

PROVIDED TO MARION C.I.
JUN 7-15-22 FOR MAILING.

HL

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JAMES R. LAPOINT – PETITIONER

vs.

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS; and
ATTORNEY GENERAL, STATE OF FLORIDA – RESPONDENTS

On Petition for Writ of Certiorari to
The United States Court of Appeals for the 11th Circuit

MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI

Submitted by:

James R. LaPoint, Pro Se
D/C # Y53338
Marion Correctional Institution
P.O. Box 158
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PETITIONER'S MOTION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI

COMES NOW the Petitioner, James R. LaPoint, pro se and in accordance with Supreme Court Rule 13, Rule 29, Rule 30, and Rule 33.2, and respectfully files this motion for extension of sixty days time up to and including Friday, September 23, 2022 to file his Petition for Writ of Certiorari in this Court. The Petitioner would offer the following in support thereof:

1. On December 9, 2019, the Petitioner filed his timely 28 USC §2254 Federal Habeas Corpus Petition.
2. On August 23, 2021, U.S. District Court Judge Hon. Sheri Polster Chappell issued her Order denying the Petition and denying a Certificate of Appealability (“COA”) (see **Appendix A**). A timely appeal was taken.
3. On April 26, 2022, Hon. Britt C. Grant, U.S. Circuit Court of Appeals, 11th Circuit, denied the issuance of a COA, making the District Court opinion final (see **Appendix B**).
4. The Petitioner seeks a writ of certiorari on the question whether Florida’s practice of allowing sentencing of criminal defendants to maximum allowable sentences without record reasons for the sentence is constitutional, since it precludes a review court to determine if the sentences imposed are legally valid or based on incorrect presumptions and law and violates the 6th, 8th and 14th Amendment Rights under the U.S. Constitution.
5. LaPoint provides the following reasons to grant him a reasonable extension of time of sixty days until Monday, Friday, September 23, 2022 to file a petition for writ of certiorari in this Court.

6. There are only five inmate law clerks to assist the 1,100⁺ inmates at the Petitioner's institution, and this Petition for Writ of Certiorari has to be scheduled in conjunction with other inmate deadlines.
7. The law clerk assigned to assist the Petitioner was registered into a program that has reduced his working hours in the law library to half-time.
8. The Petitioner's limited access to the assigned law clerk and to time in the law library has resulted in an inability to meet the original July 25, 2022 deadline for filing this Petition as prescribed in U.S. Supreme Court Rule 13.
9. The Petitioner is not skilled in matters of the law and the issue involved in this Petition is complex, and it will require substantial research.
10. See *Daniels v. State*, 892 So.2d 526 (Fla. 1st DCA 2004) (Extension of time should have been granted for "good cause by its allegation that petitioner needed to obtain the assistance of a prison law clerk" and to schedule time in the prison law library).
11. Due to reasons of good cause shown and extraordinary circumstances, a reasonable request of sixty (60) days until September 23, 2022 to file LaPoint's petition for writ of certiorari is being requested.
12. Due to his incarceration, the Petitioner has been unable to contact the Attorney General's Office regarding this extension, but there is no foreseeable reason as why this request would harm opposing counsel.
13. This motion is taken in good faith and not for undue delay.

7-15-22

Date

/s/ 

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