

**IN THE  
SUPREME COURT OF THE UNITED STATES**

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<b>In the Matter of</b>	)	On Petition for a Writ of
	)	Mandamus under
<b>GARY IVAN TERRY,</b>	)	28 U.S.C. § 1651(a), to
Petitioner.	)	the United States Court of Appeals
	)	for the Fourth Circuit
	)	Record No. 18 - _____
	)	

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**PETITIONER'S MOTION PURSUANT TO RULE 21 OF THE RULES OF THE  
SUPREME COURT FOR LEAVE FROM RULE 33.2(b) OF THE RULES  
OF THE SUPREME COURT TO FILE AN OVERSIZED  
PETITION FOR A WRIT OF MANDAMUS**

**COMES NOW**, Petitioner, Gary I. Terry, acting *pro-se*, in the above-entitled matter, respectfully moves this Honorable Court pursuant to Rule 21 of the Rules of the Supreme Court for Leave from Rule 33.2(b) of the Rules the Supreme Court to file an oversized Petition for a Writ of Mandamus consisting of 53 pages. In support of this motion, Petitioner states the following:

1. On May 25, 2018, the United States Court of Appeals for the Fourth Circuit issued its unpublished *per curiam* opinion refusing to recuse all circuit judges on, all district court and magistrate judges within, the Fourth Circuit and directing the immediate transfer of Petitioner's emergency petitions for issuance of a writ of mandamus and/or prohibition to a different circuit.

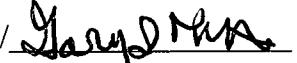
2. Due to the errors in the United States Court of Appeals for the Fourth Circuit's unpublished *per curiam* opinion amounting to a clear abuse of discretion, if not a judicial usurpation of power, and would violate the principles of the separation-of-powers doctrine by

interfering with the constitutional prerogatives of Congress and in order to satisfy all three conditions that must be established under *Cheney v. United States District Court for the District of Columbia*, 542 U.S. 367, 124 S.Ct. 2576, 159 L.Ed.2d 459 (2004), before a writ of mandamus may be issued and detailing lengthy procedural history, factual underpinnings to justify exceptional circumstances warranting the exercise of the Court's discretionary powers and to present significant legal arguments in aid of Court's appellate jurisdiction, an oversized petition for issuance of a writ of mandamus under the All Writs Act, 28 U.S.C. § 1651(a), is required.

**WHEREFORE**, Petitioner respectfully moves the Honorable Court to grant leave from Rule 33.2(b) of the Rules of the Supreme Court to file an oversized petition for issuance of a writ of mandamus pursuant to Rule 21 of the Rules of the Supreme Court.

Respectfully submitted on this 21<sup>st</sup> day of August, 2018.

Respectfully submitted,

/s/   
Gary I. Terry  
Petitioner, *filing pro-se*  
3817 Cotswold Avenue  
Unit B  
Greensboro, NC 27410