

No. 23A-_____

IN THE
SUPREME COURT OF THE UNITED STATES

MUCIO RAMIREZ,
Applicant

v.

CHRISTOPHER MARTIN,
Respondent.

**APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO
FILE A PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**

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February 27, 2023.

PARTIES TO THE PROCEEDINGS

Applicant Mucio Ramirez filed a complaint under 42 U.S.C. § 1983 in the Northern District of Texas against Garland Police Officer Christopher Martin, alleging, *inter alia*, that Martin used excessive force in slamming applicant face first into the concrete ground after applicant surrendered to police following a car chase that ensued when officers pursued applicant on a traffic stop. Applicant was the plaintiff in the district court and the appellant in the Fifth Circuit. Martin was a defendant in the district court and the appellee in the Fifth Circuit.

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To the Honorable Samuel Alito, Associate Justice of the United States

Supreme Court and Circuit Justice for the Fifth Circuit:

Pursuant to 28 U.S.C. § 2101(c) and Rules 13.5, 22, and 30.3 of the Rules of this Court, applicant Mucio Ramirez respectfully requests a 60-day extension of time, to and including May 12, 2023, within which to file a petition for writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit in this case.

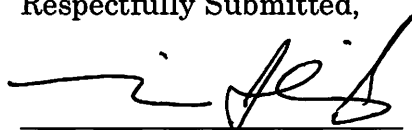
The court of appeals denied applicant's timely petition for rehearing en banc on December 13, 2022 (order attached as Exhibit A). The time for filing a petition for a writ of certiorari, if not extended, will expire on March 13, 2023. This application is being filed more than ten days before that date. The jurisdiction of the Court will be invoked under 28 U.S.C. § 1254(1).

Applicant seeks this extension because the success of this petition will likely turn on this Court's ruling in Cause No, 22-564, *Juan Carols Salazar v. Juan Rene Molina*. The opinion in this case relied on *Salazar* and cited to it five times in eight pages.

On February 14, 2023, this Court ordered the respondent in *Salazar* to file a response to the applicant's petition for writ of certiorari. The response in *Salazar* is due on March 16, 2023. Applicant in this case anticipates that he will be able to present the Court with a more thorough petition after reading the response in *Salazar*.

Accordingly, Applicant asks this Court to grant this petition and to extend the time to file the petition for writ of certiorari until May 12, 2023.

Respectfully Submitted,



NILES S. ILLICH
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February 27, 2023.

Exhibit A

United States Court of Appeals
for the Fifth Circuit

No. 22-10011

MUCIO RAMIREZ,

Plaintiff—Appellant,

versus

CHRISTOPHER MARTIN,

Defendant—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:20-CV-1927

ON PETITION FOR REHEARING EN BANC

Before KING, DUNCAN, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:

Treating the petition for rehearing en banc as a petition for panel rehearing (5TH CIR. R. 35 I.O.P.), the petition for panel rehearing is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing en banc (FED. R. APP. P. 35 and 5TH CIR. R. 35), the petition for rehearing en banc 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

December 13, 2022

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

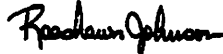
No. 22-10011 Ramirez v. Martin
USDC No. 3:20-CV-1927

Enclosed is an order entered in this case.

See FRAP and Local Rules 41 for stay of the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Roesawn Johnson, Deputy Clerk
504-310-7998

Mr. Baxter Banowsky
Mr. Niles Stefan Illich
Ms. Karen S. Mitchell
Mr. James Painter Roberts