

No. _____

In The
Supreme Court of the United States

Clark D. Thomas,

Petitioner,

v.

McKendley Newton, Jr., Warden of the Allendale Correctional Institution,

Alan M. Wilson, Attorney General of South Carolina,,

Respondent.

**APPLICATION FOR EXTENSION OF TIME TO FILE PETITION
FOR A WRIT OF CERTIORARI TO THE UNITED STATES
CIRCUIT COURT OF APPEALS FOR THE FOURTH CIRCUIT**

To the Honorable Justice John G. Roberts, Jr., Chief Justice of the United States

Supreme Court and Circuit Justice for the Fourth Circuit:

Petitioner Clark D Thomas, *pro se*, requests an extension of time to file his Petition for a Writ of *Certiorari*. Petitioner requests a forty-five day extension of time from September 14, 2023, to October 30, 2023.¹ The order of the Fourth Circuit which is being appealed was entered June 16, 2023, and is attached. Jurisdiction of this Court to review the order and judgment of the Fourth Circuit is being invoked pursuant to 28 U.S.C. § 1254(1). The Petition for a Writ of *Certiorari* intends to address the creation of a liberty interest, in terms of procedural due process, in the enjoyment of equitable tolling when entitlement is established pursuant to 28

¹ Pursuant to Supreme Court Rule 30.1, one day was added to this calculation to move the due date from Sunday, October 29, 2023, to the “next day that is not a Saturday, Sunday, federal legal holiday, or day on which the Court building is closed,” namely, Monday, October 30, 2023.

U.S.C. §2244(d)(2).

Respondents in the case at bar have successfully precluded, Petitioner's attempts, *ab initio*, to raise the issues conclusively establishing Respondents' both manufactured inculpatory evidence and withheld *Brady*² materials in order to wrongfully convict Petitioner. Furthermore, Petitioner has experienced ongoing oppressive conditions due to the lack of officers in the South Carolina Department of Corrections (SCDC).

SCDC has publicly acknowledged that they do not have adequate staff to properly run their prisons in accordance with federal guidelines. This admission establishes that the lack of personnel is a systemic issue and not an isolated incident, and is the reason that Petitioner's screams for help went unanswered while he was being stabbed eight times. In the case of *Farmer v. Brennan*, 511 U.S. 825 (1994), this Court held that prison officials have a duty under the Eighth Amendment to protect inmates from harm.

This duty includes providing adequate staffing levels to ensure the safety and security of prisoners. The Court further emphasized that deliberate indifference to a substantial risk of serious harm to inmates violates their constitutional rights. Because of this lack of adequate staff, Petitioner has severely limited opportunities to both seek assistance in the law library or even report to the prison mailroom for his legal mail since he is locked down all but 8 to 12 hours each week — which is the reason Petitioner was not able to file this motion at least 10 days prior to the deadline to file the petition for discretionary review in this Court.

Therefore, Petitioner respectfully requests an extension of time to file his Writ of *Certiorari* because financial difficulties have precluded him from securing counsel, and the oppressive conditions of his confinement are also responsible for the delay in filing this

² *Brady v. Maryland*, 373 U.S. 83 (1963).

request just prior to the deadline to file the Petition for a Writ of *Certiorari* (and notably, after the Supreme Court Rule 13.5's 10-day extension window).

WHEREFORE, Petitioner prays that this Court grants the relief requested; and for such other relief as this Court deems just and proper.

Respectfully submitted,



Clark D. Thomas, SCDC No.187845

Pro se Petitioner

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Sept 11, 2023
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