

No. _____

In the
Supreme Court of the United States

Nicholas Godsey

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

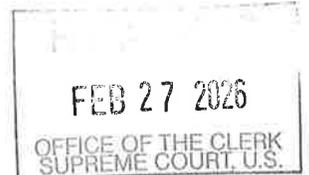
**ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**

**MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR A WRIT OF CERTIORARI**

Nicholas Godsey
Reg. No. 08725-003

FCI Memphis
P.O. Box 34550
Memphis, TN 38184

No Phone



Petitioner *Pro se*

To the Honorable Samuel A. Alito, Jr., Associate Justice of the Supreme Court of the United States and as Circuit Justice for the United States Court of Appeals for the Fifth Circuit:

I, Petitioner Nicholas Godsey, respectfully request that the time for me to file a petition for writ of certiorari or for issuance of a certificate of appealability in this matter be extended for 60 days to and including Friday, May 8, 2026.

The Court of Appeals issued an order denying my application for a certificate of appealability of denial of my *Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255* on December 9, 2025 (see Appendix A, *infra*).

My petition for relief from this Court therefore would be due on March 9, 2026, absent an extension. I am filing this application at least ten days before that date.

The Court has jurisdiction over the judgment under 28 U.S.C. § 1254(1).

I was convicted in the U.S. District Court for the Southern District of Mississippi upon a guilty plea to one count of conspiracy to distribute methamphetamine. I filed a timely *Motion to Vacate, Set*

Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255, which was denied by the District Court on the merits on February 14, 2025. *Memorandum Opinion and Order* (ECF 82) and *Judgment* (ECF 83), both issued February 14, 2025, denying my *Motion to Vacate Under 28 U.S.C. § 2255* (ECF 76). Thereafter, I appealed, seeking a certificate of appealability. The Fifth Circuit denied that application by an *Unpublished Order* issued December 9, 2025.

The time to file a petition for a writ of certiorari should be extended for 60 days for the following reasons:

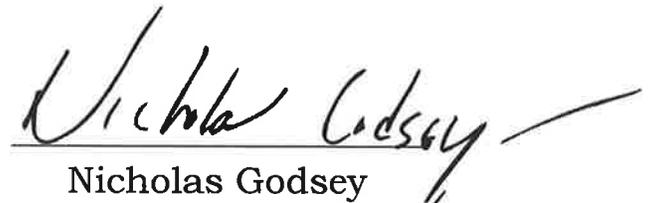
1. I am an incarcerated pro se litigant and thus requires more time than a trained legal practitioner with the freedom to devote full attention to the matter through the application of such resources as I desire to bring to the question.
2. The issues raised are several: First, I argue that my trial attorney rendered ineffective assistance prior to entry of the guilty plea by not informing me that the one-count criminal complaint had been superseded by a multi-count indictment, leading me to believe that I was pleading to a felon-in-possession count instead of a drug trafficking

count. Also, the attorney erroneously advised me that the quantity of drugs I was alleged to possess was irrelevant to my sentencing range, a factor that was critical to an excessive sentence because the government had falsely claimed that a person handling a quantity of controlled substance on a video was me when in fact the hands holding the substance – the only part of the person who was visible – showed tattooing inconsistent with my hands. Because counsel erroneously believed that the video was not relevant, he refused to challenge it.

3. By extending the date for the petition in this case, the Court is more likely to have the benefit of the rulings in other cases when deciding whether to grant my petition. The Court also may have certiorari petitions in those other appeals that it could consider along with my petition.
4. An extension will not prejudice Respondents. I am currently incarcerated and will continue to serve my sentence.

For the foregoing reasons, the Court should extend the time to file a petition for a writ of certiorari in this appeal by 61 days, to and including Friday, May 8, 2026.

Executed February 23, 2026

A handwritten signature in black ink that reads "Nicholas Godsey". The signature is written in a cursive style and is positioned above a horizontal line.

Nicholas Godsey
Reg. No. 08725-003
FCI Memphis
P.O, Box 34550
Memphis, TN 38184

APPENDIX A

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

December 09, 2025

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 25-60192 USA v. Godsey
USDC No. 1:24-CV-27

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

Amanda M. Duroncelet

By:

Amanda M. Duroncelet, Deputy Clerk

Mr. Gaines H. Cleveland
Mr. Nicholas Paul Godsey
Mr. Stanley Blake Harris
Mr. Arthur S. Johnston III

United States Court of Appeals
for the Fifth Circuit

No. 25-60192

United States Court of Appeals
Fifth Circuit

FILED

December 9, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

NICHOLAS PAUL GODSEY,

Defendant—Appellant.

Application for Certificate of Appealability
the United States District Court
for the Southern District of Mississippi
USDC No. 1:24-CV-27
USDC No. 1:21-CR-73-1

UNPUBLISHED ORDER

Before GRAVES, HO, and DOUGLAS, *Circuit Judges*.

PER CURIAM:

Nicholas Paul Godsey, federal prisoner # 08725-003, pleaded guilty to conspiracy to possess with intent to distribute methamphetamine and is serving a sentence of 210 months in prison. He now seeks a certificate of appealability (COA) to appeal the district court's dismissal of his 28 U.S.C. § 2255 motion challenging this conviction. Godsey asserts that trial counsel

No. 25-60192

Joshua D. Taylor rendered ineffective assistance by allowing him to waive a preliminary and detention hearing, by allowing him to waive his right to be present at his arraignment without advising him that he had been indicted and without explaining the charges against him, and by informing him that he would debrief with the Drug Enforcement Administration without his consent and without first informing him that he had been charged with drug offenses. He maintains that Taylor did not advise him that he would be pleading guilty to a methamphetamine conspiracy rather than the felon-in-possession charge for which he was originally arrested and incorrectly informed him during the rearraignment proceedings that he would face the same sentence regardless of the offense to which he pleaded guilty because he was a career offender. In addition, Godsey argues that Taylor was ineffective for failing to object at sentencing to the drug quantity used to calculate his base offense level and to the two-level enhancement based on the importation of the methamphetamine.

To obtain a COA to appeal the dismissal of a § 2255 motion, Godsey must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). Because the district court rejected the claims on their merits, Godsey “must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack*, 529 U.S. at 484. He has not made the requisite showing. Accordingly, the motion for a COA is DENIED. Because Godsey has not satisfied the COA standard, we do not reach his contention that the district court erred in failing to conduct an evidentiary hearing. *See United States v. Davis*, 971 F.3d 524, 534-35 (5th Cir. 2020).

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PROOF OF SERVICE

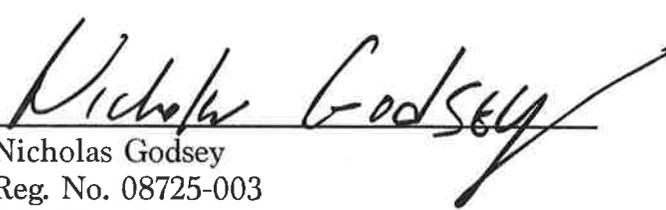
I, NICHOLAS GODSEY, DO SWEAR OR DECLARE THAT ON THIS DATE, FEBRUARY 23, 2026, AS REQUIRED BY SUPREME COURT RULE 29, I HAVE SERVED THE ENCLOSED *MOTION FOR EXTENSION OF TIME* ON EACH PARTY TO THE ABOVE PROCEEDING OR THAT PARTY'S COUNSEL, AND ON EVERY OTHER PERSON REQUIRED TO BE SERVED, BY DEPOSITING AN ENVELOPE CONTAINING THE ABOVE DOCUMENTS IN THE UNITED STATES MAIL PROPERLY ADDRESSED TO EACH OF THEM AND WITH FIRST-CLASS POSTAGE PREPAID.

THE NAMES AND ADDRESSES OF THOSE SERVED ARE AS FOLLOWS:

STAN B. HARRIS, ATTORNEY
U.S. ATTORNEY'S OFFICE
1575 20TH AVENUE
GULFPORT, MS 39501

SOLICITOR GENERAL OF THE
UNITED STATES
ROOM 5614
DEPARTMENT OF JUSTICE,
950 PENNSYLVANIA AVE., N.W.,
WASHINGTON, D.C. 20530-0001

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON FEBRUARY 23, 2026.



Nicholas Godsey
Reg. No. 08725-003
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Memphis, TN 38184

Petitioner