

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM LANIER,
Petitioner,

vs.

GUY BOSCH¹,
Respondent.

APPLICATION FOR AN EXTENSION OF TIME TO
FILE A PETITION FOR A WRIT OF CERTIORARI

/s/ William Lanier
*Pro se Petitioner

William Lanier,
Trousdale Turner Corr. Ctr.
140 Macon Way
Hartsville, Tennessee 37074

¹ Petitioner respectfully requests that this Court takes judicial notice and note that “Vincent Vantell” was the current warden at the time of the previous filing. Currently, “Guy Bosch” is the presiding warden.

To the Honorable Brett Kavanaugh, as Circuit Justice of the Supreme Court of the United States and Circuit Justice for the Sixth Circuit:

Pursuant to Supreme Court Rule 13.5, Petitioner William Lanier, respectfully requests that the time to file his Petition for Writ of Certiorari be extended for sixty (60) days up to and including October 22, 2025. The Court of Appeals for the Sixth Circuit issued its opinion on May 23, 2025. A copy of the opinion is attached. (Appendix (“App.”) 1). Absent an extension of time, the Petition for Writ of Certiorari would be due on August 23, 2025. *See* U.S.S.Ct.R. 13.1. This application is being filed more than 10 days in advance of that date, and no prior application has been made in this case. This Court has jurisdiction under 28 U.S.C. § 1254(1).

BACKGROUND

On March 4, 2011, the Petitioner was convicted of first degree murder in Shelby County, Tennessee for the December 2007 death of Tommie Reed. Petitioner maintained his innocence, asserted alibi and asserted his right to a fast and speedy trial. Petitioner requested but was not afforded a “*fast and speedy*”. Trial commenced three (3) years later. While awaiting trial, alibi witness, Nathaniel Carter² died as a result of cancer. Mr. Carter died one and a half years before the actual trial commenced in this case. Following the Petitioner's alibi assertions, the defense, through its investigator, did conduct a brief over-the-phone interview with Mr. Carter--who requested a follow-up--so he could provide sufficient information to aide the defense in establishing a sound alibi defense. Defense counsel did not follow-up with or secure and/or raise an alibi defense at trial.

During rebuttal argument the state improperly shifted its burden of proof to the Petitioner. Trial counsel did not object, therefore, there were no curative instructions given to correct or cure the effects of the state's improper comments. Petitioner requested that trial counsel lodge an objection immediately

² Nathaniel Carter was the only known alibi witness to the defense.

following the improper comments. Trial counsel was adamant that he did not hear such comments. During the Motion for New Trial hearing, trial counsel, the trial court and the state, all acknowledged the comments were not made and threatened to indict Petitioner for perjury if he testified under oath. The trial court denied relief. Contrarily, the Respondent in the US District Court for the Western District argued that an objection was made and curative instructions were given. (App. 2 at *48). The lower courts have continued to deny relief, although, the record wholly supports Petitioner's claim that improper comments were made at a crucial point during trial; trial counsel failed to object to the improper comments; and the trial court did not give curative instructions.

Petitioner—being indigent and minority—Sixth and Fourteenth Amendment rights to effective assistance of counsel and due process was violated, as a result of original pretrial and trial counsel's deficient performance throughout the entire proceeding. The adversarial process and trial were unfair.

During the appellate process, on every level, the lower courts have blatantly ignored and distorted the record and all sufficient proof the Petitioner has presented to each court, while summarily denying Petitioner's sought relief, which has rendered the appellate process unfair, as well.

This case provides an appropriate and timely vehicle for this Court to reaffirm that appellate courts must not use the COA stage to prematurely judge the merits of constitutional claims, particularly when reasonable jurists could differ.

This case presents a recurring issue of national importance regarding pro se, indigent and minority Petitioners whose: Fifth Amendment right against self-incrimination; Sixth Amendment right to a fast, fair and speedy trial and effective assistance of counsel; and Fourteenth Amendment right to due process are violated. This systemic problem disproportionately impacts pro se, indigent, or minority petitioners.

REASONS FOR GRANTING THE REQUESTED EXTENSION OF TIME

Petitioner respectfully submits that a sixty (60)-day extension of time within which to file his Petition for Writ of Certiorari is necessary and appropriate for the following reasons:

Petitioner, acting pro se, is incarcerated at the Trousdale Turner Correctional Center (TTCC) in Hartsville, Tennessee. Petitioner works in the library department as an Institutional Legal Aide. Petitioner obligation and work assignment as a legal aide is to assist and file legal documents to the court for other inmates. Therefore, Petitioner has competing work obligations that limit his ability to devote all and/or adequate time to Petitioner's "Petition for Writ of Certiorari".

In addition to the above, on June 8, 2025, hundreds of prisoners rioted and attempted to overtake the TTCC. (App. 3). Petitioner was not involved in the riot. TTCC was immediately placed on full institutional lock down following the riot. During the full lock down period, there was zero library access, therefore, Petitioner was unable to adequately research and/or draft the Petition for Writ of Certiorari without the aide of LexisNexus³. Currently, TTCC is on modified lock down which means the facility is operating on alternative lock down procedures that allows certain inmate movement. In Petitioner's case, Petitioner is allowed to work approximately four (4) hours daily, Monday-Friday. TTCC's impeding library hours has ultimately limited and frustrated Petitioner's access to the Court as Petitioner is obligated to perform and give legal services to other inmates and hinders Petitioner from devoting all and/or adequate time to Petitioner's Petition for Writ of Certiorari.

The requested extension is necessary because the issues to be presented in Petitioner's case are complex and significant and due to conditions and operations that are wholly out of Mr. Lanier's control.

The forth-coming Petition has a reasonable likelihood of being granted because the Sixth

³ *LexisNexus* is the Legal Research Service system provided by TTCC for legal research.

Circuit has seriously abused, distorted and misapplied the standard for issuing a COA under 2253(c), as the lower court improperly conflated the merits of Petitioner's underlying claims with the threshold standard for its own appellate review. This violates *Miller-El*, which emphasized that a COA is a "threshold inquiry" and not a full merits determination. 537 U.S. 322 (2003); see also, *Slack v. McDaniel*, 529 U.S. 473 (2000).

This case presents issues of importance to Petitioner's who are indigent and/or minorities and are denied their Fifth Amendment right against self incrimination, and Sixth and Fourteenth Amendment rights to a fast, fair and speedy trial, the effective assistance of counsel and due process guaranteed to all criminal defendants under the to the United States Constitution. An extension of time will help to ensure that significant issues relating to attorney performance and whether attorney's deficient performance can be excused as "strategic" and/or "trial strategy" as several circuits are divided on the issue of what constitute effective assistance and what does not.

The Sixth Circuit's Decision Conflicts With Other Circuits and With This Court's Precedent. The Sixth Circuit continues to apply a restrictive and inconsistent interpretation of the COA standard that effectively denies access to appellate review for colorable constitutional claims. Other circuits grant COA's in materially similar circumstances based on the proper "debatable among jurists of reason" standard. *Barefoot*, 463 U.S. at 893 n. 4 (internal quotation marks omitted); see also *Harris v. Vasquez*, 901 F.2d 724, 725 (9th Cir. 1990) (Order of Noonan, J.) ("Petitioner must make 'a substantial showing of the denial of a federal right.' This standard does not mean that the petitioner show that he will prevail on the merits") *See also*, *Lucidore v. New York State Div. of Parole*, 209 F.3d 107, 112 (2d Cir.) cert. denied, 531 U.S. 873, 121 S. Ct. 175 (2000). This entrenched circuit conflict warrants this Court's intervention to ensure uniform application of federal habeas corpus law and to preserve the integrity of the appellate review process.

Petitioner submits that the requested extension of time would neither prejudice the Respondent

nor result in undue delay in the Court's consideration of the Petition, and that good cause exists to grant the requested extension.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that an order be entered extending the time for filing a Petition for Writ of Certiorari to and including October 22, 2025.

Respectfully submitted,

/s/ William Lanier

*Pro se Petitioner



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August 6, 2025