

IN THE
SUPREME COURT OF THE UNITED STATES

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

**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 On May 1, 2018, the United States Court of Appeals for the Eighth Circuit issued its unpublished opinion refusing to recuse all circuit judges on, all district court and magistrate judges within, the Eighth Circuit and directing the immediate transfer of Petitioner's emergency petition for issuance of a writ of prohibition to a different circuit.
2. Due to the persistent disregard of the federal recusal statutes or the ofp-repeated errors in the United States Court of Appeals for the Eighth Circuit's unpublished opinion in refusing to recuse all circuit judges on, all district court and magistrate judges within, the Eighth Circuit were clearly erroneous and amounting to judicial usurpation of

power, and would further 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 in order to details the 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 10th day of September, 2018.

Respectfully submitted,

/s/ Gary I. Terry
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