

CAPITAL CASE

COVER

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

WADE GREELY LAY # 846263

Petitioner,

v.

UNITED STATES OF AMERICA et.al.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED

STATES COURT OF APPEALS FOR THE TENTH CIRCUIT - NO. 18-1035

PETITIONER'S APPLICATION FOR EXTENSION OF TIME TO

FILE PETITION FOR WRIT OF CERTIORARI

my Day
-26-19

NOTARY HERE ABOVE

WADE GREELY LAY # 846263

OKLAHOMA STATE PENITENTIARY

P.O. BOX 91

MCNESTER, OKLAHOMA

RECEIVED**MAR 1 - 2019**OFFICE OF THE CLERK
SUPREME COURT, U.S.

PETITIONER'S APPLICATION FOR EXTENSION
OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI

To the Honorable Sonia Sotomayor, Associate Justice of the United States Supreme Court
and Circuit Justice for the Tenth Circuit

IN ACCORDANCE WITH RULES 13.6, 30.2, AND 30.3 OF THE Rules of the Supreme
Court of the United States, AND FOR THE REASONS SET FORTH HEREIN, PETITIONER,
WADE GREELEY LAY, RESPECTFULLY APPLIES TO THIS COURT FOR AN ORDER EXT-
ENDING THE TIME IN WHICH TO FILE HIS PETITION FOR A WRIT OF CERTIORARI
FROM MARCH 04, 2019, UNTIL MAY 02, 2019, A PERIOD OF SIXTY (60) DAYS. IN

SUPPORT OF THIS APPLICATION, PETITIONER SHOWS THE COURT AS FOLLOWS:

BACKGROUND

MR. WADE LAY IS INCARCERATED UNDER A CONVICTION OF FIRST DEGREE
MURDER FOR WHICH HE HAS BEEN SENTENCED TO DEATH. PETITIONER (LAY)

DID NOT RECEIVE A FAIR AND LAWFUL TRIAL, NOR HAS HE BEEN ABLE TO FILE

A WRIT OF HABEAS CORPUS UNDER THE RULES AND LAWS OF THE ANTI-TERRA-

ORISM AND EFFECTIVE DEATH PENALTY ACT (AEDPA). ON DECEMBER 04,

2018, THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT ISSUED AN

ORDER IN CASE NO. 18-7035, WHEREIN THE COURT DISMISSED THE CASE

ERRONEOUSLY FOR FAILURE TO PROSECUTE. (SEE ORDER ATTACHED HERETO AS ATTACH-

MENT 808-A).

Lucy V. United States, et.al., IS ORIGINALLY FILED IN THE UNITED STATES DIST-

RICT COURT FOR THE EASTERN DIST. OF OKLAHOMA (U.S.D.C. E.D./OK.), CASE NO.

(CW-18-139-RAW). THE E.D. COURT FALLACIOUSLY CHARACTERIZES THE CASE

AGAINST FIVE (5) PARTIES, NONE OF WHICH CAN BE DEFINED AS A "STATE

"OFFICER WHO HAS CUSTODY", AS A CASE THAT SHOULD BE FILED IN THE U.S.D.C.

N.D./OK., PURSUANT TO 28 USC § 2241. (SEE DKT# 7 & 8 IN CASE NO. CIV-18-

139-RAW, ATTACHED HERETO AS ATTACHMENT BOB-B.). UNITED STATES DISTRICT

JUDGE RONALD A WHITE DISMISSES THE CASE WITHOUT PREJUDICE ON JULY

13, 2018.

SUBSEQUENT TO THIS RULING, LAY FILES A NOTICE OF APPEAL ON JULY 16,

2018. (SEE DKT# 9 OF *Lay v. United States*, CIV-18-139-RAW). VERY QUICKLY THE

CIRCUIT COURT ORDERS LAY IN A TWO JUDGE PANEL HEARING (BACHARACH AND

PHILLIPS), TO PETITION THE DISTRICT COURT FOR A CERTIFICATE OF APPEALABILITY,

PURSUANT TO 28 USC § 2253(c)(1)(A), ON JULY 24, 2018. (SEE DKT# 14, 18-139-RAW;

AND ATTACHMENT BOB-C.).

U.S. DIST. JUDGE WHITE WITHOUT DELAY DENIES CERTIFICATE OF APPEALAB-

ILITY, CONTRARY TO THE FACTS THE E.D. COURT STATES:

"AFTER CAREFUL REVIEW, THIS COURT FINDS PETITIONER HAS NOT SHOWN AT LEAST, THAT JURIST OF REASON WOULD FIND IT DEBATABLE WHETHER THE PETITION STATES A VALID CLAIM OF THE DENIAL OF A CONSTITUTIONAL RIGHT AND THAT JURIST OF REASON WOULD FIND IT DEBATABLE WHETHER [THIS] COURT WAS CORRECT IN ITS PROCEDURAL RULING. 'Slack v. McDaniel', 529 U.S. 473, 484 (2000). THEREFORE, A CERTIFICATE OF APPEALABILITY SHOULD NOT BE ISSUED.

IT IS SO ORDERED THIS 26TH DAY OF JULY 2018."

THE RECORD HOWEVER REVEALS A VERY DIFFERENT SET OF CIRCUMSTANCES.

LAY NEVER PETITIONS THE E.D. COURT FOR A CERTIFICATE OF APPEALABILITY, BE-

CAUSE *Lay v. United States*, IS A CASE AGAINST THREE CLERKS OF UNITED STATES

COURTS, I.E., LISA NESBITT, ELIZABETH SHUMAKER, PHIL LONGARDO; AND A FEDERAL

PUBLIC DEFENDER, SUSAN OTTO; TO INCLUDE, THE UNITED STATES OF AMERICA.

END

1) SEE EXHIBIT 808-1

IT IS NOT AN APPLICATION FOR A WRIT OF HABEAS CORPUS UNDER 28 USC. § 2241(A),
OR § 2254(C).

FOR THAT REASON LAY RENEWS HIS APPEAL TO THE TENTH CIRCUIT COURT, WITH
A MOTION TO STAY THE PROCEEDINGS, PURSUANT TO RULE - 11, RULES OF THE SUPREME
COURT OF THE UNITED STATES, ² CERTIORARI TO A UNITED STATES COURT OF APPEALS

BEFORE JUDGMENT². WHAT FOLLOWS IS ALARMING!

THE CLERK OF THE U.S. SUP. CT. (REDMOND BARNES), MISHANDLES THREE SUBSTANTIVE
ISSUES OF WADE LAY'S PETITION TO STAY THE PROCEEDINGS PURSUANT TO RULE - 11,
RULES OF THE SUPREME COURT OF THE UNITED STATES. ACTING IN CONCERT WITH MR.

BARNES, THE CLERK OF THE TENTH CIRCUIT COURT (CHRIS WOLPERT), AFTER

THE CIRCUIT COURT REFUSES TO CONSIDER THE MOTION UNDER RULE - 11,

E.W.*

2) SEE EXHIBIT BOB-2

IGNORING WADE LAY'S RIGHTS AS RECOGNIZED BY CONGRESS IN 18 USC

§ 2101(e). THE CHIEF DEPUTY CLERK, CHRIS WOLBERT, ATTEMPTS TO COM-

PEL LAY TO SUBMIT *i.f.p.* FORMS THAT ARE INCOMPLETE, DISREGARDING

THE FACT O.S.P. IS DENYING LAY *i.f.p.* CERTIFICATION; ALSO, THE CLERK OF

THE SUPREME COURT WILL NOT RECOGNIZE THE CERTIORARI PETITION UNDER

RULE - 11, Rules of the Supreme Court of the United States. REDMOND BARNES RETURNS

THE CERT. PETITION *Hay V. United States*, 18-139-RHW, AS *Lay V. O.R.C.*, 17-1224-D,

NO. 18-6024 (NOT 2018); 18-1404, THE CERT. PETITION THAT WAS AT THAT TIME

PENDING.

ARGUMENTS AND AUTHORITIES

PETITIONER WADE LAY SEEKS A WRIT OF CERTIORARI TO THE UNITED STATES

F.W.

3) SEE EXHIBIT 808-3.182 / *) SEE EXHIBIT 808-4.182

COURT OF APPEALS FOR THE TENTH CIRCUIT WITH RESPECT TO ITS DECISION
RENDERED JULY 24, 2018, AND ITS DECISION UNDER THE INTERMEDIATELY CHRIS
WOLPERT, (WHICH IS SUBJECT TO REVIEW BY THE COURT, BUT THE CLERK OF THE
CIRCUIT COURT WOULD NOT ALLOW SUCH A REVIEW CONTRARY TO THE RULE) RENDERED
DEC. 04, 2018, DISMISSING THE CASE.

IN THE FIRST INSTANCE, THE TWO JUDGE PANEL (U.S. CIRCUIT JUDGES BACHMANN
AND PHILLIPS), WHERE THE RULING CITES *Montez V. McKinnon*, 208 F.3d 862,
867 (10TH CIR. 2000), AND THEN ATTEMPTS TO CHARACTERIZE A CASE AGAINST
FEDERAL ACTORS, AS IF THEY WERE ASSOCIATED IN SOME LEGAL NEXUS
ATTACHING THEM TO THE JUDGMENT OF A STATE COURT. THE PREPOSTEROUS
NOTION IS PUT FORTH, THAT, THE CLERKS OF THE U.S. SUP. CT.; THE TENTH

END

4) SEE EXHIBIT 808-C

CIRCUIT COURT OF APPEALS; THE U.S.D.C. N.D./OK.; AND FEDERAL
PUBLIC DEFENDER (SUSAN OTTO), COULD SOMEHOW CONSTITUTE A "STATE
OFFICER WHO HAS CUSTODY." (SEE RULE-2, Rules Governing Section
2254 Cases in the United States District Courts).

UNDER THE TENTH CIRCUIT'S OWN PRECEDENT, THIS SAME CRITERION APPLIES
TO 28 USC § 2241(d), i.e., "A PERSON IN CUSTODY UNDER THE JUDGMENT AND
SENTENCE OF A STATE COURT". THE U.S.D.C. E.D./OK., AND THE TENTH
CIRCUIT COURT OF APPEALS ARE WELL AWARE OF *Lay V. Trammell / Incarrior*.

CU-15-358-TCK-PJC; NO. 15-5067, FILED IN THE EASTERN DISTRICT COURT,
TRANSFERRED BY JUDGE WHITE OF *Lay V. U.S.*, TO JUDGE PAYNE, BEING A
JUDGE IN BOTH THE E.D. COURT, AND THE N.D. COURT, FILED AGAINST

THE WARDEN(S) AT O.S.P., CONCERNING THE SAME CIRCUMSTANCES,

BUT PRESENTED AS A McFarland MOTION UNDER 18 USC § 3599.

IT IS THE CIRCUMSTANCES CLAUSE OF 28 USC § 2254(b)(1)(B)(ii), WHICH

IS A COMMON LAW INQUIRY THAT ALSO ENCOMPASSES THE SECOND INSTANCE,

6
I.E., THE DEC. 04, 2018 DISMISSAL BY CHIEF DEPUTY CLERK CHRIS WOLPERT.

MR WOLPERT FLAGRANTLY IGNORES THE ILLEGAL CONDITIONS AT THE STATE

CORRECTIONAL INSTITUTION, AN ILLEGAL ATMOSPHERE THAT CONTINUES; WHERE-

BY THE CIRCUIT COURT IN *Hay V. O.D.C.*, (CERT. NO. 18-4404, NOW PENDING IN

THIS COURT), 18-6024 (10TH CIR. 2018), TREATS WITHOUT DUE RESPECT FOR

THE PREVAILING LAWS PROTECTING LAY'S RIGHTS, AN ABSOLUTE MANDATE BY

CONGRESS, AS IF IT IS OF NO SIGNIFICANCE, I.E., THE FUNDAMENTAL RIGHT TO ACCESS

K.O.#

5) SEE ATTACHMENT BOB-A

COURTS, TO ATTAIN *lit.p.* CERTIFICATION.

THEREFORE, WHEN LAY IN HIS OPENING BRIEF, IN *lay V. O.D.O.C.*, 18-6024,

STATES, THE FOLLOWING: "TO IGNORE SUCH CORRUPTION WITHIN

THIS STATE ENTITY GIVES THE IMPRESSION, A CORRUPT INSTITUTION

SERVES A PARALLEL PURPOSE", (SEE DOC. NO. 01019987734, PG'S 29 & 30);

THE CIRCUMSTANCE THAT EXIST, RENDERING THE RIGHTS OF THE APPLICANT

INEFFECTIVE, ABSOLUTELY FALLS UNDER THE *Special Writ's* RULE-81(4),

Federal Rules of Civil Procedure FOR QUO WARRANTO.

THEREFORE, ACCORDING TO SUPREME COURT RULE 13.3, A PETITION FOR

WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE

TENTH CIRCUIT IS DUE ON OR BEFORE MARCH 04, 2019. HOWEVER,

THE TIME GRANTED BY THE SUPREME COURT RULE IS WILL BE INSUFFICIENT TO ALLOW PETITIONER WADE LAY TO DO JUSTICE TO THE ISSUES AT HAND, WHICH ARE OF VAST IMPORT. THE PRISON, O.S.P. CONTINUES IN ITS ABUSE, DEPRIVING LAY OF FUNDAMENTAL RIGHTS, SUCH AS, I.P. CERTIFICATION, AND MEDICAL TREATMENT, AND REPEATED CONFISCATION / THEFT OF PROPERTY.

PROOF IS PREVALENT, THAT THE SUBORDINATE COURTS OF THE UNITED STATES WILL NOT APPLY THE LAWS OF THE UNITED STATES TO WADE LAY'S CONDITION, UTILIZING THE PRISON'S ABUSIVE NATURE AS AN EXECUTIVE ARM TO ACCOMPLISH THEIR ILLICIT AGENDA. IT IS UNDERSTANDABLE TO NOTE, PETITIONER WILL NOT SUBMIT TO A SEAMBLANCE OF A LAWFUL EXECUTION BY A STATE GOVERNMENT. IF THIS COURT REFUSES TO

ADJUDICATE THESE EXTRAORDINARY CIRCUMSTANCES, UNLAWFUL WILL
BE FORCED TO ENGAGE IN EXTREME RESISTANCE, COUNTERMARCHING THE
LAWLESS EVENT TO THE LEVEL OF "CRUEL AND UNUSUAL", THE
BUREAUCRATIC CORPS (STATE AND FEDERAL) SEEK TO CONCEAL FROM
THE PUBLIC.

FOR THESE REASONS, TO DESCRIBE IN GREATER DETAIL THE ACTIONS OF
BOTH STATE AND FEDERAL ACTORS, PETITIONER SEEKS A SIXTY (60)
DAY EXTENSION TO FILE HIS WRIT OF CERTIORARI. SEE SUPREME COURT
RULE 13.5 ("A JUSTICE MAY EXTEND THE TIME TO FILE A PETITION FOR
WRIT OF CERTIORARI FOR A PERIOD NOT EXCEEDING 60 DAYS").

IN ACCORDANCE WITH SUPREME COURT RULE 13.5, THIS APPLICATION

IS SUBMITTED AT LEAST TEN (10) DAYS PRIOR TO THE PRESENT DUE DATE. FURTHER, THE REQUESTED EXTENSION IS MADE IN GOOD FAITH AND NOT FOR THE PURPOSE OF DELAY OR TO BE MALICIOUS, BUT TO BRING TO LIGHT AN EXTREMELY LAWLESS CONDITION IN A CAPITAL CASE.

THIS COURT HAS REPEATEDLY EMPHASIZED THAT "OUR DUTY TO SEARCH FOR CONSTITUTIONAL ERROR WITH PAINSTAKING CARE IS NEVER MORE EXACTING THAN IT IS IN A CAPITAL CASE." *Borger v. Kemp*, 483 U.S. 716, 785 (1987). THUS, IT IS IMPORTANT PETITIONER BE ALLOWED THIS 60 DAYS TO PRESENT TO THIS COURT THESE CRUCIAL ISSUES IN THIS DEATH PENALTY CASE, TO PRESERVE HIS OWN LIFE.

WHEREFORE, IN THE INTEREST OF JUSTICE AND FOR GOOD CAUSE SHOWN,
PETITIONER SUBMITS THAT A REASONABLE EXTENSION OF TIME SHOULD
BE GRANTED. INADE LAY RESPECTFULLY REQUEST THIS COURT EXTEND
THE CURRENT MARCH 04, 2019 DEADLINE UNTIL MAY 02, 2019.



Sherry Day
2-20-19

RESPECTFULLY SUBMITTED,

INADE LAY AT O.S.P.

P.O. BOX 99

MCALISTER, OKLAHOMA 74502

~~NOTARY HERE ABOVE~~