

To: The Clerk of The
United States
Supreme Court

June 5th, 2018

RECEIVED

JUN 22 2018

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Re: US v. Juan Concepcion

Enclosed with this letter please find a letter which appointed counsel suggest I file a petition in the Supreme Court and ask for the granting of a certificate of appealability.

I am requesting for an extension of time to file my writ of certiorari and assistance on how to file a petition for an Extraordinary Writ. The following are the reasons why the granting of such writ is warranted and why it will aid the Court's appellate jurisdiction. The circumstances warrant the exercise of the Court's discretionary powers and in addition I cannot obtain relief from any other court. Consider the following: I was arrested at home without a search warrant under non-exigent Circumstances in violation of Payton v. New York, 445 U.S. 573. Without an arrest warrant no probable cause was established and without probable cause Court was void of jurisdiction ab initio. IV Amend. U.S. Constitution, Com. v. Vaughan, 789 A.2d 261, Illinois v. Gates, 462 U.S. 213. There was a criminal Complaint and supporting affidavit of probable cause but no arrest warrant issued. The affidavit of probable cause signed by the magistrate only verifies that the affidavit was sworn to and nothing more. Com. v. Chandler, 477 A.2d 851. Without a finding of probable cause put in writing and warrant issued thereon, the entire process was null and void ab initio.

Com v. Vaughan, *supra*, Com. v. McLean, 869 A.2d 587.

Since the trial court was void of jurisdiction ab initio so was the Superior Court. In other words, if no jurisdiction vest in the trial court no jurisdiction can vest in the Superior. Moreover, a sentence rendered by a trial court void of jurisdiction cannot be appealed because it legally does not exist.

In Pennsylvania, appellate cases are color coded to determine which cases will actually go before a panel of three judges. Most cases assigned to a three panel judgeship are never seen by the judges and the prothonotary unlawfully acts as the three panel appellate judges and rules against the appellants which is criminal. This is an uncontested fact which has to be addressed. Corrective action is warranted.

The aforementioned are my reasons why I should be afforded an extension and allowed to proceed, with these exceptional circumstances being present, under these extraordinary issues being present in my unlawful conviction.

Please accept this letter as an application, which is by the way submitted 10 days before the date petition is due, as these extraordinary circumstances clearly justify an extension. Additionally, can you kindly grant leave to proceed *in forma pauperis* as this is evidenced as my status in the previous Courts. Please send me copies of the enclosures. Thank you.

enclosures (2)

*order, U.S. Court of Appeals
for the 3rd Circuit.

*letter from Counsel

Respectfully yours,
Julia Concepcion



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May 16, 2018

Juan Concepcion
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Bellefonte, PA 16823

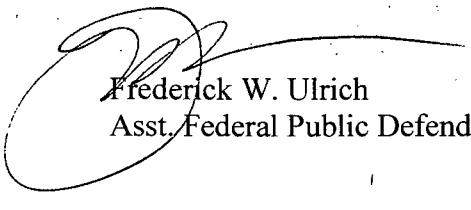
*Re: United States v. Juan Concepcion
Criminal No. 1:11-CV-02225
Appeal No. 17-3805*

Dear Mr. Concepcion:

I received your last two letters. By now, you should have received my letter of May 3, 2018, which included the order from the Third Circuit, granting my request to withdraw as counsel. As I explained in my previous letters, I was not able to identify any merit-worthy constitutional claims to advance in a Supreme Court filing. I know that whomever is helping you in the prison has a number of ideas regarding potential claims, but you did not raise those claims in state court or the federal district court. In addition, the District Court did not grant us a certificate of appealability and the Third Circuit denied our request for one. As a result, we do not have the statutory authority to appeal the underlying claims. *See 28 U.S.C. § 2253(b), (c).*

At this point, you may file a petition in the Supreme Court on your own and ask that Court to grant a certificate of appealability. As noted in your letter, you have to file such a request by June 21, 2018.

Sincerely,


Frederick W. Ulrich
Asst. Federal Public Defender

FWU/saj

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UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUITC.A. No. 17-3805

JUAN CONCEPCION,
Appellant

vs.

SUPERINTENDENT COAL TOWNSHIP SCI, ET AL.

(M.D. PA. CIV. NO. 1-11-CV-02225)

Present: RESTREPO, BIBAS and NYGAARD, Circuit Judges

Submitted are:

- (1) Appellant's application for a certificate of appealability under 28 U.S.C. § 2253(c)(1);
- (2) Appellees' response in opposition

in the above captioned case.

Respectfully,

Clerk

ORDER

The foregoing request for a certificate of appealability is denied. For substantially the reasons given by the Magistrate Judge, appellant has not made a substantial showing of the denial of a constitutional right nor shown that reasonable jurists would find the correctness of the procedural aspects of the District Court's determinations, debatable. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

By the Court,

s/ L. Felipe Restrepo
Circuit Judge

A True Copy:


Patricia S. Dodszuweit

Patricia S. Dodszuweit, Clerk
Certified Order Issued in Lieu of Mandate

Dated: March 23, 2018
sb/cc: All Counsel of Record