

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of November, 2018, I served the APPLICATION FOR EXTENSION OF TIME TO FILE A PETITION FOR WRIT OF CERTIORARI (SUP. CT. R. 30.3) by delivering\_\_\_ mailing\_\*\*\_ faxing\_\_\_ same to all counsel or parties of record, as required by law:

Clerk

Supreme Court of the United States

1 First Street, NE

Washington, DC 20543

Robert B. Tuten, Esq.

223 East Side Square

Huntsville, AL 35801

DECLARATION UNDER PENALTY OF PERJURY

I declare (certify, verify, or state), under penalty of perjury, that the information in the foregoing Certificate of Service is true and correct. See 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed on 9 Nov., 2018, at Estill, South Carolina.

  
\_\_\_\_\_

Don Mitchell Wilborn

\_\_\_\_\_  
\*\*Said pleading, if mailed, was deposited with prison officials for mailing in the prison's legal mail system,

designated as "Legal Mail" and/or "Special Mail," on or before the last day for filing, pursuant to the "Mailbox Rule," and is deemed "filed" as of that date. Houston v. Lack, 487 U.S. 266, 108 S.Ct. 2379, 101 L.Ed.2d 245 (1988); United States v. McNeill, 523 Fed. App'x 979 (4th Cir. 2013) ("pro se litigant's papers are considered filed upon 'delivery to prison authorities, not receipt by the clerk.'"); Richards v. Thaler, 710 F.3d 573, 576 (5th Cir. 2013) (holding that the "mailbox rule" deems a pro se prisoner's pleading filed on the date it is delivered to prison officials for mailing); United States v. Ceballos-Martinez, 358 F.3d 732 (10th Cir. 2004), revised and superseded, 371 F.3d 713 (10th Cir. 2004), reh'g denied en banc, 387 F.3d 1140 (10th Cir. 2004), cert. denied, 125 S.Ct. 624 (Dec.29, 2004); Jeffries v. United States, 748 F.3d 1310, 1314 (11th Cir. 2014) ("Under the prison mailbox rule, a pro se prisoner's court filing is deemed filed on the date it is delivered to prison authorities for mailing"); Williams v. McNeil, 557 F.3d 1287, 1290 n.2 (11th Cir. 2009); Washington v. United States, 243 F.3d 1299, 1301 (11th Cir. 2001) ("Absent contrary evidence, we will assume that a prisoner's filing 'was delivered to prison authorities the day he signed it.'"); Adams v. United States, 173 F.3d 1339, 1341 (11th Cir. 1999) ("a prisoner's motion is deemed filed on the date it is delivered to prison officials for mailing"); C.A.R.25(b); C.R.Civ.P. 5(e); C.R.Crim.P. 45(f); Fed.R.Civ.P. 5; Fed.R.App.P. 4(c); S.Ct.R.29.2; R. Governing §§ 2254 and 2255

Cases, codified at U.S. Dist. Cts. 3(d). First-class postage was prepaid and the envelope was properly addressed to counsel of record and the Court as indicated above. Where applicable, the pleading was submitted to the Clerk of Court for filing in the CM/ECF system or electronic filing system. Notice of Electronic Filing will be sent by the Clerk of Court to all registered CM/ECF or electronic filing participants.