

18A-105

IN THE
SUPREME COURT
OF THE
UNITED STATES OF AMERICA

FILED
NOV 22 2018
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN RE: DEE DEIDRE FARMER,
Petitioner,

MOTION FOR EXTENSION OF TIME
IN WHICH TO FILE PETITION FOR WRIT OF CERTIORARI

Dee Deidre Farmer
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P.O. Box 1600
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Pro' se

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Dated: November 20, 2018
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TO; THE HONORABLE RUTH B. GINSBURG, ASSOCIATE JUSTICE
SUPREME COURT OF THE UNITED STATES

Petitioner Dee Deidre Farmer (hereinafter "Pet. FARMER") respectfully request that this Court grant her, pursuant to Rule 39(4) of the Rules of the Supreme Court, an extension of time of sixty (60) days in which to file her petition for writ of certiorari to review the judgment of the United States Court of Appeals for the District of Columbia for good cause shown. In support thereof, Pet. FARMER respectfully submits:

JURISDICTION OF THIS COURT

This Court has jurisdiction under Title 28, United States Code, Section 2101(c) to review the judgment of the United States Court of Appeals for the District of Columbia.

That is, to review the judgment entered by the United States Court of Appeals on September 7, 2018. (EXHIBIT 1)

BRIEF FACTUAL BACKGROUND OF THE CASE

Dee Deidre Farmer (see *Farmer v. Brennan*, 511 U.S. 825 (1994)), filed a complaint against federal prison officials claiming, amongst other things, that her rights were violated when those officials placed her and continued to house her in the general population despite knowledge that she was transgender, severely ill from her disease (AIDS) and the prescribed treatments and was non-functional due to prescribed psychotropic medication (deemed to be over-medication by experts) coupled with her blindness which resulting in, amongst other things, her being sexually assaulted while comatose ---from the over-medication.

BRIEF PROCEDURAL HISTORY

Pet. FARMER's petition for writ of mandamus, rehearing, and rehearing en banc asking the appellate court to declare the district court's transfer order impermissible, which includes the transfer of claims brought under *Bivens v. Six Unknown Narcotic Agents*, 403 U.S. 388 (1971)(hereinafter "Bivens claims") to a judicial district where none of the

defendants resided and none of the events or omissions took place. Further, Pet. FARMER asserted that the mere fact that she had been transferred to the Eastern District of North Carolina was not a legal basis upon which venue jurisdiction could lie for Bivens claims or otherwise as her place of confinement was not her place of residence for federal venue purposes.

The appellate denied the petition for writ of mandamus ---citing legal precedent that dealt with the transfer of a case to where the defendants resided or the events or omissions were situated, and cases involving writ of habeas corpus, which were transferred to the judicial district in which the prisoner's immediate custodian could be found.

In a petition for rehearing and rehearing en banc, Pet. FARMER specifically argued that a prisoner's place of confinement is not his/her residence for federal venue purposes, and asked the appellate court to address this issue directly because only it and one other federal judicial district has held that a prisoner's place of confinement alone is sufficient to establish federal venue. Moreover, Pet. FARMER noted that at least one federal judicial district had noted the split of federal case authority on this issue.

The appellate court denied the petition for rehearing and rehearing en banc.

MELODIOUS ISSUES WARRANTING GRANT OF
PETITION FOR WRIT OF CERTIORARI

The issues to be presented warrants review by this Court. Specifically, Pet. FARMER will ask this Court to resolve the split within the federal judiciary AS to whether for federal venue purposes a prisoner is a resident of where he/she is involuntary confined or where he/she voluntarily resided prior to his/her confinement. And, whether a prisoner's place of confinement establishes an exception to the general statutes governing Bivens claims which would allow those claims to be proper in a judicial district where none of the named defendants resided and none of the alleged acts or omission giving rise to the cause of action is situated.

With over one million persons being clustered, mostly in rural areas, in federal and state prisons throughout the country the issue of federal venue is a substantive one the hinges upon fairness in the judiciary process ---i.e. judgments from places far away from where the prisoner lived and those places and persons more familiar with nature of the prisoner.

Accordingly, Pet. FARMER seeks to present these issues in a petition for writ of certiorari.

GOOD CAUSE FOR EXTENSION OF TIME
IN WHICH TO FILE PETITION FOR WRIT OF CERTIORARI

During the early 1990'S when this Court heard Farmer v. Brennan, supra, it was stated therein that she had been diagnosed with HIV (Human Immunodeficiency Virus). By the late 1990'S, Pet. FARMER's HIV had progressed to AIDS (Acquired Immunodeficiency Syndrome). Since that time, Pet. FARMER's physical and mental health have significantly deteriorated.

Pet. FARMER now is wheelchair bound and legally blind. She suffers from physical ailments and psychiatric disorders that could, and have been predicted, to end her life soon. Pointedly, Pet. FARMER has multiple physical deteriorated conditions as well as substantial psychiatric conditions, including schizophrenia,

major depression, bipolar disorder and sleep deprivation syndrome). She is unable to read and write without a reasonable accommodation for her blinds and AIDS-related peripheral neuropathy, which federal prison officials refuse to provide. Thus, Pet. FARMER is solely dependent upon the assistance of others, including for the drafting and preparation of this motion.

Pet. FARMER's medical conditions are adequately described in the documents attached accompanying this motion, which are filed under seal.

At this time, Pet. FARMER is a hospice care patient with little resources and abilities.


However, Shannon Minter, Lead Attorney, has agreed to assist Pet. FARMER with the preparation of a petition for writ of certiorari in this case.

Yet, due to Pet. FARMER's state of being communications have been substantially delayed and preparation of the petition has stalled at various times within the last three months.

CONCLUSION

For all the foregoing reasons, Pet. FARMER prays that the Honorable Ruth B. Ginsburg, Justice or another of the Honorable Justices of this Court grant her an extension of time of sixty (60) days in which to file a petition for writ of certiorari; and/or any other relief deemed just and proper under the circumstances.

Respectfully submitted,



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