

ORIGINAL

No. 23A 168

FILED

JUL 26 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

ANSON CHI - PETITIONER

vs.

UNITED STATES OF AMERICA - RESPONDENT

ON MOTION FOR EXTENSION OF TIME TO
UNITED STATES COURT OF APPEALS FOR THE
FIFTH CIRCUIT, CRIMINAL APPEAL NO.
22-40469, USDC CRIMINAL CASE NO.
4:12CR153

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

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

ANSON CHI ("Chi") moves this Court for an extension of time to file a petition for a writ of certiorari in regards to a criminal matter in his criminal case.

In support thereof, Chi states as follows:

This is a criminal case, USDC Criminal Case No. 4:12CR155, 22-40469, etc.

The criminal restitution order is not a civil matter. See United States v. Palma, 760 F.2d 475, 479-80 (3d Cir. 1985) (restitution order is criminal not civil).

Simply put, restitution "is not a civil matter. . . ." United States v. Hairston, 888 F.2d 1349, 1355 (11th Cir. 1989). Chi should be permitted to proceed in forma pauperis in this criminal case.

I.

On Tuesday, July 11, 2023, FCI McKean (where Chi is incarcerated) completely locked down this whole prison, because of a severe drug epidemic that causes prisoners to attack prison guards; this means that Chi is locked inside his prison cell for 24 hours a day, 7 days a week possibly, maybe even longer than a few weeks to a month.

Chi has no access to a computer, no access to the law library, no access to a phone, no access to a copy machine, no access to anything.

Worse, during this lockdown, the lights in Chi's prison cell went out completely, as well as ^{for} many other cells, because a prisoner short-circuited all the wiring, fuses, breakers, etc. by using a "stinger" to overload the electrical outlet to cook his food in a plastic trash can. Chi is completely

without light, so he cannot write his ~~response in opposition to the~~ ~~petition for a writ of certiorari~~ ~~motion for summary judgment~~. And knowing FCI McKean, it may take a few weeks or over a month to fix the lights. (Candles are illegal in FCI McKean, of course.)

Because the foregoing exigent issues are tantamount to an emergency, Chi requests an extension of time to file his ~~response in opposition to~~ ~~defendant's motion to dismiss amended~~ ~~complaint or, in the alternative, motion~~ ~~for summary judgment~~ petition for a writ of certiorari.

III

On July 13, 2023, a staff member gave Chi some shocking news.

First of all, around the beginning of April 2023, FCI McKean implemented a

total prison lockdown of all inmates, starting at 17:45 every single day that was originally until late autumn 2023.

But the staff member told Chi that it'll be even longer, past the beginning of the year 2024.

During this lockdown, Chi has no access to the law library, no access to the Education Department, etc. Ergo, Chi's access to the law library is very limited.

There are two prison lockdowns — a lockdown within a lockdown — that Chi is suffering through right now, so Chi is requesting an extension of time to file his ~~response~~ ^{petition for cert}.

III

Chi currently has other cases

to work on, including his Civil Action No. 1:23CV196 in the United States District Court for the Southern District of West Virginia, his Appeal Case No. 22-40469 for his criminal Case No. 4:12CR155, ^{and} his other Civil Action No. 1:22CV157 in the United States District Court for the Western District of Pennsylvania. Ergo, Chi is busy.

Because Chi currently has to work on the foregoing cases, Chi requests an extension of time of the maximum days to file his petition for a writ of certiorari in his criminal **case** regarding a criminal matter.

IV .

On June 6, 2023, the United States Court of Appeals entered judgment in Chi's Criminal Appeal No. **22-40469** (USDC No. 4:12CR155). However, Chi received the court's judgment on June 20, 2023, which is 14 days hence. See Exhibit "A."

So, because Chi received it so late, he had mailed the circuit court his motion for an extension of time to file a petition for rehearing and petition for rehearing en banc.

Unbelievably, on July 10, 2023, the circuit court actually denied Chi's motion for an extension of time in his criminal case!

The circuit court violated Chi's due process right under the United States Constitution by denying him the

opportunity to file a petition for rehearing and petition for rehearing en banc.

The circuit court never even gave a single reason for denying Chi's motion for an extension of time.

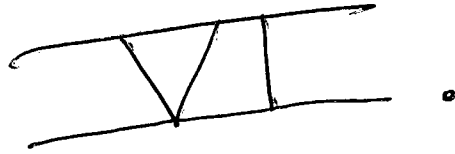
Chi requests an extension of time from the Supreme Court of the United States so that he can file a petition for a writ of certiorari in order to address the circuit court's due process violation.



In his future petition for a writ of certiorari, Chi plans to raise the meritorious issue that the circuit court never addressed Chi's argument that the district court judge should have been recused for several reasons.

The circuit court violated Rule

40(a)(2) of the Federal Rules of Appellate Procedure by refusing to address the recusal of the district court judge.



In his future petition for cert, Chi also plans to raise the meritorious claims that the district court (1) must first determine the source of Chi's funds, then ^{must} determine if applying those funds to restitution is proper, but the district court made no findings as to the source of the funds seized from Chi's trust account. The district court erred by not fact-finding the source of Chi's money before seizing funds from his account.

Money may not be withdrawn from a federal prisoner's trust account, even to satisfy court-ordered restitution, without first determining the source of

the funds. United States v. Woodring, 35 F.4th 633 (8th Cir. 2022).

Until the district court determined the source of the funds, the Court said it could not determine whether applying them to restitution is appropriate. Id.

And in this criminal case, the government did not notify the victim of any change in circumstance as required under 18 U.S.C. § 3664(k), so this criminal case should be reversed and remanded. United States v. Woodring, 35 F.4th 633 (8th Cir. 2022) (Footnote 1).

"[T]he case must be remanded for fact-finding." Id. at 633.

Chi requests an extension of time of the maximum number of days in order to properly raise the foregoing issues in his future petition for a writ of certiorari.

Please remember that Chi is pro se, and he is stuck inside his prison cell

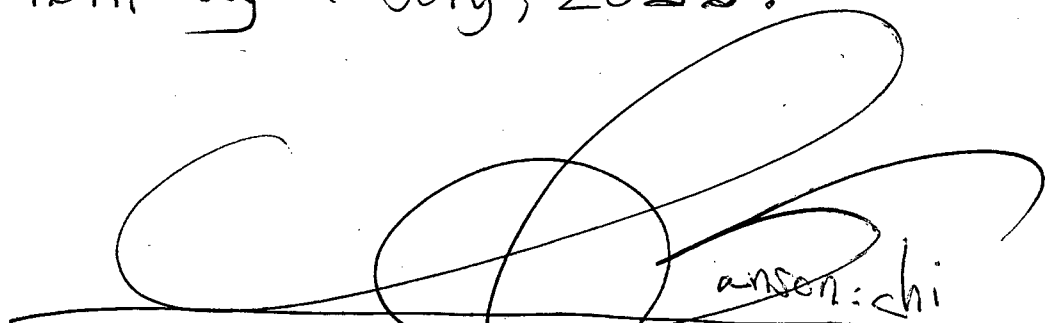
without even a working light bulb!

WHEREFORE NOW, ABOVE PREMISES CONSIDERED, Chi prays that this Motion be in all things **granted**.

Pursuant to 28 U.S.C. § 1746, I, ANSON CHI ("Chi"), declare, certify, verify, state, affirm, depose, swear, and say under the pains and penalty of perjury that the foregoing is true and correct.

Executed on this the 16th day of July, 2023, at FCI McKean in Lewis Run, Pennsylvania.

SUBMITTED AND SIGNED, this the 16th day of July, 2023.



anson:chi