

In the Supreme Court of the United States

Adam Carson,
Petitioner,
v.
United States of America,
Respondent.

Case No.
on Appeal from USCA
for the Sixth Circuit
No. 25-3923

Motion for a 60-Day Extension of time to
file a writ of certiorari

Now comes the Petitioner, Adam Carson, pro se, who respectfully requests that this Honorable Court Grant this motion for a 60-Day Extension of time to file a writ of certiorari regarding the decision from the United States Court of Appeals for the Sixth Circuit, Case No. 25-3923, issued on February 27, 2026.

The Petitioner asserts that he is in the custody of the Federal Bureau of Prisons and is currently in transit without access to a law library or his legal materials. Without access to a law library or his legal materials, the Petitioner is unable to timely file a petition for a writ of certiorari. To prevent the petitioner from being prejudiced and harmed, he respectfully requests that a 60-day extension of time be granted, and his new filing deadline be July 27, 2026.

Done this 12th Day of May, 2026

Respectfully submitted,

Adam Carson 64595-060
Petitioner, pro se
FBI Lewisburg
PO Box 1000
Lewisburg, PA 17837

No. 25-3923

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**FILED**

Feb 27, 2026

KELLY L. STEPHENS, Clerk

ADAM CARSON,

Petitioner-Appellant,

v.

UNITED STATES OF AMERICA,

Respondent-Appellee.

ORDER

Before: MOORE, Circuit Judge.

Adam Carson, a pro se federal prisoner, appeals the district court's denial of his 28 U.S.C. § 2255 motion. He moves for a certificate of appealability (COA), *see* Fed. R. App. P. 22(b), and for leave to proceed in forma pauperis on appeal, *see* Fed. R. App. P. 24(a)(5). For the following reasons, Carson is not entitled to a COA.

In 2018, Carson was convicted of bank robbery and witness tampering. The district court sentenced him as a career offender to 240 months in prison and ordered him to pay \$5,590 in restitution to the bank that he robbed. This court affirmed Carson's convictions and sentence on direct appeal. *United States v. Carson*, 796 F. App'x 238, 251 (6th Cir. 2019).

Carson then filed a § 2255 motion, which the district court denied. This court granted Carson a COA on several claims and appointed counsel Jeffrey Lazarus to represent him on appeal but ultimately affirmed. *Carson v. United States*, 88 F.4th 633, 648 (6th Cir. 2023).

Meanwhile, in May 2021, the district court granted the government's motion to garnish funds from Carson's prison trust account and apply them to his restitution obligation, but this court vacated that garnishment order and remanded for further proceedings. *United States v. Carson*, 55 F.4th 1053, 1059 (6th Cir. 2022). On remand, the district court appointed Lazarus to represent Carson in the garnishment proceedings. In April 2023, the district court issued an amended

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judgment on the government's unopposed motion, clarifying that Carson's restitution obligation was joint and several with his co-defendant. The parties ultimately settled, and Carson's restitution obligation was deemed satisfied.

Carson filed a pro se appeal of the amended judgment, but he later voluntarily dismissed that appeal because Lazarus believed that it presented no meritorious issues. *United States v. Carson*, No. 23-3412 (6th Cir. July 24, 2023). Carson later moved to reinstate his appeal, arguing that the voluntary dismissal was the result of bad advice from Lazarus and that his appeal in fact presented meritorious issues. This court denied that motion. *United States v. Carson*, No. 23-3412 (6th Cir. Jan. 2, 2025).

Carson then filed another § 2255 motion, claiming that (1) Lazarus was ineffective for (a) abandoning issues in his § 2255 appeal on which he had been granted a COA, (b) failing to make certain arguments in his § 2255 appeal, (c) advising him to voluntarily dismiss his appeal from the amended judgment, and (d) failing to recoup \$1,915.89 that the government wrongly seized from his prison trust account after he had allegedly satisfied his restitution obligation, and (2) an intervening change in Sixth Circuit case law rendered his career-offender designation erroneous. The district court concluded that the motion was "second or successive" within the meaning of § 2255(h) and transferred it here for consideration. *See* 28 U.S.C. § 1631; *In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997) (per curiam). This court agreed that Carson's claim challenging his career-offender designation was "second or successive" and required authorization, which it declined to grant, but determined that his remaining claims could proceed without authorization because they relied on facts that arose after his initial § 2255 motion was fully adjudicated. *In re Carson*, No. 25-3094, 2025 U.S. App. LEXIS 13648, at *6-7 (6th Cir. June 3, 2025). This court therefore remanded his ineffective-assistance claims to the district court for further proceedings. *Id.* at *7.

On remand, the district court denied Carson's ineffective-assistance claims without a hearing and declined to issue a COA, reasoning that Carson lacked a constitutional right to effective representation in collateral proceedings. This appeal followed.

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Carson now seeks a COA from this court as to his ineffective-assistance claims and the denial of his requests to expand the record and for an evidentiary hearing. A COA may be issued “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). To satisfy this standard, the applicant must demonstrate that “jurists of reason could disagree with the district court’s resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller-El*, 537 U.S. at 327.

“The Sixth Amendment requires effective assistance of counsel at critical stages of a criminal proceeding,” including direct appeals. *Lafler v. Cooper*, 566 U.S. 156, 165 (2012); *Evitts v. Lucey*, 469 U.S. 387, 396 (1985). Carson claims that Lazarus was ineffective in connection with certain postconviction proceedings—namely, his § 2255 appeal and garnishment proceedings. But “prisoners have no constitutional right to counsel in collateral post-conviction proceedings.” *United States v. Manso-Zamora*, 991 F.3d 694, 696 (6th Cir. 2021) (per curiam); see *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987) (“[T]he [constitutional] right to appointed counsel extends to the first appeal of right, and no further.”). Although Carson also claims that Lazarus was ineffective for advising him to voluntarily dismiss his appeal from the district court’s amended judgment, that appeal was not a critical stage of Carson’s criminal proceedings to which the right to counsel attached. See *United States v. Augustin*, 16 F.4th 227, 233 (6th Cir. 2021) (holding that the imposition of a corrected sentence is not a critical stage of a defendant’s criminal proceedings). Because Carson did not have a constitutional right to counsel in his collateral proceedings or appeal from the amended judgment, Lazarus’s alleged shortcomings in those proceedings cannot be deemed constitutionally deficient. See *Wainwright v. Torna*, 455 U.S. 586, 587-88 (1982) (per curiam); *Abdus-Samad v. Bell*, 420 F.3d 614, 632 (6th Cir. 2005). Reasonable jurists therefore would not debate the district court’s resolution of Carson’s ineffective-assistance claims.

Carson’s counterarguments are unavailing. He first argues that this court would not have remanded his ineffective-assistance claims to the district court for consideration if he did not have a constitutional right to counsel in collateral proceedings. In making this argument, Carson misunderstands this court’s gatekeeping role when considering motions for authorization to file

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second or successive § 2255 motions. At that stage, this court's consideration is limited to whether the movant requires authorization to proceed with his new claims and, if so, whether he has made a prima facie showing that those claims satisfy § 2255(h)'s requirements. *See In re Watkins*, 810 F.3d 375, 379 (6th Cir. 2015); 28 U.S.C. § 2244(b)(3)(C). Neither analysis involves a "full-throated review" of the movant's claims. *Vinson v. Jackson*, 711 F. App'x 329, 332 (6th Cir. 2018). Contrary to Carson's assertions, this court's determination that his ineffective-assistance claims were not "second or successive" did not obligate the district court to find those claims cognizable or meritorious.

Carson also argues that he had a due process right to effective assistance of counsel in his § 2255 appeal and garnishment proceedings because he was appointed counsel in both proceedings under the Criminal Justice Act (CJA), 18 U.S.C. § 3006A, et seq. Yet Carson couched his ineffective-assistance claims in Sixth Amendment terms. *See United States v. Ellison*, 462 F.3d 557, 560 (6th Cir. 2006) (noting that this court generally will not consider arguments raised for the first time on appeal). And even if Carson had properly preserved his due process argument, the Supreme Court has not held that a statutory right to counsel in itself establishes a *constitutional* right to counsel in collateral proceedings. *See Finley*, 481 U.S. at 556 ("But the fact that the defendant has been afforded assistance of counsel in some form does not end the inquiry for federal constitutional purposes. Rather, it is the source of that right to a lawyer's assistance combined with the nature of the proceedings, that controls the constitutional question.").

Lastly, Carson argues that the district court erred by denying his requests to expand the record with additional evidence and for an evidentiary hearing. However, because the record was sufficient to resolve Carson's claims, the district court was not required to expand the record or hold an evidentiary hearing. *See* 28 U.S.C. § 2255(b) (providing that a hearing is unnecessary if "the motion and the files and record of the case conclusively show that the prisoner is entitled to no relief"); Rule 7(a) of the Rules Governing § 2255 Proceedings ("If the motion is not dismissed, the judge may direct the parties to expand the record by submitting additional materials relating to the motion." (emphasis added)).

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For these reasons, Carson's COA application is **DENIED**, and his motion to proceed in forma pauperis is **DENIED** as moot.

ENTERED BY ORDER OF THE COURT

A handwritten signature in cursive script, reading "Kelly L. Stephens", written over a horizontal line.

Kelly L. Stephens, Clerk

Certificate of Service

I, Adam Carson, do hereby certify, that a copy of this motion for a 60-Day Extension of time to file a writ of Certiorari was sent to the office of the Solicitor General of the United States, Department of Justice, 950 Pennsylvania Ave, Room 5616, Washington, DC 20530-0001 via regular us mail on this 12th Day of May, 2026.

Respectfully Submitted,

Adam Carson 64595-060
Petitioner, pro se