



IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

JARED MORRISON  
V.  
LORIE DAVIS

§  
§  
§

NO. 17-50559

MOTION FOR RECONSIDERATION BY SINGLE JUDGE OR PANEL OF JUDGES TO EXTEND TIME TO FILE  
FOR PANEL REHEARING/RECONSIDERATION OF DENIAL OF COA

Comes now Jared Morrison, Movant in the above cause, and asks this Court to reconsider the decision of the Clerk to deny his MOTION FOR EXTENSION OF TIME TO PETITION FOR PANEL REHEARING/REHEARING EN BANC that was mail filed on June 11. According to Fifth Circuit Rule 27.1 if a clerk denies a motion the correct remedy is to ask for reconsideration to a single judge or panel of judges. Morrison shows the following for support of this motion:

- 1) On May 29, 2018 Judge W. Eugene Davis denied Morrison's Application For COA, which was mail filed on October 16, 2017.
- 2) On June 10, Morrison found out, when he called his brother, that Judge Davis denied his COA. That is Twelve days after the date of the order.
- 3) According to FRAP Rule 40(1), Morrison has 14 days from entry of judgment to file for petition for panel rehearing.
- 4) As of today, June 27, Morrison has not received notice from this Court that his Motion for COA was denied. He only found that out as discussed above.
- 5) On June 11, the day after he found out about the COA being denied, because Morrison could not possibly file a Petition for Panel Rehearing/Reconsideration in the two days he had left, Morrison sent this Court a Motion For Extension of Time to Petition for Panel Rehearing/Rehearing En Banc, asking this Court to allow him (an addition 14 days from June 11) until June 25. to mail file the Petition. Morrison then started to work diligently on the Petition for Panel Rehearing.

- (6) While researching how to properly file the Petition for Panel Rehearing, Morrison learned that a copy of the order being reheard had to be attached to the petition. Therefore, he sent the clerk a handwritten letter asking to send the order from the Court about denying his COA.
- 7) Morrison also asked his brother to print out the order from this Court's website and send it to him. Morrison received the order from his brother on June 22, and attached it to the Petition for Rehearing he was working on.
- 8) On June 25, Morrison mail filed with the Huntsville Unit Mail room the PETITION FOR PANEL REHEARING OF THE MAY 29, 2018 DENIAL OF MORRISON'S APPLICATION FOR COA [PETITION FOR PANEL RECONSIDERATION] Morrison also included with it a PETITION FOR LEAVE TO FILE FOR OUT OF TIME PETITION FOR REHEARING?RECONSIDERATION and a MOTION TO CONSTRUE MORRISON'S PRO SE PETITION FOR PANEL REHEARING AS PETITION FOR RECONSIDERATION IF NEEDED.
- 9) On June 26, 2018 Morrison received notification from this Court that the Motion for Extension of Time to File For Panel Rehearing or Reconsideration was denied by the Court. The Order was sent by Clerk, Monica Washington on June 22.
- 10) Morrison contends that it is a huge injustice to penalize him and expect him to exercise the lawful remedy of a panel rehearing in two days, when he has not received notice from the court about his COA being denied, then when he lets the Court know about him finding out about the denial from his brother 12 days after the order of the denial, and <sup>when</sup> he files for extra time, the Court denies his request. It is not Morrison's fault that 12 out of the 14 days allowed to file the rehearing had already past before he learned the COA was denied, and he should not be penalized by this Court denying him the chance at a panel rehearing or reconsideration for not timely filing it when he did not receive notice of the COA being denied was completely out of his control, especially when he has proven in the Petition for Rehearing that Judge Davis overlooked or misapprehended many points of law and fact that proved a COA must issue.

PRAYER FOR RELIEF

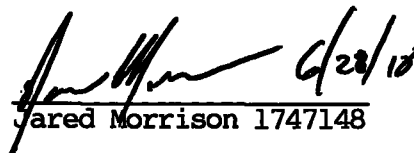
ALL THINGS CONSIDERED, Morrison prays that this Court reconsider the denial of his MOTION for Extension of Time to Petition for Panel Rehearing or Reconsideration, and they grant the motion to allow his June 25 mail filing of that petition to be timely. Or they grant the Petition for Leave to File for Out of Time Petition for Panel Rehearing/Reconsideration that was sent on June 25.

CERTIFICATE OF SERVICE

I, Jared Morrison, hereby certify that a true and correct copy of this MOTION FOR RECONSIDERATION BY SINGLE JUDGE OR PANEL OF JUDGES TO EXTEND TIME TO FILE FOR PANEL REHEARING/RECONSIDERATION OF DENIAL OF COA is being given to the proper prison officials in the prison mailroom to be mailed pre-paid to the following addresses on June 28, 2018 through first class mail.

Fifth Circuit Court of Appeals  
Clerk of the Court  
600 S. Maestri Place  
New Orleans, LA 70130.....original

Craig Cosper  
Assistant Attorney General  
P.O. BOX 12548  
Austin, TX 78711-2548.....carbon copy

  
Jared Morrison 1747148

PRISONER'S UNSWORN DECLARATION

I, Jared Morrison, declare under the penalty of perjury that the foregoing is true and correct.

Executed on June 27, 2018

  
Jared Morrison 1747148

Jared Morrison 1747148  
Huntsville Unit  
815 12th Street  
Huntsville, TX 77348

NORTH HOUSTON TX 773

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