

IN THE UNITED STATES SUPREME COURT

WASHINGTON D.C. 20543-0001

ADDRESSED TO JUSTICE CLARENCE THOMAS

DAMIEN FORD  
PLAINTIFF

N.S.

DERWIN METCALF, ET AL  
DEFENDANTS

MOTION TO STAY

CIVIL ACTION No. 18-3571

Comes Now the plaintiff, DAMIEN FORD ADC #143035, with his Motion to Stay in the United States Supreme Court IN WASHINGTON D.C., MR. FORD Moves the U.S. Supreme Ct. To Stay the Mandate to File Writ of Certiorari For the Following reason(s):

Mr. FORD had gotten his cases that is and was Filed in the United States District Court For the Eastern District of ARKANSAS mixed up and MR. FORD Filed A premature Notice of Appeal From U.S. DIST. Ct., E.D. OF ARK., case No. 5:17-cr-00230-KGB-JTK to the United States Court of Appeals For the 8th Circuit of ARKANSAS

DALE FORD

(MTS)

Civil action No. 18-3571

Where Case No. 18-3571 Was given. The U.S.,  
8<sup>th</sup> Cir; Started the Mandate, after they acknow-  
ledged that the (NoA) Notice of Appeal was Filed  
Prematurely, MR. FORD then Filed A MOTION TO STAY  
the Mandate until A ruling has been made in the  
U.S. DIST. Ct. E.D. of ARK., and the U.S. Ct. of Appeals  
For the 8<sup>th</sup> Circuit refused to grant the STAY,  
therefore right now the clock is TICKING on the  
Mandate to File Writ of Certiorari; with this Court  
Within the (90) NINETY day limit/er deadline. MR. FORD  
seeks relief from this Judgment pursuant to the  
U.S.S.C. Rule 23 and also see 28 U.S.C. § 2101(F),  
the relief sought is NOT available from any other court  
because No other U.S. Ct. reigns Supreme over A U.S.  
Court of Appeals and this court is the proper court  
to seek relief in from this Judgment which is also  
Premature, MR. FORD states that his Notice of Appeal  
was transmitted by the 8<sup>th</sup> Cir. Ct. Clerk on 12-4-18

DALR 7-FL

(MTS)

Civil action No. 18-3571

See Exhibits A(1) - A(4). MR. FORD states that the U.S. 8th Cir. Ct. acknowledged the prematurely filed Notice of Appeal on 12-13-18 and denied it along with MR. FORD's preliminary injunction for lack of jurisdiction, see Exhibits B(1) - B(3) (the preliminary injunction was said to be unfounded). The 8th Cir. Ct. issued a mandate on 1-9-19, see Exhibits C(1) - C(3). MR. FORD filed a motion to stay the mandate on 1-23-19 due to the prematurely filed Notice of Appeal. See Exhibits D(1) - D(2). On 1-25-19 the U.S. 8th Cir. Ct. of Appeals denied MR. FORD's motion to stay. See Exhibits E(1) - E(2). This makes the mandate deadline on 4-9-19. Today is Tuesday, 3-5-19 making the mandate deadline be up in 35 days. MR. FORD states that a ruling has still yet to be made and that he is in the stages of filing a brief and getting ready for summary judgment. MR. FORD asks that the mandate deadline be restarted and stayed until a final ruling has been made in the U.S. Dist. Ct., E.D. of Ark. MR. FORD, contends he states that this will not inconvenience the def-

(MTS)

Civil Action No. 18-3571

- endants and that this is not in anyway A delay of Justice and IF anything this will help to ensure that Justice is being Accomplished IN the instant case, MR. FORD States that he is entitled/or should be entitled to equitable tolling based on Pace v. Diuguid/Mo, 544 U.S. 408, 418, 125 S.Ct. 1807 (2005), since MR. FORD has been Pursuing his rights diligently and since some extra-ordinary circumstances stood in his way, which is the U.S. 8th Cir. Ct. refusing to stay the Mandate and restart the deadline after acknowledging that the Notice of Appeal was prematurely Filed, while A ruling has still NOT been made in the instant case, MR. FORD States that refusal of this Court to grant the requested relief will result in/or <sup>most likely</sup> ~~possibly~~ result in A great miscarriage of Justice based on Murray v. Carrier, 477 U.S. 478, 495-96, 106 S.Ct. 2639 (1986), also see Edwards v. Carpenter, 529 U.S. 446, 451, 120 S.Ct. 1587 (2000), MR. FORD ASKS this Court to grant any and all other relief that may be just and proper in conjunction with the requested relief.

Respectfully  
Submitted James 11

MOTION TO STAY  
Civil action No. 18-3571

MEMORANDUM OF LAW

MR. FORD brings his motion to stay a mandate issued in the ~~United~~ U.S. 8th Circuit Court of Appeals for ARKANSAS, MR. FORD got his United States District Court for the EASTERN District of ARKANSAS cases mixed up and MR. FORD prematurely filed a Notice of Appeal in the 8th Circuit from Case No. 5:17-cv-00230-KGB-JTK in the U.S. DIST. CT., E.D. of ARK. The Notice of Appeal was transmitted by the 8th Cir. Ct. Clerk on 12-4-18 (See Exhibits A(1) - Exhibits A(4)). MR. FORD's Notice of Appeal was acknowledged as prematurely filed by MR. FORD and was denied for lack of jurisdiction by the 8th Cir. on 12-13-18 along with a Preliminary injunction which was denied as untimely filed and the 8th Cir. stated that it lacked jurisdiction on that as well (See Exhibits B(1) - Exhibits B(3)). The 8th Cir. Ct. issued a Mandate on 1-9-19 (See Exhibits C(1) - Exhibits C(3)), MR. FORD then filed a motion to stay the Mandate on 1-23-19 (See Exhibits D(1) - Exhibits D(2)), on 1-25-19 the 8th Cir. Ct. of Appeals denied MR. FORD's motion to stay the Mandate (See Exhibits E(1) - Exhibits E(2)). MR. FORD seeks relief from this judgment pursuant to the United States Supreme Court Rule 23 and also see 28 U.S.C. § 2101(f).

(MOL)

Civil action No. 18-3571

MR. FORD STATES that todays' date is 3-5-19 and that the Mandate deadline is 4-9-19 leaving MR. FORD 35 days for the FILING of A Writ of Certiorari and A ruling has NOT even been made in the United States District Court for the Eastern District of ARKANSAS. MR. FORD ASKS this Court to stay and restart the Mandate deadline over and to NOT allow the stay to be LIFTED until A FINAL order has been made in the U.S. District Court for the EASTERN District of ARKANSAS in CIVIL ACTION No. 5:17-CV-00230-KGB-JTK. MR. FORD STATES that he should be entitled to equitable TOLLING based on PAGE V. DUGUGHE (No, 544 U.S. 408, 418, 125 S.Ct. 1807 (2005)) since he has been pursuing his rights diligently, and SINCE extraordinary CIRCUMSTANCES stood in his way, which is the 8th Circuit Ct. refusing to stay the Mandate to FILE A Writ of Certiorari until A FINAL order for ruling has been made in CIVIL ACTION No. 5:17-CV-00230-KGB-JTK and also by the 8th Circuit Ct. refusing to restart the Mandate to give MR. FORD the SUFFICIENT AMOUNT OF time to prepare A Writ of Certiorari after the U.S. DIST. Ct. ISSUES an order for ruling, MR. FORD STATES that IF the UNITED STATES Supreme Court refuses to grant the relief requested, that A great MISCHIEF OF

(MOL)

Civil Action No. 18-3571

Justice would most likely occur based on Murray v. Carpenter, 477 U.S. 478, 495-96, 106 S.Ct. 2639 (1986), also see Edwards v. Carpenter, 529 U.S. 446, 451, 120 S.Ct. 1587 (2000). Mr. FORD asks this Court to grant the requested relief and any and all other relief that may be just and proper.

Exhibit A (1)

Mr. Damien Ford  
#143035  
ARKANSAS DEPARTMENT OF CORRECTION  
MAXIMUM SECURITY UNIT  
2501 State Farm Road  
Tucker, AR 72168

United States Court of Appeals  
*For The Eighth Circuit*  
Thomas F. Eagleton U.S. Courthouse  
111 South 10th Street, Room 24.329  
St. Louis, Missouri 63102

Exhibit A (2)

Michael E. Gans  
*Clerk of Court*

VOICE (314) 244-2400  
FAX (314) 244-2780  
[www.ca8.uscourts.gov](http://www.ca8.uscourts.gov)

December 04, 2018

Mr. Damien Ford  
ARKANSAS DEPARTMENT OF CORRECTION  
143035  
MAXIMUM SECURITY UNIT  
2501 State Farm Road  
Tucker, AR 72168

RE: 18-3571 Damien Ford v. Derwin Metcalf, et al

Dear Mr. Ford:

The district court clerk has transmitted a notice of appeal in this matter, and we have docketed it under the caption and case number shown above. Please include the caption and case number on all correspondence or pleadings submitted to the court.

The district court has granted you leave to proceed in forma pauperis and has set a payment schedule. All payments must be made to the district court clerk's office. Payments should bear the inmate's name and register number, as well as the district court case number. The payment should also indicate that it is being applied to the appeal fee for this case. Any questions about payment of the fee should be directed to the clerk of the district court.

The case has been referred to a panel of judges for initial review, and no briefing schedule has been set. You do not need to file any additional documents or pleadings at this time. We will advise you of any action taken in the case.

Please note that service by pro se parties is governed by Eighth Circuit Rule 25B. A copy of the rule and additional information is attached to the pro se party's copy of this notice.

Michael E. Gans  
Clerk of Court

TMF

Enclosure(s)

cc: Ms. Renae Ford Hudson  
Mr. Jim McCormack

District Court/Agency Case Number(s): 5:17-cv-00230-KGB

**Caption For Case Number: 18-3571**

*Exhibit A(3)*

Damien Ford

Plaintiff - Appellant

v.

Derwin Metcalf, Major, Delta Regional Unit; James Banks, Warden, Delta Regional Unit; Gibson, Assistant Warden, Delta Regional Unit; Wendy Kelley, Director, ADC; Jada Lawerance, Assistant Director, ADC; Raymond Naylor, Disciplinary Appeals Administrator, ADC; Nall; Jane Does, Sergeant, Delta Regional Unit; Disciplinary Supervisor, Delta Regional Unit; Disciplinary Hearing Officer, ADC; Dexter Payne, Assistant Director, Arkansas Department of Correction; Harris, Supervisor, Delta Regional Unit, ADC

Defendants - Appellees

Addresses For Case Participants: 18-3571

*Exhibit A(4)*

Mr. Damien Ford  
ARKANSAS DEPARTMENT OF CORRECTION  
143035  
MAXIMUM SECURITY UNIT  
2501 State Farm Road  
Tucker, AR 72168

Ms. Renae Ford Hudson  
ATTORNEY GENERAL'S OFFICE  
200 Catlett-Prien Building  
323 Center Street  
Little Rock, AR 72201-0000

Mr. Jim McCormack  
U.S. DISTRICT COURT  
Eastern District of Arkansas  
Room A149  
600 W. Capitol Avenue  
Little Rock, AR 72201-0000

*Exhibit B(1)*

Mr. Damien Ford  
#143035  
ARKANSAS DEPARTMENT OF CORRECTION  
MAXIMUM SECURITY UNIT  
2501 State Farm Road  
Tucker, AR 72168

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UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

*Exhibit B (2)*

No: 18-3571

Damien Ford

Plaintiff - Appellant

v.

Derwin Metcalf, Major, Delta Regional Unit; James Banks, Warden, Delta Regional Unit; Gibson, Assistant Warden, Delta Regional Unit; Wendy Kelley, Director, ADC; Jada Lawerance, Assistant Director, ADC; Raymond Naylor, Disciplinary Appeals Administrator, ADC; Nall; Jane Does, Sergeant, Delta Regional Unit; Disciplinary Supervisor, Delta Regional Unit; Disciplinary Hearing Officer, ADC; Dexter Payne, Assistant Director, Arkansas Department of Correction; Harris, Supervisor, Delta Regional Unit, ADC

Defendants - Appellees

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Appeal from U.S. District Court for the Eastern District of Arkansas - Pine Bluff  
(5:17-cv-00230-KGB)

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**JUDGMENT**

Before LOKEN, GRUENDER and GRASZ, Circuit Judges.

The appeal from the denial of Ford's motion for a preliminary injunction is dismissed for lack of jurisdiction as untimely. The remainder of the appeal is dismissed for lack of jurisdiction because there is no final district court order.

December 13, 2018

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

Exhibit B(3)

Exhibit C(1)

Mr. Damien Ford  
#143035  
ARKANSAS DEPARTMENT OF CORRECTION  
MAXIMUM SECURITY UNIT  
2501 State Farm Road  
Tucker, AR 72168

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United States Court of Appeals

*For The Eighth Circuit*

Thomas F. Eagleton U.S. Courthouse

111 South 10th Street, Room 24329

St. Louis, Missouri 63102

*Exhibit C(2)*

Michael E. Gans  
*Clerk of Court*

VOICE (314) 244-2400  
FAX (314) 244-2780  
[www.ca8.uscourts.gov](http://www.ca8.uscourts.gov)

December 13, 2018

Mr. Damien Ford  
ARKANSAS DEPARTMENT OF CORRECTION  
143035  
MAXIMUM SECURITY UNIT  
2501 State Farm Road  
Tucker, AR 72168

RE: 18-3571 Damien Ford v. Derwin Metcalf, et al

Dear Sir:

Enclosed is a copy of the dispositive order in the referenced appeal. Please note that FRAP 40 of the Federal Rules of Appellate Procedure requires any petition for rehearing to be filed within 14 days after entry of judgment. Counsel-filed petitions must be filed electronically in CM/ECF. Paper copies are not required. This court strictly enforces the 14 day period. **No grace period for mailing is granted** for pro-se-filed petitions. A petition for rehearing or a motion for an extension of time must be filed with the Clerk's office within the 14 day period.

Michael E. Gans  
Clerk of Court

JMM

Enclosure(s)

cc: Ms. Renae Ford Hudson  
Mr. Jim McCormack

District Court/Agency Case Number(s): 5:17-cv-00230-KGB

UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

No: 18-3571

Damien Ford

Exhibit C (3)

Appellant

v.

Derwin Metcalf, Major, Delta Regional Unit, et al.

Appellees

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Appeal from U.S. District Court for the Eastern District of Arkansas - Pine Bluff  
(5:17-cv-00230-KGB)

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**MANDATE**

In accordance with the judgment of 12/13/2018, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above-styled matter.

January 09, 2019

Clerk, U.S. Court of Appeals, Eighth Circuit

*Exhibit D (1)*

Mr. Damien Ford  
#143035  
ARKANSAS DEPARTMENT OF CORRECTION  
MAXIMUM SECURITY UNIT  
2501 State Farm Road  
Tucker, AR 72168

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**Eighth Circuit Court of Appeals**

**PRO SE Notice of Docket Activity**

The following was filed on 01/18/2019

**Case Name:** Damien Ford v. Derwin Metcalf, et al

**Case Number:** 18-3571

**Docket Text:**

MOTION for stay of mandate (recall), filed by Appellant Mr. Damien Ford w/service 01/23/2019. [4748512] [18-3571]

**The following document(s) are associated with this transaction:**

Document Description: Motion to stay mandate

**Notice will be mailed to:**

Mr. Damien Ford  
ARKANSAS DEPARTMENT OF CORRECTION  
143035  
MAXIMUM SECURITY UNIT  
2501 State Farm Road  
Tucker, AR 72168

**Notice will be electronically mailed to:**

Ms. Renae Ford Hudson: [renae.hudson@arkansasag.gov](mailto:renae.hudson@arkansasag.gov),  
[agcivil@arkansasag.gov](mailto:agcivil@arkansasag.gov),[danielle.law@arkansasag.gov](mailto:danielle.law@arkansasag.gov),[kelly.rowland@arkansasag.gov](mailto:kelly.rowland@arkansasag.gov)

Exhibit E(1)

Mr. Damien Ford  
#143035  
ARKANSAS DEPARTMENT OF CORRECTION  
MAXIMUM SECURITY UNIT  
2501 State Farm Road  
Tucker, AR 72168

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UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

No: 18-3571

*Exhibit E(2)*

Damien Ford

Appellant

v.

Derwin Metcalf, Major, Delta Regional Unit, et al.

Appellees

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Appeal from U.S. District Court for the Eastern District of Arkansas - Pine Bluff  
(5:17-cv-00230-KGB)

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**ORDER**

The motion to stay or recall the mandate is denied.

January 25, 2019

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans