

**IN THE
UNITED STATES
SUPREME COURT DISTRICT COURT**

DONALD LOSTON

CASE NUMBER: 18-30988

VERSUS

WARDEN SANDY MCCAIN

DECLARATION IN SUPPORT OF PLAINTIFF'S WRIT OF CERTIORARI

Donald Loston states:

1. I am the plaintiff in the above-entitled case. I make this declaration in support of my Writ of Certiorari.
2. The complaint in this case alleges that the plaintiff was not timely received nor postmarked by the due date.
3. Accordingly the alleged documentation claims that "The date of the lower court judgment or order denying a timely petition for rehearsing was January 24, 2019. Therefore, the petition was due on or before April 24, 2019."
4. Plaintiff has enclosed a receipt dated 04/24/19 and posted marked by the institution as an exhibit in said matter.
5. The plaintiff further alleges that due to his lack of legal knowledge he was under the assistance of an Offender Counsel Substitute.
6. Plaintiff gave legal documents to counsel substitute within a timely manner in hopes of meeting all required court rules.

7. As set forth in the Memorandum of law submitted with this motion, these facts, along with the legal merit of plaintiff's claims, support said Writ of Certiorari.

WHEREFORE, the plaintiff's motion for appointment of counsel should be granted.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Signed this 8 day of May, 2019.

Donald Loston

Donald Loston #295505

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