sworn, deposes and states:

1. My name is Robert Velez. I am over 18 years of age. I reside at United States Penitentiary-Pollock, Pollock Louisiana. I am fully competent to make this affidavit and I have personal knowledge of the facts stated in this affidavit. To my knowledge, all of the facts stated in this affidavit are true and correct.
2. I am the defendant in the courts below and the potential Petitioner in this matter, I make this affidavit in Support of the Motion for an Extension of Time to File a Petition to file a Petition for Writ of Certiorari.
3. After my conviction for conspiracy to distribute and possession with the intent to distribute oxycodone in violation of 21 U.S.C. § § 841(a)(1), 841(b)(1)(C) (Second Superseding Indictment, Count 1); using, carrying and discharging a firearm during and in relation to a drug trafficking crime (or aiding and abetting same) in violation of 21 U.S.C. 2, 843(b) and 843(d)(1) (Second Superseding Indictment, Counts 5-8); and one count of a convicted felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) (Second Superseding Indictment, Counts 14). I timely appealed to the Sixth Circuit Court of Appeals. *See generally United States v. Velez*, 485 F. App'x 793 (6th Cir. 2012).
4. The Supreme Court denied my timely request for a writ of certiorari on October 29, 2012. *Velez v. United States*, 568 U.S. 991, 133 S. Ct. 557, 184 L. Ed. 2d 362 (2012).
- 5.) Less than one year later-on July 3, 2013, I filed a § 2255 motion articulating nine grounds for relief. On March 15, 2017 the district court denied my motion.
- 6.) I timely filed a Notice of Appeal and a request for a Certificate of Appealability with the Sixth Circuit Court of Appeals, which was denied on September 1, 2017. *Velez v. United States*, No. 17-5369.
- 7.) On December 13, 2017, the Sixth Circuit Court of Appeals denied my timely motion for rehearing, rehearing en banc.
- 8.) The deadline for a timely filing of Writ of Certiorari in this case was March 13, 2018.

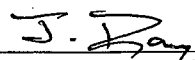
- 9.) On February 23, 2018, I filed an application for an extension of time in which to file a petition for a Writ of Certiorari in the above titled case, which was received on March 1, 2018. The bases for this request was due to the institution being placed on lockdown due to precautionary reasons. These lockdowns occurred between: (1) Monday, December 18, 2017 through Wednesday, January 3, 2018; (2) Tuesday, January 20, 2018 through Monday, February 5, 2018; and (3) Wednesday, February 14, 2018 through Wednesday, March 7, 2018 in which the institution returned to modified operations.
- 10.) This application for extension of time was initially returned for the following reasons: (1) the lower court opinion wasn't appended to the application; (2) the order denying rehearing wasn't appended to the application. Rule 13.5.
- 11.) A copy of this corrected application has been served on opposing counsel.
- 12.) I the undersigned solemnly affirm under penalty of perjury that the foregoing statements are true.

Further affiant Sayeth not.


Robert Velez

Subscribed and sworn this 26th day of March 2018.


Witness sign


Print witness Name/Location

Authorized by the Act of
July 7, 1955, as amended,
to administer oaths
(18 U.S.C. 4004).