

To Supreme Court
From
UNITED STATES COURT OF APPEALS
EIGHTH DISTRICT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

1/3

UNITED STATES OF AMERICA)
APPELLEE/PLAINTIFF)

V
DESHANTE NABORS)
APPELLANT/DEFENDANT)

CASE No. 25-2108

DISTRICT COURT NO. 1:23-cr-00109-SNLJ-1



MOTION REQUESTING TO EXTEND THE TIME TO FILE
PETITION OF WRIT OF CERTIORARI FOR 60 DAYS

Come now the Appellant/Defendant DESHANTE NABORS PROCEEDING PRO SE FILES THIS MOTION IN THE SUPREME COURT TO A SUPREME COURT JUSTICE REQUESTING TO EXTEND THE TIME PERIOD OF MY PETITION OF WRIT OF CERTIORARI FOR SIXTY DAYS. My motion requesting an extension is for a good cause. As of now I am currently in the SHU (SPECIAL HOUSING UNIT) HERE AT YAZOO WAITING TO TRANSFER TO ANOTHER INSTITUTION DUE TO MYSELF REQUESTING I NEEDED PROTECTIVE CUSTODY FROM THIS COMPOUND DUE TO BEING BEATEN, STABBED UP, SEVERELY INJURED OR KILLED BY INMATES HERE. My need for P.C. WAS DENIED BY THIS INSTITUTION AFTER AN INVESTIGATION STATED BY S.I. SAGER AND INSTEAD I HAD TO REFUSE THE COMPOUND TAKING SHOTS AND WAS SANCTIONED BY THIS INSTITUTION TAKING AWAY GOOD TIME FROM ME BECAUSE THEY RATHER FOR ME TO GO BACK TO COMPOUND AND GET INJURED OR KILLED BY INMATES INSTEAD OF SEEING ME BE SAFE FROM SEVERE ALTERCATIONS. I've BEEN IN THE SHU SINCE 12-19-2025 AND HAVE YET TO TRANSFER AND THERE IS NO TELLING HOW LONG ^{IT WILL} TAKE FOR ME TO TRANSFER FROM HERE. WHILE IN THE SHU HERE IN YAZOO THERE IS NO ACCESS TO A WORKING LAW LIBRARY SO I CANT USE A LAW LIBRARY, ALSO WE ARE GIVEN 3 TO 4 PIECES OF WHITE PAPER, ONCE A WEEK BUT MAINLY EVERY OTHER WEEK HERE AND THERE IS NO LEGAL PAD PAPER OR PENS I CAN BUY ON COMMISSARY — CONTINUE ON BACK —→

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I DON'T HAVE ENOUGH PAPER TO USE TO FILE PETITION OR WRIT OF CERTIORARI NOR IS THERE ANY
GUARANTEE I WILL BE PROVIDED WITH A WORKING PEN IF THIS PEN GOES OUT. THAT GET PASSED OUT
WHenever THEY FEEL LIKE IT FOR ONE PEN AND THAT COULD BE MONTHS AT A TIME. COMMISSARY IS
PROVIDED EVERY OTHER WEEK SOMETIME SKIPPING THAT WEEK AND I CAN ONLY BUY ONE MANILLA
ENVELOPE AND TWENTY STAMPS FOR EACH COMMISSARY STORE DATE. THIS INSTITUTION ALSO DOESN'T
PROVIDE FREE CERTIFICATE OF SEAL STAMP PROVIDED BY CASEWORKERS WHICH THEY CHARGE FOR
THE NOTARY AND OFFER IT EVERY NINETY DAYS ONLY OR YOU HAVE TO WAIT UNTIL THAT TIME COMES
UP. THIS COURT'S JURISDICTION IS THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT IN
ST. LOUIS, MO, THE DISTRICT COURT IS THE EASTERN DISTRICT OF MISSOURI, SOUTHERN DIVISION IN
CAPE GIRARDEAU, MO. I AM APPEALING THE DECISION BY THIS COURT DENYING MY APPEAL ON EIGHT
GROUNDS AND DENYING MOTION TO STRIKE APPELLEE'S BRIEF SINCE IT WAS NOT FILED IN A TIMELY MANNER
DENYING MOTION TO SUPPRESS EVIDENCE - VIOLATES 4TH AND 14TH AMENDMENT RIGHT
DENYING MOTION TO QUASH INDICTMENT - VIOLATES 5TH, 6TH, AND 14TH AMENDMENT RIGHT
DENYING MOTION TO INSPECT GRAND JURY LIST - VIOLATES 5TH, 6TH, 14TH AMENDMENT RIGHT
PROSECUTORIAL MISCONDUCT
ALTERING BODY CAM FOOTAGE AT TRIAL TO MAKE ME LOOK GUILTY - VIOLATES 5TH, 6TH, 8TH, 14TH AMENDMENT RIGHT
PERJURY COMMITTED BY ONLY WITNESS TO GRAND JURY WAS MATERIAL - VIOLATES 5TH, 6TH, 8TH, 14TH AMENDMENT RIGHT
JURY SELECTION WAS IMPROPER
NEITHER JURY BOX NOR JURY STRUCK SYSTEM WAS USED FOR JURY SELECTION - VIOLATES 5TH, 6TH, 14TH
AMENDMENT RIGHT
WASN'T A FAIR CROSS SELECTION WITH RACE OF BLACKS - VIOLATES 5TH, 6TH, 14TH AMENDMENT RIGHT
DENIED EFFECTIVE ASSISTANCE OF COUNSEL BY COURTS - VIOLATES 5TH, 6TH, 14TH AMENDMENT RIGHT
UNFAIRLY CONVICTED WHICH WASN'T BY PROOF BEYOND A REASONABLE DOUBT
DENIED GIVING JURY ~~DEFINITION~~ INSTRUCTIONS TO A LESSER INCLUDED OFFENSE OF SIMPLE POSSESSION TO THE
JURY - VIOLATES 5TH, 6TH, 8TH, 14TH AMENDMENT RIGHT
COURTS OMITTED THE QUANTITY OF THE DRUGS TO BE FOUND GUILTY FOR WHICH WAS 50 GRAMS UNDER 8413 BUT
MY BASE OFFENSE LEVEL STARTED WITH 24 BEING FOUND GUILTY OF 50 GRAMS OR MORE BUT I WAS NEVER FOUND GUILTY FOR
THIS ACTUAL QUANTITY BY THE JURY - VIOLATES 5TH, 6TH, 8TH, 14TH AMENDMENT RIGHT
MY CHANCE WASN'T CALCULATED CORRECTLY WITH THE CRIMINAL HISTORY POINTS AND I RECEIVED A 2 POINT
ENHANCEMENT BY A PROBATION OFFER FOR OBSTRUCTION OF JUSTICE - VIOLATES 5TH, 6TH, 8TH, 14TH AMENDMENT RIGHT
MAGISTRATE JUDGE TWICE DENIED ME TO ASK WITNESS A CERTAIN QUESTION AT EVIDENTIARY HEARING ON 4-23-24
WHICH QUESTION I WOULD HAVE ASKED WOULD HAVE DETERMINE THAT OFFICER WASN'T CREDIBLE IN THIS CASE
WHICH SHE WAS AWARE OF THIS SO SHE ABUSED HER AUTHORITY TO KEEP ME FROM ASKING QUESTION - VIOLATES
5TH, 6TH, 8TH, 14TH AMENDMENT RIGHT
COURT OF APPEALS DENIED MY MOTION TO STRIKE ~~APPELLEE'S~~ APPELLEE'S BRIEF SINCE IT WAS NOT FILED ON
TIME BY THE COURTS IN THE COURT - VIOLATES 5TH, 6TH, 8TH, 14TH AMENDMENT RIGHT

11. THERE WAS NO JUDGE'S SIGNATURE ON PER CURIAM OR JUDGMENT NOR ANY SIGNATURE BY CLERK TO FILE JUDGMENT AND THIS ~~RECORD~~ PER-CURIAM IS STATED NOT PUBLISHED FOR THE RECORDS - VIOLATES 5TH, 6TH, 8TH, 14TH AMENDMENT RIGHT. 3/3

TO STATE PER CURIAM WAS FILED ON ~~5-5-26~~ 5-5-26 SUBMITTED ON 4-29-26 AND THE JUDGMENT WAS FILED ON 5-5-26 WITH AN ELECTRONIC SIGNATURE BY CLERK SISAW BINDLER. THOMAS C. ALBUS IS THE UNITED STATES ATTORNEY IN THIS COURT. JOAN N. KOESTER JR. IS THE ASSISTANT UNITED STATES ATTORNEY IN THIS CASE. I FILED A PETITION FOR REHEARING AND REHEARING EN BANC AND WAS FILED OVER A WEEK LATER BY THIS CLERK ON 5-26-26. THIS PETITION WAS DENIED ON 6-16-26 AS SHOWN BY MY DOCKET BUT AS OF NOW I HAVE YET TO RECEIVE ANY MAIL TO SHOW THIS WAS DENIED ON 6-16-26. I LATER REQUESTED MY DOCKET FROM THIS COURT AND THIS IS THE ONLY REASON I LEARNED PETITION FOR REHEARING AND REHEARING EN BANC WAS DENIED, BUT THEREFORE MY 90 DAY PERIOD TO FILE WRIT OF CERTIORARI STARTED ON 6-16-26. AFTER GOING THROUGH THE COURT OF APPEALS I SEE THERE IS NO JUSTICE IN THIS SYSTEM AND AS LONG AS I DO THIS BY MYSELF IT CAN AND WILL BE SWEEPED UNDER THE RUG BECAUSE OF THE CORRUPTION THATS GOING ON IN THE COURTS SYSTEM AND GIVING ME PRIVILEGED REASONS OR NO REASON AT ALL TO DENY MY APPEAL AND ITS CONSIDERED ACCEPTABLE SO I WILL BE INFORMING AND DISCUSSING EVERYTHING WITH THE ACLU, NAACP, AND BLM TO BE INVOLVED IN MY CASE BECAUSE MY CONSTITUTIONAL RIGHTS ARE BEING VIOLATED THROUGH EACH STAGE IN THE COURTS AND HAVE BEEN VIOLATED BY THE COURTS AND POLICE DEPARTMENT. I KNOW I MUST GET SOMEBODY INVOLVED FOR ME TO HAVE A FAIR CHANCE WITH THIS SYSTEM THAT HAS ME UNLAWFULLY INCARCERATED AS OF NOW AND I WILL INFORM ANY OTHER ORGANIZATION THAT CAN AND WILL HELP ME, ~~BECAUSE~~ AS OF NOW I HAVE NO CONTROL OVER BEING ABLE TO FILE MY WRIT OF CERTIORARI PROPERLY AND CORRECTLY ~~BE~~ HERE IN THIS SHU NOR AM I IN THE SHU AS OF NOW FOR DISCIPLINARY REASONS BUT WHAT SHOULD BE FOR PROTECTIVE CUSTODY REASONS BUT YET THIS SUPREME COURT STILL CAN DENY MY MOTION FOR EXTENSION ON MY WRIT OF CERTIORARI WITH NO REASON AT ALL. A COPY OF MY PER CURIAM AND JUDGMENT IS BEING MAILED WITH THIS MOTION AS WELL. MY WRIT OF CERTIORARI ESTABLISHES A VIOLATION OF PART 3 JURISDICTION ON WRIT OF CERTIORARI, RULE 10+(a), (b), AND (c) AND THEREFORE WHEN FILED SHOULD BE GRANTED TO GET A GUARANTEED RULING BY THE SUPREME COURT ON EVERY MATTER THAT I'M BRINGING TO THIS COURT'S ATTENTION TO UNDERSTAND WHAT IS RIGHT BY THE COURTS AND WHATS NOT.

RESPECTFULLY SUBMITTED 5 PRINTS TOGETHER
DESHANTE NABORS 8-24-26
Deshante Nabors

FEDERAL CORRECTIONAL COMPLEX
YAZOO MED
P.O. Box 5000
YAZOO CITY, MS 39144-5000

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
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Susan E. Bindler
Clerk of Court

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May 05, 2026

Deshante R. Nabors
FEDERAL CORRECTIONAL COMPLEX
71458-510
P.O. Box 5000
Yazoo City, MS 39194-5000

RE: 25-2108 United States v. Deshante Nabors

Dear Deshante Nabors:

The court has issued an opinion in this case. Judgment has been entered in accordance with the opinion.

Please review [Federal Rules of Appellate Procedure](#) and the [Eighth Circuit Rules](#) on post-submission procedure to ensure that any contemplated filing is timely and in compliance with the rules. Note particularly that petitions for rehearing and petitions for rehearing en banc must be received in the clerk's office within 14 days of the date of the entry of judgment. Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. Except as provided by Rule 25(a)(2)(iii) of the Federal Rules of Appellate Procedure, no grace period for mailing is allowed. Any petition for rehearing or petition for rehearing en banc which is not received within the 14 day period for filing permitted by FRAP 40 may be denied as untimely.

Susan E. Bindler
Clerk of Court

NDG

Enclosure(s)

cc: Clerk, U.S. District Court, Eastern District of Missouri
Paul W. Hahn
John Nicholas Koester Jr.
Christopher Shelton

District Court/Agency Case Number(s): 1:23-cr-00109-SNLJ-1

United States Court of Appeals
For the Eighth Circuit

No. 25-2108

United States of America

Plaintiff - Appellee

v.

Deshante R. Nabors

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - Cape Girardeau

Submitted: April 29, 2026

Filed: May 5, 2026

[Unpublished]

Before LOKEN, SMITH, and BENTON, Circuit Judges.

PER CURIAM.

Deshante Nabors, who is proceeding pro se, appeals the judgment entered and sentence imposed by the district court¹ after a jury found him guilty of a drug offense.

¹The Honorable Stephen N. Limbaugh, Jr., United States District Judge for the Eastern District of Missouri.

On appeal, Nabors raises numerous issues related to the denial of his pretrial motions, the trial, prosecutorial misconduct, his sentence, and ineffective assistance of counsel.

In denying Nabors's motion to suppress evidence, the district court adopted the report and recommendations of a magistrate judge.² We affirm the court's ruling based on the reasons stated by the magistrate judge. See United States v. Holly, 983 F.3d 361, 363 (8th Cir. 2020) (standard of review); see also United States v. Harris, 617 F.3d 977, 979 (8th Cir. 2010); United States v. Nevatt, 960 F.3d 1015, 1020 (8th Cir. 2020) (per curiam). We also see no merit to Nabors's challenges to the denial of his motions to quash the indictment and to inspect the grand jury list. See United States v. Sitladeen, 64 F.4th 978, 983 (8th Cir. 2023); United States v. Stanko, 528 F.3d 581, 586-87 (8th Cir. 2008).

Nabors has not provided a trial transcript. To the extent he has not waived his trial-related claims, see Meroney v. Delta Int'l Mach. Corp., 18 F.3d 1436, 1437 (8th Cir. 1994), we conclude they lack merit. Drug quantity was not an element of the offense, see United States v. Aguayo-Delgado, 220 F.3d 926, 934 (8th Cir. 2000); there is no indication that a jury instruction on simple possession was warranted, see United States v. Mazzulla, 932 F.3d 1091, 1101 (8th Cir. 2019); and he failed to present any evidence of deliberate exclusion of black jurors, see United States v. Jefferson, 725 F.3d 829, 835 (8th Cir. 2013). We also conclude that Nabors's prosecutorial misconduct claims lack any support in the record. See United States v. Clayton, 787 F.3d 929, 933 (8th Cir. 2015).

As to Nabors's challenges to the Guidelines calculations, we conclude that the district court properly calculated his criminal history score, and that Nabors failed to

²The Honorable Abbie Crites-Leoni, United States Magistrate Judge for the Eastern District of Missouri.

show that the obstruction-of-justice enhancement he received for making false statements during the trial was erroneous. See United States v. Turner, 781 F.3d 374, 393 (8th Cir. 2015) (standard of review); U.S.S.G. §§ 4A1.2(a)(2), 3C1.1, comment. (n.2).

Finally, we decline to address his ineffective-assistance claim on direct appeal. See United States v. Ramirez-Hernandez, 449 F.3d 824, 826-27 (8th Cir. 2006). Accordingly, we affirm. We also deny Nabors's motion to strike the government's brief.

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No. 25-2108

United States of America

Appellee

v.

Deshante R. Nabors

Appellant

Appeal from U.S. District Court for the Eastern District of Missouri - Cape Girardeau
(1:23-cr-00109-SNLJ-1)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

Judge Erickson did not participate in the consideration or decision of this matter.

June 16, 2026

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler