

v.

WARDEN BRIAN MC AULIFFE, RESPONDENT(s)
MOTION TO EXTEND TIME

[Joshua Kellier-Appellant], pro se, pursuant to 28 U.S.C. 2101 (c) and the U.S. Sup. Ct. Rule 26 (b) of the Supreme Court, moves this court to extend the time for [60] days, from [May 12, 2026] to [July 11, 2026].

In support of this motion and as [his] showing of good cause for the extension requested, appellant shows as follows:

1. Direct appeals from three judge courts must be filed within 90-days. Ms. Debra Ann Livingston, from the court of appeals from the court of appeals from the second circuit was the only judge on the matter 251893 before the order dated February 19, 2026, received on February 24, 2026, panel appeared with the judges Ms. Susan L. Carney, Micheal H. Park, and Beth Robinson dismissing petitioner's appeal to the court of appeals.
2. 90- days from February 19, 2026, falls on May 12, 2026, petitioner simply needs more time in the preparation of petitioner's writ of certiorari.
3. 28 U.S.C. 2101(c) provides to extend the time "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.
4. The order dismissing the appeal was dated January 15, 2026, and mailed to and received by petitioner on January 22, 2026, which doesn't give Petitioner enough time to respond to everyone under the deadlines. The order was later mandated and dated on February 19, 2026 and mailed to petitioner and he received it on February 24, 2026.
5. Petitioner has on going litigation in other courts. On February 16, 2026, I completed my response to ADA Ms. Bernstein's letter reply/ motion in opposition to petitioner's omnibus §440.10, 440.20, 440.30 motion appeal motion requesting the granting of certificate for leave to appeal with the Appellate Division 1st Dept. pursuant to 460.15. Where she requested that his motion be denied. It is now March 15, 2026, and petitioner has not heard anything back after his submission of his reply on February 2026, to Ms. Bernstein. ADA meaning Assistant District Attorney.
6. Petitioner has two civil actions, Article 78's that are unrelated and were recurrently dismissed as right before he received the order dismissing this action before the court, which he plans to appeal and file a writ of certiorari for as well regarding their separate issues.

7. UNIQUE CIRCUMSTANCES: During the entire month of January 2026, petitioner wasn't able to make copies in the Law library and certain days in February 2026, the latest being February 18, 2026, where correction officer (C.O.) Largett refused to make petitioner copies, because of the date the disbursement was approved was 20-days old and remained unused. Similarly, the same thing happened with C.O. Fraiser. On February 24, 2026, petitioner was subjected to discrimination, retaliation, and sexual Abuse, after requesting to make copies and filing an oral complaint and exercising freedom of speech with a supervisor of an employee at the facility difference in treatment in making copies for Mr. Kellier unequally as done for other incarcerated individuals at the facility. A tier- Two ticket was issued the next day in retaliation for wanting to make copies, and petitioner was ejected from the Law Library. See Sargent Petrie's body worn camera video footage for February 25, 2026, and C.O. Jenkins body worn camera video footage for March , 2026, and C.O. N. Donnelly's for March , 2026, where petitioner wasn't allowed to make copies 2-days in a row. The FOM Facility Operations Manual #0602(E)(5) and Directive #3501-R required C.O.'s assist petitioner with copies, Bonds v. Smith, 430 U.S. 817, required prison officials to provide inmates with meaningful access to the courts and to assist them. Ejecting petitioner from the law library after requesting copies is not assisting him nor providing him meaningful access thus violating and preventing the free exercise of the right to Due Process, without government interference or intimidation. On February 24, 2026, Mr. Petrie told petitioner to go over there and to put his hands on the wall after petitioner answered him that "That's why you guys are supposed to log it in the log book," after asking petitioner, "So this is good for how many copies?" Conducting a pat-frisk search then ejecting petitioner. On March 10, 2026, C.O. Jenkins told Mr. Kellier, repeatedly, "I'm not playing this game with you," refusing to make petitioner copies. Each day there is a different officer present in the Law Library and each day they either allow appellant to make copies with or without prior approval from the business office inconsistent with the FOM#0602 and directives. The officers tell petitioner that he must comply with the rules and seek approval of his disbursements forms from the business office, but unequally don't subject other inmates to the same restraints. For example, inmate J. Furry was permitted to make copies without waiting 5-business days or prior approval on February , 2026, to get copies without prior approval, petitioner was told he couldn't use his disbursement although approved. A clear difference in treatment directly related to his pending litigation against DOCCS employees.

8. Appellant is a certified paralegal and completed his certified paralegal and completed his certified training at Black stone career Institute on February 6, 2026, which means while he was responding to ADA Bernstein on appeal he was in the process of completing and applying his school work. Therefore, petitioner was able to finish writing his response simultaneously to the Court of Appeals of the second Circuit issued its order dated January 15, 2026, although mandated on February 19, 2026, which petitioner plans to renew and reargue or reconsider.
9. Petitioner is on loss of telephone and loss of Tablet as a result of February 24, 2026 incident in the law library, which means he is prevented from communicating his legal work and complaints with

th his girlfriend who has power of attorney to act on his behalf to file complaints and process his legal work with the courts.

10. The facility dorm officer turns the lights off all day in the dorms so that petitioner can't see why writing. to produce sleep instead.

11. The law library at cape Vincent correctional facility is inadequate it has no books, no access to legal counsel, no complaint forms, no IFP forms, nor notices of appeals for any district court in the territory of new york state, depriving petitioner of adequate legal reference materials, the law library has not had white out in over 6 months deliberately to interfere with my litigation depriving petitioner of adequate supplies. this is not in compliance with 9NYCRR 7031 and the law library doesn't have a typist and doesn't allow petitioner to have copies, which forces petitioner to have to type all of his submissions filed with the court. If asked for legal assistance from the law library clerk they would charge a fee or tell petitioner "I can't help you with that," or "I don't know," "Is there anything else I could help you with?" and explained to petitioner that if they would it would take away from the time they need to do there legal work.

12. For these reasons coupled together beyond the applicant's control, petitioner request an extention of time of 60-days to complete the writ of Certiorari.

13. If the clerk decides in first action to reject the papers, which will result in agrieving the petitioner, petitioner request that his motion be submitted to a justice or to the court pursuant to U.S. Sup. Ct. Rule 30(4)(3).

14. WHEREFORE, it is respectfully requested that this motion is granted.

Date: [March 18, 2026]

Joshua Kellier
[Joshua Kellier]

I Reserve all rights

Pro se

DECLARATION
OF SERVICE

I Joshua Kellier, a [petitioner] in the Cape Vincent Correctional Facility, herein, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that on the day of [March 24, 2026], I served a copy of the [Motion For Extension of time, and Order to dismiss on the respondent [Warden Brian McAuliffe attorney Mathew Keller] a copy herein, by delivering by mail to the attorney General by first class mail, certified with signature to [Office of the Attorney General, 27 Madison Avenue, New York, N.Y. 10005, and to the United States Supreme Court, U.S. Supreme Court Bldg., 1 First St. NE., Washington, DC 20543, Scott S. Harris, Clerk of the Court.]

I declare under the penalty of perjury that the foregoing is true and correct. Executed on March 24, 2026.

All parties required to be served have been served.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on [March 24, 2026].

Joshua Kellier
Joshua Kellier

I reserve all rights

ACKNOWLEDGEMENT OF
SERVICE

I, _____, counsel/clerk of record for the respondent
/court in No. _____, _____ v. _____, in
the Supreme Court of the United States, hereby acknowledge receipt
of three copies of the _____, this _____ day of _____
____, ____.

[Signature]

JURISDICTIONAL STATEMENT

The Court of Appeals has jurisdiction to review appeals from all final decisions of the district courts of the United States under 28 U.S.C. §1291. The Supreme Court has statutory jurisdiction to review writ of certiorari after rendition of judgments pursuant to 28 U.S.C. §1254(1). See *Hohn v. U.S.*, 524 U.S. 236 ("This court has jurisdiction under §1254(1) to review denials of Applications for certificate of appealability by a circuit judge or a circuit judge or a court of appeals panel") *i.d.* *Hohn.*, at 236 ("decisions regarding applications for certificate of Appealability, in contrast, are judicial in nature.") *i.d.* *Hohn.*, at 245.