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Dade C.I.

IN THE
UNITED STATES SUPREME COURT

SHAKA-ZULU CINQUE AQUIL

V.

U.S.C.A. Eleventh Circuit
CASE NO.: 17-19027-G

STATE OF FLORIDA

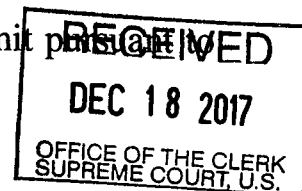
**MOTION FOR EXTENSION OF TIME TO FILE PETITION
FOR WRIT OF CERTIORARI TO THE SUPREME COURT**

COMES NOW, the Petitioner, SHAKA-ZULU CINQUE AQUIL, pro se and moves this Honorable Court for an extension of time in the present cause pursuant to **Rule 30.2** of the Supreme Court of the United States Rules of Court.

The Defendant avers to the following facts in support of present motion, which has been presented in good faith.

The Petitioner was adjudicated incompetent to proceed twice due to mental illness prior to imprisonment on said case as defined in Fla. Stat. 916.106(7) as the Defendant met the criteria for commitment to a treatment facility of DCF "by clear and convincing evidence" as provided in Fla. Stat. 916.13(1).

After, and upon imprisonment in the Fla. D.O.C. the Petitioner was segregated in a restrictive and intense crisis stabilization unit pursuant to West's F.S.A. § 945.42(2) and (9) then Transitional Mental Health Care Unit pursuant to



F.S.A. § 945.42(13) and F.A.C. Chapter 33-404.101(1)(a) – (d), (3)(c)(d). The Petitioner stayed segregated for 71 consecutive months.

Unfortunately, while segregated the Petitioner was not provided with adequate institutional law library services. At both institutions in which the Petitioner was consecutively segregated, one law clerk alone is assigned to provide for up to 150 inmates and is only allowed in the mental health building 2 days per week. And requests for materials and assistance can take up to over 30 days for response.

At Lake C.I., T.C.U. Mental Health Segregation Housing while Petitioner progressed through the 2nd DCA twice, the lower tribunal on 3.850 and the U.S.D.C., Middle District, Tampa Division, the law library actually shut down for weeks for remodeling, hindering access to research for all inmates on the compound.

To ensure the institution met legal requirements, 1 computer alone was placed in a closet-sized room with one clerk who only responded to questions asked on request form. Thus, the Petitioner missed deadlines, wrote grievances, and was not assisted. Then when reopening, the clerks assigned to T.C.U. had no knowledge of Federal motions or law or procedure, and upon writing of grievances, Petitioner was supplied with instructions, "Federal Habeas Corpus Practice and Procedure" for him to do it himself. He was forced to rely on a

T.C.U. inmate to file his 28 U.S.C. 2254 motion which was denied on procedural default and insufficiency on its face.

Upon transfer from T.C.U. to T.C.U., at Dade C.I. the Petitioner endured the same Miscarriage of Justice as the clerk who assisted the Petitioner refused to file for "Motion for Extension of Time" to prevent working on Petitioner's behalf, stating "you can always go to the Supreme Court, don't worry about it."

The U.S.C.A. filed an order on August 10, 2017 granting Petitioner 21 days from "date of order" to file "Motion for Reconsideration, vacation or modification of an order."

The Petitioner received that order in hand from mailroom C.O. on November 16, 2017 leaving him 15 days to prepare. The very next day the Fla. D.O.C. went on "Statewide Emergency Lock-down" from the threat of rioting in most part due to the Virginia race protest which left a young woman dead. Once the lockdown lifted hurricane Harvey passed by the coast of South Florida headed to Texas and caused another day or so of lockdown and/or restricted movement due to storm conditions.

Then when the clerk was able to make it he was back logged and unable to assist Petitioner. Thus, on August 31, 2017, actually one day past 21 day deadline, clerk brought to Petitioner his 2015 "Reply Brief" which accompanied his 28 U.S.C. 2254 motion in the U.S.D.C. with a modified cover page. The Petitioner

would lose by default if he had filed nothing at all, thus he forwarded the motion yet requested to supplement the motion which was all together denied by the Court less than 30 days later. These acts constitute a dereliction of duty on behalf of institutional authorities in violation of F.A.C. Chapter 33-404.102(8)(c).

Therefore, Petitioner besought help from administration to no avail and thus moved to discharge from Dade C.I., T.C.U. that he may attend the law library in person from open population to acquire adequate assistance if possible. The U.S.C.A. entered its final order denying motion for C.O.A. on Sept. 28, 2017. The Petitioner wasn't discharged until October 16, 2017, at which time, due to Petitioner's filing of grievances, he was assigned to administrative confinement under Rule 33-602.220 under false pretences of an investigation for which after 40 days of segregation has not, and will not receive a Disciplinary Report. As it was only a bogus accusation against him, with no evidence, in retaliation of him seeking redress of his grievances against the assault on his Fundamental Constitutional Right to "Due Process of Law" and "Right of Access of the Courts." The Petitioner meets the "actual injury" requirement of *Lewis v. Casey*, 518 U.S. 343 (1996).

Now the Petitioner isn't scheduled to transfer from confinement segregation to another institution until Thursday November 30th, 2017. Depending on where the Petitioner will be relocated, that process can take up to 14 days to reach the

compound and finally have access personally to the law library, which would leave him with 11 days to seek assistance filing a facially sufficient Petition for Writ of Certiorari to the Supreme Court from the review of “10 levels” of petition and/or prosecution on motion for relief from criminal allegations stemming from L.T. No.: 05-CF-020949.

The Petitioner repeatedly and sufficiently pleaded with the Courts for the appointment of counsel due to his “colorable claims,” his “mental impairment” and “lack of workable knowledge of the legal proceedings.” See *Poole v. Lambert*, 819 F.2d 1025, 1028 (11th Cir. 1987). Yet, Petitioner was adamantly denied. The claims to be appealed are complex and require the assistance of counsel in order to provide [Petitioner] with full and fair proceedings pursuant to the 5th Amendment of the U.S. Constitution and Article I, Section 9 of the Florida Constitution. Cf. *Graham v. State*, 372 So.2d 1363, 1366 (Fla. 1979).

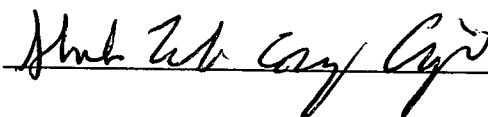
Furthermore, the Petitioner is suffering and currently continuing a long history of treatment for severe psychological problems, to wit: Schizophrenia (audio and visual hallucinations), post traumatic stress disorder, major depressive disorder, bipolar with psychotic features, delusions and more. The treatments for these disorders come with a host of side effects including fatigue, dizziness, weakness, lethargy, insomnia, blurred vision, involuntary movements called neuroleptic malignant syndrome and increased risk of suicide to name a few. The

Petitioner is representing himself in this proceeding, has limited access to the law library and requires the assistance of law clerks to research and sufficiently prepare arguments on Certiorari. See Generally *Henderson v. Crosby*, 883 So.2d 847 (Fla. 1st DCA 2004).

Accordingly, (for reasons not attributable to the Petitioner) the Petitioner needs an extension of time in order to allow him a reasonable opportunity to utilize the law library with the assistance of law clerks to prepare his writ. Cf. *Daniels v. State*, 892 So.2d 526, 527 (Fla. 1st DCA 2004) (“need to schedule time in the prison library to obtain assistance of inmate law clerks states good cause for enlargement of time.”).

WHEREFORE, Petitioner prays this Honorable Court enter an order granting 90 days extension of time for which Petitioner will put the utmost effort into diligently pursuing the colorable claims of his petition and their facially sufficient Federally questioned and Constitutionally pled grounds.

Respectfully Submitted,

/s/ 

SHAKA-ZULU CINQUE AQUIL
R15350, Petitioner Pro se