

IN THE UNITED STATES SUPREME COURT

MARCUS KELLY,
Petitioner,

v.

SECRETARY, FDOC,
Respondent
_____ /

Case No. (TBA)
L.T. No. 23-12588
(11th Circuit)

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MOTION FOR EXTENSION OF TIME

Petitioner, pro se, pursuant to Federal law and rules, moves this Court for a 45 day extension of time to file a Petition for Writ of Certioari in the above styled case, and for good cause will show:

1. Petitioner is in the process of filing a Petition for Writ of Certioari in which his 90 day deadline expires on or about January 15, 2024.
2. Petitioner just arrived to a new prison facility and is now going through orientation requirements that take up much of his day.
3. Petitioner is uneducated in the practice of law and requires assistance from a prison law clerk to research his issues for briefing.
4. To do so, Petitioner first has to make arrangements to be excused from his prison job assignment, and then he has to make an appointment to attend the prison law library.

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5. Afterward, it will take a reasonable amount of time to prepare his Petition for Writ of Certioari.

6. A 45 day extension of time to prepare and file the Petition for Writ of Certioari will be sufficient.

7. The instant motion is not being filed for purpose of undue delay.

8. Because of his incarceration, Petitioner has no way of contacting the Respondent to ascertain if there are any objections to granting an extension of time; however, the Respondent should not suffer any prejudice through granting a 45 day extension.

WHEREFORE, Petitioner prays this Honorable Court will grant a 45 day extension of time to file his Petition for Writ of Certioari.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MKelly', is written over a horizontal line.

Marcus Kelly

DC # I04838

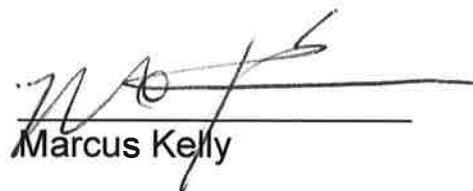
Everglades Corr. Inst.

1599 S.W. 187th Avenue

Miami, FL. 33194

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the instant motion has been handed to Everglades Correctional prison officials for mailing to: Office of Attorney General, 1515 N. Flagler Drive, Ste. 900, West Palm Beach, Florida 33401-3432, on this 8 day of January 2024.



Marcus Kelly

In the
United States Court of Appeals
For the Eleventh Circuit

No. 22-12588

MARCUS KELLY,

Petitioner-Appellant,

versus

SECRETARY, DEPARTMENT OF CORRECTIONS,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 2:20-cv-14348-AMC

2

Order of the Court

22-12588

ORDER:

Marcus Kelly moves for a certificate of appealability in order to appeal the denial of his 28 U.S.C. § 2254 petition for habeas corpus. His motion is DENIED because he has failed to make a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

/s/ Robert J. Luck

UNITED STATES CIRCUIT JUDGE

In the
United States Court of Appeals
For the Eleventh Circuit

No. 22-12588

MARCUS KELLY,

Petitioner-Appellant,

versus

SECRETARY, DEPARTMENT OF CORRECTIONS,

Respondent-Appellee.

Appeal from the United States District Court
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Order of the Court

22-12588

Before ROSENBAUM and LUCK, Circuit Judges.

BY THE COURT:

Marcus Kelly has filed a motion for reconsideration, pursuant to 11th Cir. R. 22-1(c) and 27-2, of this Court's order dated September 6, 2023, denying his motion for a certificate of appealability in his appeal of the denial of his 28 U.S.C. § 2254 habeas corpus petition. Upon review, Kelly's motion for reconsideration is DENIED because he has not alleged any points of law or fact that this Court overlooked or misapprehended in denying his motions.