

No. _____

**IN THE
SUPREME COURT OF THE UNITED STATES**

John Garvin – *Petitioner*,

v.

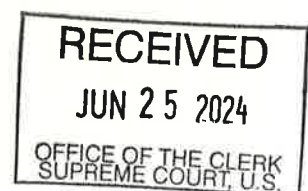
Levern Cohen, Warden – *Respondent*.

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

**APPLICATION FOR AN EXTENSION OF TIME TO
FILE PETITION FOR WRIT OF CERTIORARI**

TO: The Honorable John G. Roberts, Jr., Chief Justice of the Supreme Court of the United States and Circuit Justice for the Fourth Circuit Court of Appeals.

The Petitioner, John Garvin, proceeding as pro-se, hereby applies for an extension of time within which to file a Petition for Writ of Certiorari to review the judgment of the Fourth Circuit Court of Appeals in the above-entitled proceeding, pursuant to 28 U.S.C. § 2101(c) and Rules 13.5, 22, and 30.2 of The United States Supreme. Petitioner, John Garvin, respectfully requests a 60-day extension of time, to and including Friday, August 30, 2024, in which to file a petition for a writ of certiorari in this Court. The Court of Appeals for the Fourth Circuit entered judgment on February 29, 2024. See *Garvin v. Cohen*, 2024 WL 864307 (4th Cir. 2024) (A copy



of the Fourth Circuit's opinion is attached as Exhibit – B). A timely petition for rehearing en banc was filed on March 21, 2024. An Order denying rehearing and rehearing en banc on April 2, 2024, was entered and is attached as Exhibit – A. Therefore, making this Court to have jurisdiction pursuant to 28 U.S.C. § 1254(1). Petitioner's time to file a petition for certiorari in this Court will currently expire on July 1, 2024. This application is being filed more than 10-days before that date.


Thus, further time is needed to perform the necessary legal research to properly frame and argue the questions that are being presented to this Court. While consideration for the petition for certiorari to this Court has received the utmost priority from Petitioner. Petitioner would also like to state that, (1) the highest grade he has completed is the eighth grade and only has a G.E.D., with no legal education and is just a layman of law; (2) the questions involved are of questionable importance's and are in great length; (3) the questions address the constitutional errors that are apparent from the record; (4) the Petitioner is having trouble putting together the appendix from the voluminous record; and (5) the Petitioner has limited knowledge of the law.

Now, in view of the Petitioner's limited education and the voluminous record for him to put together the appendix, and given the importance and complexity of the federal constitutional issues raised by the Petitioner. The Petitioner is working diligently, but respectfully submits that the additional time requested is necessary to prepare Petitioner's petition for writ of certiorari. Substantial work still remains to master the full record of Petitioner's case to prepare the petition and appendix for

filing, it is respectfully requested that the time be extended so that the Petitioner may properly and fully prepare his Petition for Writ of Certiorari. Since Petitioner continues to be incarcerated in prison, no prejudice to any party will result from this requested extension.

WHEREFORE, it is respectfully requested that an Order be entered extending it's time to petition for certiorari to and including August 30, 2024.

DATED: June 18, 2024



John Garvin , # 355509, Pro-se.
Ridgeland Correctional Institution
P.O. Box # 2039
Ridgeland, S.C. 29936

EXHIBIT

A

FILED: April 2, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6944
(2:22-cv-00994-DCN)

JOHN DWAYNE GARVIN

Petitioner - Appellant

v.

LEVERN COHEN, Warden

Respondent - Appellee

ORDER

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under [Fed. R. App. P. 35](#) on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Wilkinson, Judge Richardson, and Judge Quattlebaum.

For the Court

/s/ Nwamaka Anowi, Clerk

EXHIBIT

B

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 23-6944

JOHN DWAYNE GARVIN,

Petitioner - Appellant,

v.

LEVERN COHEN, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Charleston. David C. Norton, District Judge. (2:22-cv-00994-DCN)

Submitted: January 31, 2024

Decided: February 29, 2024

Before WILKINSON, RICHARDSON, and QUATTLEBAUM, Circuit Judges.

Dismissed by unpublished per curiam opinion.

John Dwayne Garvin, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Dwayne Garvin seeks to appeal the district court's orders accepting the recommendation of the magistrate judge and denying relief on Garvin's 28 U.S.C. § 2254 petition and denying his Fed. R. Civ. P. 59(e) and 60(b) motions. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(A). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists could find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 580 U.S. 100, 115-17 (2017). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable and that the petition states a debatable claim of the denial of a constitutional right. *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

We have independently reviewed the record and conclude that Garvin has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal.* Garvin's motion to remand and emergency motion are denied. We dispense with

* The district court denied the motions for reconsideration based on its mistaken belief that Garvin's appeal divested it of jurisdiction to consider the motions. However, Garvin failed to state grounds for Rule 59(e) relief, *see Robinson v. Wix Filtration Corp.*, 599 F.3d 403, 407 (4th Cir. 2010), and his Rule 60(b) motion sought to reargue the claims he asserted in his § 2254 petition and therefore was an unauthorized, successive § 2254 petition over which the district court lacked jurisdiction; *see* 28 U.S.C. § 2244(b)(3);

oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED

United States v. Winestock, 340 F.3d 200, 206 (4th Cir. 2003). Therefore, the denial of the motions for reconsideration is not debatable.

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CERTIFICATE OF SERVICE

I, John Garvin, certify that I have serve an **APPLICATION FOR AN EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI**, on the Court by a third party to be hand delivered on or about June 18, 2024, addressed to the Hon. Scott S. Harris, Clerk, 1 First Street, NE, Washington, D.C., 20543-0001; and to delivered via United States Postal Service Priority Mail to Ms. Melody J. Brown, Asst. Deputy Att’y. General, P.O. Box # 11549, Columbia, S.C. 29201.

DATED: June 18, 2024



**John Garvin , # 355509, Pro-se.
Ridgeland Correctional Institution
P.O. Box # 2039
Ridgeland, S.C. 29936**