

NO.

24A1069

IN THE
SUPREME COURT OF THE UNITED STATES

LUIS FERNANDO PUENTE -- PETITIONER

V.

BOBBY LUMPKIN -- RESPONDENT

ORIGINAL

FILED

NOV 05 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

MOTION FOR EXTENSION OF TIME

TO THE HONORABLE JUDGES OF THIS COURT:

COMES NOW, LUIS FERNANDO PUENTE ("Puente"), TDCJ# 02306524, Petitioner Pro se and brings this Motion for Extension of Time to file a Writ of Certiorari ("WOC").

By the Rules and Order of this Court Puente is required to file said WOC within ninety (90) days of the date of the denial of a Certificate of Appealability ("COA") (5th Cir. No. 24-40190)(see Attachment 1). Puente's COA was denied on September 5, 2024 making the due date December 4, 2024. No rehearing was requested.

Puente received the denial notification on September 13, 2024 and is experiencing extraordinary circumstances slowing the needed research time almost to a halt. Puente is limited to a two (2) hour law library session five (5) days a week for research. Puente is limited to loaning or shepardizing a combined total of three (3) cases per day severely slowing the needed legal research needed. Also, Puente speaks and reads English as a second language, a barrier that is also a huge delay in understanding.

Puente and family have been in constant search of a federal appeals attorney to help with this WOC only to find them not interested or not affordable (Puente is indigent) here is the list contacted so far:

- Gault, Nye & Quintana, LLP, (956)544-7110, 114 W.Jefferson St., Ste. A, Brownsville, TX, 78520
- Donnell, Kieschnick, Wolter & Gomez, PC, (956)618-4477, 2830 W.Trenton Rd. Edinburg, TX, 78539
- McKibben, Martinez, Jarvis & Wood, LLP, (361)882-6611, 555 N.Carancahua St. Ste. 1100, Corpus Christi, TX, 78407
- Goldstein & Orr, (210)226-1463, 310 S. St. Mary's Ste. Ste. 2900, San Antonio, TX, 78205

- Upton, Mickits & Heymann, LLP, (210)881-3080, 7800 I-10 West, Ste. 740, Lincoln Center, San Antonio, TX 78230

In addition to these extraordinary circumstances the following has occurred and was outside of Puente's controls as described in this timeline:

- November 4, 2024 Puentes' ORIGINAL Motion for Extension of Time mailed to SCOTUS
- December 5, 2024 SCOTUS CLERK Redmond K. Barnes returns for the following reasons:
 - The lower court opinion must be appended. Rule 13.5
 - The order denying rehearing must be appended. Rule 13.5
 - It is impossible to determine the timeliness of your application for an extension of time without the lower court opinions.
 - A copy of the corrected application must be served on opposing counsel.

*** This correspondence was never received by Puente and can be verified through the WAINWRIGHT UNIT Prison legal mail system.

- In January 2025 Puente sent letter to SCOTUS requested update with no reply.
- February 24, 2025 a Clerk returned a phone call to Mr. Edward T. Gorham (775)350-6724 and explained a "corrections" letter was mailed out on December 5, 2024.
- February 25, 2025 Puente writes SCOTUS to get a copy of the "corrections" letter.
- April 16, 2025 Puente received "corrections" letter (Attached: postmarked 04/09/2025)(only copy sent to SCOTUS)

Puente has made the required corrections as requested. By all appearances this Motion is untimely at no fault of Puentes' own. Under Deal v. Cincinnati Board of Education, 402 US 962 (1971) "A Justice of the Supreme Court for good cause shown may extend the time for applying for a writ of certiorari for a period not exceeding sixty days." 28 U.S.C. § 2102(c). Puente has been diligent through this whole process.

This request is not designed to harass the Respondent, this Court, nor unnecessarily delay these proceedings, but to ensure Puente is fully able to address the issues properly. Furthermore, the Respondent is in no way prejudiced as Puente is incarcerated and operating under controlled and severe limitations. Puente is a layman and untrained in all aspects of legal research and writing.

Accordingly, Puente respectfully requests an extension of time of sixty (60) days from April 16, 2025 up to and including June 13, 2025 to continue to seek counsel or to file said WOC.

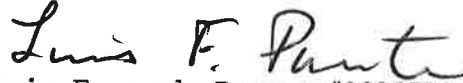
CONCLUSION

WHEREFORE PREMISES CONSIDERED, Puente respectfully requests that this Motion for Extension of Time is GRANTED.

UNSWORN DECLARATION

I, Luis Fernando Puente, certify, verify, and state under penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. §1746.

Respectfully Submitted,



Luis Fernando Puente #2306524
Wainwright Unit
2665 Jovian Motley Blvd.
Lovelady, Texas 75851

CERTIFICATE OF SERVICE

I, do hereby certify that a carbon copy of the foregoing pleading was served by placing in the U.S. Mail postage pre-paid on the 21st day of April, 2025, addressed to: Attorney General of Texas
PO BOX 12548, Capitol Station
Austin, TX 78711

Executed on this the 20th day of April, 2025.



Luis Fernando Puente
Petitioner Pro se

ATT. 1

United States Court of Appeals
for the Fifth Circuit

No. 24-40190

United States Court of Appeals
Fifth Circuit

FILED

September 5, 2024

Lyle W. Cayce
Clerk

LUIS FERNANDO PUENTE,

Petitioner—Appellant,

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 Southern District of Texas
USDC No. 1:23-CV-52

ORDER:

Dixon
Luis Fernando Puente, Texas prisoner # 02306524, seeks a certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. § 2254 application challenging his convictions for continuous sexual abuse of a child under 14 years of age and possession of child pornography. In his COA motion, Dixon argues that he received ineffective assistance of appellate counsel when counsel failed to raise on appeal that (i) the record is devoid of any findings of fact and conclusions of law with respect to the trial court's denial of his motion to suppress and (ii) he had standing to raise a

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Fourth Amendment challenge to the seizure of his cell phone. He additionally argues that the trial court erred by failing to make any findings and conclusions with respect to the denial of his motion to suppress despite his trial counsel's request for them. Finally, Puente argues that he received ineffective assistance of trial counsel when counsel failed to file a motion to sever his trial on his sexual abuse charge from his child pornography charges.

As a preliminary matter, Puente fails to reprise in his COA pleadings his claims raised in his § 2254 application that his trial counsel was ineffective for failing to (i) file a motion to sever the count alleging sexual abuse as between the two victims identified in the indictment and (ii) raise an issue that the prosecution violated a disciplinary rule or acted unethically when it charged him with offenses that were not alleged or were not supported by probable cause. Accordingly, those claims are abandoned. *See Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1995).

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).

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


DANA M. DOUGLAS
United States Circuit Judge