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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

United States Of America,
Plaintiff-Appellee,

v.

GREGORY JAMES CATON,
Defendant-Appellant.

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Cr. No. 04-CR-20075

MOTION FOR EXTENSION OF TIME TO FILE APPLICATION
FOR CERTIFICATE OF APPEALABILITY

COMES NOW, Gregory James Caton, defendant-appellant appearing pro-se and interposing his Due Process rights and *Haines v Kerner*, 404 US 519 (1972), hereby seeks an ORDER granting him an extension of time to file his application for certificate of appealability ("COA"). In support thereof, defendant Caton submits the following, to wit;

1. Defendant's Evidentiary Hearing Counsel withdrew as Counsel due to conflicts arising from their representatives of defendant Caton.

2. Defendant Caton was held at the Lafayette Parish Correctional Center without reasonable access to a law library to adequately research and file his COA and other documents.

3. Upon arrival back at Beaumont FCI-Low defendant Caton was taken off the prison compound and placed in a 8X12 cell in Administrative Segregation for protection from gang related issues and inmates.

4. Defendant Caton has had his visiting privileges suspended

due to Bureau of Prisons refusal to allow him visits because of alleged security risks involved in visiting room.

5. Defendant Caton does not have a adequate law library to adequate research his issues while in protective custody in administrative segregation.

6. Defendant Caton is restricted in his phone use to one five minute call every 14 days.

7. Defendant Caton is unable to obtain in a timely manner the necessary postal certified slips and stamps to meet his deadlines.

8. Defendant Caton's mail is being delayed in getting to him due to the circumstances of his confinement and the Prison mail room being in disarray and the Prison mail room in the middle of being moved to another location due to the mail room's delay's and disarray.

9. Defendant Caton is scheduled for release from Prison in March, 2006.

CONCLUSION

For the reasons above stated, defendant Caton is not in a position to adequately or timely represent himself in his pro-se status on Direct Appeal and Appeal of the denial of his §2255 issues. Therefore, an extension of time is needed to overcome these obstacles.

WHEREFORE premises considered herein, defendant Caton respectfully requests that this Honorable Court grant him an extension of time to file his Certificate of Appealability application until his release from prison, which is March 26, 2006, or in the Alternative grant him an extension of time of 30 days from February 10, 2006 so that defendant Caton may enlist the aid of a Legal Advocate to aid his filing of his §2255 and/or Direct Appeal litigation.

CERTIFICATE OF SERVICE

I Gregory James Caton hereby certify that I mailed a true and correct copy of my motion for extension of time, addressed to:

U.S. Attorney's Office
Att: Christina Walker, AUSA
800 Lafayette, Ste 2200
Lafayette, LA 70501

on this the 10th day of February, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gregory James Caton', written in a cursive style.

Gregory James Caton
Reg. No. 07245-035
P.O. Box 26020
Beaumont, TX 77720-6020