

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

TIMOTHY L. RODRIGUEZ - PETITIONER

VS.

DEWAYNE BURTON - RESPONDENT(S)


PROOF OF SERVICE

I, Timothy L. Rodriguez, do swear or declare that on this date June 22, 2017, pursuant to U.S. Supreme Court Rules 29. I have served the attached MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS AND PETITION FOR WRIT OF CERTIORARI on each party to the above proceeding, and on every person required to be served by depositing an envelope containing the above documents in the United States mail properly addressed and with first-class postage prepaid. The names and addresses of those served are as follows: Solicitor General of the United States Room 5616, Department of Justice, 950 Pennsylvania Ave. N.W. Washington, D.C. 20530-0001; and one copy to the Michigan Attorney General Bill Schuette, POST OFFICE 30217, Lansing, Michigan 48909. Pursuant to 28 U.S.C. § 1746.

/s/



Subscribed and sworn to before me,
a Notary Public. On this 22, day
of June of 2017,


Notary Public Signature/Stamp
My Commission Expires: 11/21/21



MAURICE WILLIAMS
NOTARY PUBLIC, STATE OF MI
COUNTY OF IONIA
MY COMMISSION EXPIRES Nov 21, 2021
ACTING IN COUNTY OF Ionia

Timothy L. Rodriguez #267838
R.A. Handlon Correctional Facility
1728 W. Bluewater Hwy.
Ionia, Michigan 48846

September 7, 2018

Clerk of the Court
SUPREME COURT
OF THE UNITED STATES
1 First Street N.E.
Washington, DC 20543-0001

RE: Rodriguez v. Burton, Warden
USCA6 No. 16-2763

Dear Mr. Duggan,

On August 31, 2018, I received your letter dated August 29, 2018. You returned my petition for writ of certiorari stating that, "The petition is out-of-time.". You are incorrect sir. Attached are my original file copies showing proof that I sent to your office my petition which is dated June 22, 2017 with a notarized proof of service of my timely filed petition.

On July 26, 2018 you returned my petition and asked me to clarify if I was filing, In Forma Pauperis or as a Veteran. You gave me 60 days to correct my petition and I did so in a timely manner. There was no mention of being out-of-time. This matter could have been resolved when I returned my corrected petition on August 13, 2018.

I do not know why your office did not receive my petition filed in June of 2017. However, I am returning my petition for a docket number. It has been well over one year from my timely filing of this petition. A copy of this letter will be going to the Office of the Solicitor General to see who was responsible for this blunder and whether further action should be taken to the individual(s) responsible.

I thank you in advance for your attention in this matter.

Respectfully submitted,



Timothy L. Rodriguez #267838

Timothy L. Rodriguez #267838
R. A. Handlon Corr, Facility
1728 W. Bluewater Hwy.
Ionia, Michigan 48846

June 22, 2017

TO: Office of the Clerk
Supreme Court of the
United States
1 First Street, N.E.
Washington, DC 20543-0001

RE: PETITION FOR WRIT OF CERTIORARI

Dear Clerk of the US Supreme Court,

Enclosed please find PETITION FOR WRIT OF CERTIORARI, MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PROOF OF SEVICE that all parties were served.

Please file in your usual manner and forward me a letter of acknowledgment, so that I have a record of its filing and the date on which it was filed. I thank you in advance.

Respectfully submitted,


/s/ _____

Timothy L. Rodriguez #267838
R. A. Handlon Corr. Facility
1728 W. Bluewater Hwy.
Ionia, Michigan 48846

cc: Michigan Attorney General Office
Office of the Solicitor General

**Additional material
from this filing is
available in the
Clerk's Office.**