

In The
Supreme Court of the United States

Dawaun Dupree Carson, Petitioner

vs.

Tina Walker, respondent(s)

Motion for Time Extension

Now, comes Petitioner Dawaun Dupree Carson, respectfully asking this honorable court for an Time Extension in order to file his Petition for Writ of Certiorari.

(1) Petitioner is closing in on his 90 days time limit to file his Writ of Certiorari and desperately needs a 60 day extension to research and copy important case law to support his argument on his Constitutional Violations.

(2) The Institution I am, (Petitioner), being housed at is still under Covid 19 Protocol affording Prisoners only 1 hour at the Law Library only once a week making it nearly impossible to research, prepare and type up a brief, and make copies with the lack of time being given to prisoners.

(3) During a recent shake down of our housing unit several pieces of my mail was confiscated/misplaced and I have to now write to the Third Circuit Court of Appeals to retain another copy of the lower Courts opinion denying motion for En Banc hearing to attach with the Motion for Time Extension as required by Rule 13.5

Petitioner humbly requests that this Honorable Court grant Petitioner Motion for Extension of Time for the above reasons.

Dawain D. Carson
#MW1111
SCI Fayette
50 Overlook Drive
LaBelle, Pa 15450-1050

CLD-116

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **24-3222**

DAWAUN DUPREE CARSON, Appellant

VS.

SUPERINTENDENT FAYETTE SCI; ET AL.

(W.D. Pa. Civ. No. 1:21-cv-00178)

Present: KRAUSE, PHIPPS, and SCIRICA, Circuit Judges

Submitted is Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1) or for remand to the District Court

in the above-captioned case.

Respectfully,

Clerk

ORDER

Appellant's request for a certificate of appealability is denied. See 28 U.S.C. § 2253(c). Jurists of reason would agree, without debate, that Appellant's habeas petition was properly denied by the District Court. See Slack v. McDaniel, 529 U.S. 473, 484 (2000); Miller-El v. Cockrell, 537 U.S. 322, 336 (2003). In particular, Appellant's claim that the evidence was insufficient to support his conspiracy conviction, whether viewed as a claim for ineffective assistance of counsel or a claim challenging the sufficiency of the evidence, does not support habeas relief. See Jackson v. Virginia, 443 U.S. 307, 319 (1979). Additionally, the District Court correctly deferred to the Superior Court's analysis under Brady v. Maryland, 373 U.S. 83 (1963), because it was not unreasonable to determine that Appellant did not establish prejudice. See 28 U.S.C. § 2254(d)(1), (2). Appellant's remaining Brady claim regarding the Commonwealth's failure to disclose a witness's location is procedurally defaulted. See Carpenter v. Vaughn, 296 F.3d 138, 146 (3d Cir. 2002); Coleman v. Thompson, 501 U.S. 722, 735 n.1 (1991); 42 Pa. Cons. Stat. § 9545(b)(1). As for Appellant's remaining habeas claims, reasonable jurists would not debate that the claims are procedurally defaulted or without merit. See Norris v. Brooks,

794 F.3d 401, 405 (3d Cir. 2015); Martinez v. Ryan, 566 U.S. 1, 16 (2012); see also 28 U.S.C. § 2254(d)(1), (2). In light of our denial of his request for a certificate of appealability, Appellant's request to remand the case to the District Court is also denied.

By the Court,

s/ Cheryl Ann Krause
Circuit Judge

Dated: April 18, 2025
DWB/CLW/cc: Mr. Dawaun Dupree Carson
Michael E. Burns, Esq.



A True Copy:

Patricia A. Dodszuweit
Patricia S. Dodszuweit, Clerk
Certified Order Issued in Lieu of Mandate

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-3222

DAWAUN DUPREE CARSON,

Appellant

v.

SUPERINTENDENT FAYETTE SCI;
THE ATTORNEY GENERAL OF THE COMMONWEALTH OF PENNSYLVANIA;
THE DISTRICT ATTORNEY OF ERIE COUNTY

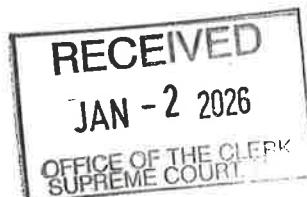
(1:21-cv-00178)

SUR PETITION FOR REHEARING

Present: CHAGARES, Chief Judge, HARDIMAN, SHWARTZ, KRAUSE, RESTREPO,
BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-REEVES,
CHUNG, and SCIRICA¹, Circuit Judges

The petition for rehearing filed by Appellant Dawaun Carson in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the

¹ Judge Scirica's vote is limited to panel rehearing only.



judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/ Cheryl Ann Krause
Circuit Judge

Dated: August 22, 2025
DWB/CLW/cc: Mr. Dawaun Dupree Carson

**Additional material
from this filing is
available in the
Clerk's Office.**