

CAUSE NO. _____

EX PARTE

§

DEDRIC DIXON

§

U.S. SUPREME COURT

MOTION FOR EXTENSION OF TIME

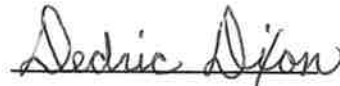
Comes now, Detric Dixon, Movant, to file this Motion for Extension of Time with the US Supreme Court for the following reasons:

- 1) Movant currently has active unadjudicated pleadings/motions before the 5th Circuit Court of Appeals in Louisiana, in Cause No. 23-50800, from Cause No. USDC 1:22-CV-956.
- 2) Movant is unable to file his pleadings with this Honorable Court until the 5th Circuit has issued its ruling(s).
- 3) Movant will require a minimum of 45 days to properly prepare his pleadings with this court, after the 5th Circuit has issued its ruling(s).

PRAYER

Movant prays this Honorable Court grant this Motion for Extension of Time for a minimum of 45 days after the 5th Circuit has ruled in Cause No. 23-50800.

Respectfully submitted,



Detric Dixon, Movant
TDCJ # 2179208
Polunsky Unit
3872 FM 350 South
Livingston, Tx. 77351

RECEIVED
MAY 21 2024
OFFICE OF THE CLERK SUPREME COURT, U.S.

UNSWORN DECLARATION

Comes now, Dedric Dixon, to swear the above and foregoing is true and correct under penalty of perjury.

Signed this ____ day of _____, 2024.

Dedric Dixon
TDCJ #2179208
Polunsky Unit
3872 FM 350 South
Livingston, Tx. 77351

CERTIFICATE OF SERVICE

Comes now, Dedric Dixon, to place this Motion for Extension of Time in the US Mailbox on the Polunsky Unit, 3872 FM 350 South, Livingston, Tx. 77351, addressed to the US Supreme Court in Washington, DC, postage prepaid, first class, on the date signed below.

Signed this 3 day of May, 2024.

Respectfully submitted,
Dedric Dixon
Dedric Dixon



United States Court of Appeals for the Fifth Circuit

Certified as a true copy and issued
as the mandate on Mar 26, 2024

Attest: *Lyle W. Cayce*
Clerk, U.S. Court of Appeals, Fifth Circuit

No. 23-50800

United States Court of Appeals
Fifth Circuit

FILED

March 26, 2024

Lyle W. Cayce
Clerk

Petitioner—Appellant,

DEDRIC DIXON,

versus

BOBBY LUMPKIN, *Director, Texas Department of Criminal Justice,*
Correctional Institutions Division,

Respondent—Appellee.

Application for Certificate of Appealability
the United States District Court
for the Western District of Texas
USDC No. 1:22-CV-956

ORDER:


Dedric Dixon, Texas prisoner # 02179208, seeks a certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. § 2254 application challenging his conviction of felony murder. Dixon was charged by indictment with one count of intentional murder of Carlos Swist under Texas Penal Code § 19.02(b)(1), and one count of felony murder of Swist under Texas Penal Code § 19.02(b)(3). The jury returned a verdict finding him not guilty of intentional murder and a verdict finding him guilty of felony murder, and sentenced him to 88 months of imprisonment on

No. 23-50800

account of the felony murder conviction. In his COA motion, Dixon argues that he received ineffective assistance of trial counsel because counsel failed to move to quash the indictment and failed to challenge the jury charge and jury verdicts on double jeopardy grounds. He additionally contends that his appellate counsel was ineffective for failing to raise a double jeopardy challenge to his conviction on appeal.

A COA may issue only if the applicant has made “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *see Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). Where, as here, the district court denies relief on the merits, an applicant must show “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).

Dixon fails to meet the requisite standard. *See id.* His motion for a COA is DENIED.



KURT D. ENGELHARDT
United States Circuit Judge