

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

WADE GREELY LAY,
Petitioner,

v.

Oklahoma Department of Corrections; Joe Allbaugh,
O.D.C. Director; Oklahoma State Penitentiary; Terry
Royal, Warden OSP; Terry Perry, Unit Manager,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

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

WADE GREELY LAY # 516263
OKLAHOMA STATE PENITENTIARY
P.O. BOX 97 - 50426
MCALISTER, OKLAHOMA 74502

OCTOBER 10, 2018

IN THE SUPREME COURT OF THE UNITED STATES

WADE LAY,

PLAINTIFF/PETITIONER,

VS.

OKLAHOMA DEPT. OF

CORRECTIONS, et. al.,

DEFENDANTS/RESPONDENTS.

CASE NO.

OK CIV-17-1224-D

NO. 18-6024 (10th Circuit)

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

PETITIONERS' APPLICATION FOR EXTENSION OF TIME TO
FILE PETITION FOR WRIT OF CERTIORARI

DATE:

PRO-SE

WADE GREGORY LAY #516263

OKLAHOMA STATE PENITENTIARY

P.O. BOX 97

NEWLESTER, OKLAHOMA 74502

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 13.5, 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 GREELY LAY, RESPECTFULLY APPLIES TO THIS COURT
FOR AN ORDER EXTENDING THE TIME IN WHICH TO FILE HIS PETITION
FOR A WRIT OF CERTIORARI FROM NOVEMBER 26, 2018, UNTIL FEBRUARY
25, 2019, A PERIOD OF SIXTY (60) DAYS. IN SUPPORT OF THIS APPLICATION,
PETITIONER SHOWS THE COURT AS FOLLOWS:

BACKGROUND

ON NOVEMBER 13, 2017, WADE LAY FILES *Lay v. O.D.C.*, (CIV-17-1224-D),
BUT OKLAHOMA STATE PENITENTIARY DEPRIVES WADE LAY HIS ABSOLUTE RIGHT
TO ACQUIRE *in forma pauperis*, AND THE PRISON DEPRIVES PETITIONER OF

BASIC PROCESS TO PAY THE \$400⁰⁰ FILING FEE AFTER THE UNITED STATES

DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA (U.S.D.C. W.D./OK.),

DENIES *i.f.p.*, DUE TO THE PLAINTIFF HAVING OVER \$400⁰⁰ IN HIS

TRUST FUND ACCOUNT.

WADE LAY PLEADS TO THE W.D. COURT, THAT, BECAUSE OF ABUSE OF
PROCESS, AND MALICIOUS PROCESS, LAY WILL NOT BE ABLE TO DEPEND ON

U.S.D. TO PAY THE FILING FEE OUT OF HIS TRUST FUND ACCOUNT,

AND THE DISTRICT COURT SHOULD ORDER THE FEE TO BE PAID, THE

U.S.D.C. W.D./OK. DENIES THE MOTION AND WADE LAY APPEALS TO

THE TENTH CIRCUIT COURT OF APPEALS.

ON APPEAL, (SEE DOC^{NO} 010199BT734 AND 010199BT735) WADE LAY ARGUES,

BY EXTENSION OF THE ORIGINAL CAUSE, (SEE WMT* 1 "CAUSE OF ACTION"), THAT:

"TO IGNORE SUCH CORRUPTION WITHIN THIS STATE ENTITY GIVES THE

IMPRESSION, A CORRUPT INSTITUTION SERVES A PARALLEL PURPOSE." THE

F.N.

1) SEE [DOC. NO. 22 AT 2]. / 2) SEE [DOC. NO. 27, ENCLOSED AS EXHIBIT 727-A].

TENTH CIRCUIT COURT PROCEEDS TO FULFILL THIS SPECULATIVE ASSUMPTION, WITH ACTS OF SUBTERFUGE, EQUAL TO THAT OF THE FEDERAL DISTRICT COURTS OF THIS STATE. (SEE DOC. NOS. 01010050464 - 01010050466, ENCLOSED AS EXHIBIT T27-B)

THE TENTH CIRCUIT COURT DENIES WADE LAY'S MOTION TO PROCEED *in forma pauperis*, UNDER THE ERRONEOUS SUPPOSITION, "HIS APPEAL IS FRIVOLOUS." (SEE DOC. NO. 01011004080B, ENCLOSED AS EXHIBIT T27-C).

THE APPEALS COURT'S ORDER IS DATED AUGUST 22, 2018, AND THE COURT MISCONSTRUES LAY'S MOTION FOR INJUNCTIVE RELIEF FILED THE SAME DAY AS THE 10TH CIRCUIT COURT'S DISMISSAL, I.E. AT O.S.P., ON AUGUST 22, 2018, (SEE DOC. NOS. 01011004328A - 010110043290, ENCLOSED AS EXHIBIT T27-D), AS A "PETITION FOR PANEL REHEARING AND DENIES IT AS CONSTRUED." (SEE DOC. NO. 010110044613, ENCLOSED AS EXHIBIT T27-E). THEREFORE, PETITIONER SEEKS REHEARING, BUT REHEARING EN-BANC IS NOT EVEN CONSIDERED,

BECAUSE, THE MOTION FOR INJUNCTIVE RELIEF FILED AT O.S.D. ON THE SAME DAY AS THE TENTH CIRCUIT'S ORDER DATED AUGUST 22, 2018, IS SOMEHOW DEEMED A PETITION FOR REHEARING OF A DECISION, JUDGMENT AND ORDER MADE LAY HAD NO KNOWLEDGE OF, OR ABILITY TO COGNITIVELY RESPOND TO.

FOR THAT REASON, THE EXTENDED TIME IN WHICH TO FILE MADE LAY'S PETITION FOR A WRIT OF CERTIORARI IS TOLLED TO FEBRUARY 25, 2018. 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").

ARGUMENT AND AUTHORITIES

PETITIONER MADE LAY SEEKS A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT WITH RESPECT TO ITS DECISION RENDERED ON AUGUST 22, 2018, AS REFERENCED

ABOVE. THIS COURT HAS JURISDICTION TO GRANT THE SAME, AND
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 NOVEMBER 20, 2018.
SEE SUPREME COURT RULE 13.3 ("THE TIME TO FILE THE PETITION
FOR A WRIT OF CERTIORARI... RUNS FROM THE DATE OF THE DENIAL
OF REHEARING..."). HOWEVER, THE TIME GRANTED TO FILE BY THE
SUPREME COURT RULE 13 WILL BE INSUFFICIENT TO ALLOW PETITIONER
TO DO WHAT IS NECESSARY TO ACHIEVE JUSTICE TO THE ISSUES AT
HAND, WHICH ARE OF VAST IMPORT.

FOR THAT REASON, PETITIONER SEEKS AN EXTENSION OF (60) DAYS
IN WHICH TO FILE HIS PETITION FOR 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 TO 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. THE REQUESTED EXTENSION IS MADE FOR TWO SIGNIFICANT REASONS. FIRST: THE VITAL ISSUES ASSOCIATED WITH THE ISSUES AT HAIN ARE OF EXTREME IMPORTANCE TO THE PUBLIC, AND SECOND: PETITIONER IS A PRISONER, AND THE ISSUES INVOLVED IN THIS CASE, ARE DIRECTLY RELATED TO HIS CAPITAL-HABEAS CORPUS CASE, WHERE LAY HAS RECEIVED A TENTATIVE DATE FOR EXECUTION.

THIS COURT HAS REPEATEDLY EMPHASIZED THAT "DEATH IS DIFFERENT", see *Woodson v. North Carolina*, 428 U.S. 280 (1976); AND

in *Burger v. Kemp*, 483 U.S. 776, 785 (1987), that "our duty to search for constitutional error with painstaking care is never more exacting than it is in a capital case." It is respectfully submitted, that this case *Ray v. Oklahoma Dept. of Corrections, et. al.*, (CIV-17-1224-D); NO. 18-6624 (10TH CIR. 2018); LIKE THE TWO PARALLEL CASES PENDING, *ie.*, *Ray v. United States*, (CIV-18-159-TAW); NO. 18-7035 (10TH CIR. 2018); AND *Ray v. G.T.H.*, (CIV-18-09-JHP-SPS), ALL ARE CORRELATIVE, DIRECTLY APPLICABLE TO PETITIONERS RIGHTS PURSUANT TO 28 USC § 2254(b)(1)(B)(ii); AND § 2244(d)(1)(B).

IN LIGHT OF THESE CLAIMS, AND THE PROOFS DISPLAYED WITHIN THE MULTIPLE ATTACHMENTS, *ie.*, EXHIBITS 727-A THRU F, TO INCLUDE PETITIONERS 30 PAGE OPENING BRIEF TO THE TENTH CIRCUIT

EN
*) THIS CASE *Ray v. United States*, IS ALSO BEING APPEALED TO THIS COURT PRESENTLY.

COURT OF APPEALS. (SEE DOC. NOS. 01019987734 - 01019987735);

THAT ARE SO CRITICAL TO PETITIONER'S EXECUTION, WADE

LAY SUBMITS THAT A (60) DAY EXTENSION IS NECESSARY,

DUE TO THE CONDITIONS AND LIMITATIONS OF HIS CONFINEMENT.

THAT GOVERNMENTAL AGENCIES USE THEIR POWERS,

ACTION UNDER COLOR OF LAW TO DESTROY PETITIONER'S

ABILITY TO PROSECUTE A CIVIL ACTION.

WHEREFORE, IN THE INTEREST OF JUSTICE AND FOR GOOD

CAUSE SHOWN, WADE LAY SUBMITS THAT A REASONABLE EXTENSION

OF TIME SHOULD BE GRANTED TO COMPLETE WADE LAY'S

PETITION. WADE LAY RESPECTFULLY REQUEST THIS COURT EXTEND

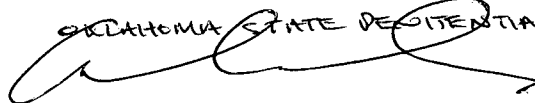
THE CURRENT NOVEMBER 26, 2018 DEADLINE UNTIL FEBRUARY

25, 2019.

RESPECTFULLY SUBMITTED,

WADE GREENE LAY # 516267

OKLAHOMA STATE PENITENTIARY

A handwritten signature in black ink, appearing to read 'Wade Greene Lay', with a large, stylized flourish extending from the end of the name.

P.O. Box 97

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