

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON DC. 20543-0001

CHRIS SANCHEZ  
DOCT-10#1702970  
AIRRED UNIT  
2101 FM 369 N

RE: WRIT OF CERTIORARI

FIFTH CIRCUIT COURT OF APPEALS

4/10/2026

NO. 21-50351 - SANCHEZ V LUMPKIN

USDC NO 3:16-CV-428

RECEIVED

APR 20 2026

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

TO THE CLERK,

PETITIONER IS RESPECTFULLY WRITING THIS LETTER TO REQUEST UNDER SUPREME COURT RULE 13.5 AN EXTENSION OF 90 DAYS. THE FIFTH CIRCUIT DENIED THE MOTION TO RECALL THE MANDATE ON JAN 30, 2026. THE 90 DAYS FOR FILING A PETITION FOR A WRIT OF CERTIORARI WILL BE DUE ON THE 29th OF APRIL BUT THE 10 DAYS BEFORE THE PETITION IS DUE WILL BE ON THE 19th OF APRIL. AND A LETTER I JUST SENT OUT REQUESTING A WRIT OF CERTIORARI A FEW DAYS AGO, I SENT A HAND WRITTEN COPY OF THE LETTER I SENT TO THE CLERK OF THE FIFTH CIRCUIT ADVISING THEM OF AN INADVERTENT AND INATTENTIVE MISTAKE WAS COMMITTED. THE ORDER BY THE FIFTH CIRCUIT DENYING MY MOTION TO RECALL THE MANDATE WAS SENT TO THE STATES UNIT BUT I DID NOT RECEIVE IT UNTIL 3/23/2026. IN MY FOLLOWING THREE MOTIONS WERE INCLUDED ALL THREE HAD A CERTIFICATE OF SERVICE STATING THEY WERE MAILED OUT FROM THE AIRRED UNIT AND THE RETURN ADDRESS

... DID THE WRITE ENVELOPE HAD THE AAIRED UNIT ADDRESS. A SIX MONTH PRINTOUT OF INDISCRECY WAS NOTARIZED FROM THIS UNIT AAIRED. SO I CAN NOT UNDERSTAND WHY IT WAS SENT TO THE STILLS UNIT. MY QUESTION; THAT WILL BE PRESENTED BEFORE THIS HONORABLE COURT. WILL BE. IT WOULD BE A MISARRIAGE OF JUSTICE TO ALLOW A CONVICTION TO STAND THAT WAS OBTAIN IN VIOLATION OF DUE PROCESS UNDER THE USE OF PERJURED TESTIMONY BY THE WITNESS'S OF THE STATE. TWO POLICE OFFICERS. AND INEFFECTIVE ASSISTANCE OF COUNSEL. UNDER ACTUAL INNOCENCE AND A MISARRIAGE OF JUSTICE EXCEPTION. WHEN AN "OVERSIGHT" A JUDICIAL OVERSIGHT AND INADVERTENT OMISSION BY THE DISTRICT COURT WHEN THEY MADE AN ASSESSMENT OF ALL THE EVIDENCE NOT BEING NEW EVIDENCE BECAUSE IT WAS AVAILABLE AT THE TIME OF TRIAL WAS NOT A FACT. (NONE OF THE EVIDENCE "WAS NOT" PRESENTED AT TRIAL) PETITIONER THROUGH HIS OWN DILIGENCE OBTAINED THE OTHER EVIDENCE THIS WAS CLEARLY STATED IN THE PETITION 2254 AND THE MEMORANDUM OF LAW. THUS, HIS TIME BARRED ISSUE WOULD HAVE BEEN OVERCOME UNDER A SCHUP V DRIDGEBUS 328 US 35 SCT 851 (1994) AND McQUINN PERKINS 133 SCT 1974 569 US 383 (2013) THE

STATUTE OF LIMITATION SHOULD HAVE BEEN OVERCOME.  
SCHWAB V. DOWD 115 SCT 851 (1994) AT 374 TO BE  
CREDIBLE, SUCH A CLAIM REQUIRES TO SUPPORT HIS ALLE-  
GATIONS OF CONSTITUTIONAL ERROR WITH NEW RELI-  
ABLE EVIDENCE. WHETHER IT BE EXCULPATORY SCIENTI-  
FIC EVIDENCE, TRUSTWORTHY EYEWITNESS ACCOUNTS  
OR CRITICAL PHYSICAL EVIDENCE THAT WAS NOT  
PRESENTED AT TRIAL. AT 377-78. AND SINCE PETITIONER'S  
CLAIM OF ACTUAL INNOCENCE IS A PROCEDURAL AND  
THE CARVER STANDARD REQUIRES THE HABEAS PETIT-  
ITIONER TO SHOW THAT "A CONSTITUTIONAL VIOLATION  
HAS PROBABLY RESULTED IN THE CONVICTION OF ONE  
WHO IS ACTUALLY INNOCENT." TO ESTABLISH THE  
REQUISITE PROBABILITY, THE PETITIONER MUST SHOW  
THAT IT IS MORE LIKELY THAN NOT THAT NO REAS-  
ONABLE JUDGE WOULD HAVE CONVICTED HIM IN LIGHT  
OF THE NEW EVIDENCE ("FACTUAL INNOCENCE")

PETITIONER HAD FILED HIS MOTION TO RECALL THE  
MANDATE IN THE INTEREST OF JUSTICE AND ARGUED  
WHAT IS STATED ABOVE AND ALSO FILED A MOTION  
FOR LEAVE TO FILE A MOTION UNDER FED RULES CIV.  
PROC. R 60 (a)(1) TO ARGUE IN THE DISTRICT COURT  
THE SAME AS A MOTION TO PROCEED IN FORMA  
PAUPER. FOR ALL THE SAID FACTS PETITIONER REQUEST  
AN EQUITABLE OPPORTUNITY TO ARGUE IN A WRIT OF  
CERTIORARI. THANK YOU"

RESPECTFULLY SUBMITTED  
CHRISTOPHER PROSE



United States Court of Appeals  
for the Fifth Circuit

A True Copy  
Certified order issued Jan 30, 2026

*Lyle W. Cayce*  
Clerk, U.S. Court of Appeals, Fifth Circuit

\_\_\_\_\_  
No. 21-50351  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**

January 30, 2026

Lyle W. Cayce  
Clerk

CHRIS SANCHEZ,

*Petitioner—Appellant,*

*versus*

BOBBY LUMPKIN, *Director, Texas Department of Criminal Justice,*  
*Correctional Institutions Division,*

*Respondent—Appellee.*

\_\_\_\_\_  
Application for Certificate of Appealability from the  
United States District Court for the Western District of Texas  
USDC No. 3:16-CV-428  
\_\_\_\_\_

UNPUBLISHED ORDER

Before JONES, RICHMAN, and RAMIREZ, *Circuit Judges.*

PER CURIAM:

IT IS ORDERED that Appellant's motion to recall the mandate is  
DENIED.