

NO.

IN THE

SUPREME COURT OF UNITED STATES
OCTOBER TERM 2018

**IN RE: INYANG PETER ODUOK
PETITIONER/APPLICANT FOR CERTIORARI**

INYANG PETER ODUOK (PETITIONER/APPLICANT) V. JULIE
CARNES ET AL (RESPONDENTS)

.....
REAL PARTIES IN INTERESTS

FEDERAL DISTRICT COURT CASE NO. 1:14 -CV-1803-MHC
MARK H. COHEN.....JUDGE

UNITED STATES COURT OF APPEALS FOR THE 11TH CIRCUIT.
CASE NO. 15-10498FF-15-14561-F

**PETITION TO FILE A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
OUT OF TIME:**

TO THE JUDGES OF UNITED STATES SUPREME COURT, THE
CLERK OF THE UNITED STATES SUPREME COURT AND TO ALL
INTERESTED PARTIES AND THEIR ATTORNEYS OF RECORD:

Comes Now Inyang Peter Oduok (Petitioner/Applicant) and files this petition for leave to file this Petition for Writ of Certiorari in the above styled case out of time and in support thereof, Petitioner shows the court the following:

FACTUAL AND PROCEDURAL SUMMARY:

On or about September 2016, Petitioner filed En Banc Petition for relief from order granting Respondents' order of dismissal. The Petition was not ruled upon until two years later- that is, March 19, 2018. See (Exhibit "A") Petitioner did not know that the Petition had been finally ruled on because Petitioner was not served with a copy of the Petition.

On March 23, 2018, Petitioner went to the court to find out what was going on in the case. He had been frequenting the court for over one year to find out about the status of the Petition but there was no evidence of filing the Petition let alone its being ruled on. The Petition which had been accepted for filing was allegedly lost. Petitioner was required to resubmit another copy.

Petitioner obtained a copy of his Docket on May 23, 2018, and upon review of a copy of the docket, found out that the En Banc Petition had been ruled on since March 19, 2018. He obtained a copy of the ruling from the court. In other words, two months had already passed before he got a copy

of the Petition. Consequently, the time for filing the brief should start running from May 23, 2018 instead of March 19th 2018.

Petitioner is a seventy year old man with serious health problems. He was able to file the Writ on June 19, 2018.

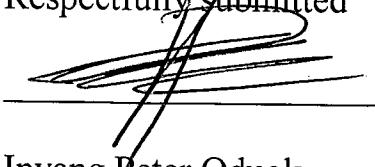
On Monday June 25, 2018 the brief was returned unfiled because it was allegedly out of time. Petitioner did not know that the brief was out of time because as explained above, he obtained a copy of the order on May 23, 2018. Furthermore, he thought since the order denying Petition for rehearing was issued on March 19, 2018, the time would start running on March 20th 2018. He was mistaken. Had he known timeliness was going to be a problem, he would have filed this Petition along with the Writ of Certiorari when he first submitted the Writ on March 19, 2018.

Under the facts and circumstances of the case, Petitioner believes there is good cause to grant him leave to file the Petition out of time. The issues addressed by the Petition are of paramount importance to American Public.

In light of the foregoing, Petitioner respectfully requests the court to direct the Clerk of this court to file the Petition out of time.

Respectfully submitted

Dated: 6/29/18


Inyang Peter Oduok

P.O. Box 370971, Decatur Ga. 30037
Tel: 678-368-6482

General Docket
United States Court of Appeals for the Eleventh Circuit

Court of Appeals Docket #: 15-10498	Docketed: 02/05/2015
Nature of Suit: 2890 Other Statutory Actions	Termed: 08/24/2016
Inyang Oduok v. Julie Carnes, et al	
Appeal From: Northern District of Georgia	Case Handler: Mohler, Janet K., FF
Fee Status: Fee Paid	(404) 335-6178

Case Type Information:

- 1) U.S. Civil
- 2) U.S. Defendant - Non PLRA
- 3) -

Originating Court Information:

District: 113E-1 : 1:14-cv-01803-MHC

Civil Proceeding: Mark Howard Cohen, U.S. District Judge

Date Filed: 06/10/2014

Date NOA Filed:

02/03/2015

Prior Cases:

None

Current Cases:

	Lead	Member	Start	End
Consolidated				
	15-10498	<u>15-14561</u>	03/01/2016	
Related	15-10498	<u>15-14561</u>	10/13/2015	03/01/2016

INYANG PETER ODUOK

Appellant

versus

JULIE E. CARNES

Appellee

Plaintiff -
Inyang Peter Oduok
Direct: 678-378-6482
[NTC Pro Se]
PO BOX 370971
DECATUR, GA 30037

Defendant -
Emily Shingler
Direct: 404-571-6228
[COR LD NTC US Attorney]
U.S. Attorney's Office
Firm: 404-581-6000
75 TED TURNER DR SW STE 600
ATLANTA, GA 30303

John Andrew Horn
[NTC US Attorney]

Ex. "A"

available from this Court.. [15-10498, 15-14561]

09/06/2016 *MOTION En Banc Petition for Relief from Order Granting Summary Affirmance, construed as a motion for reconsideration, filed by Appellant Inyang Peter Oduok in 15-10498. Opposition to Motion is Unknown [8361049-1] [15-10498, 15-14561]*

09/06/2016 *MOTION to stay mandate, construed as a motion to recall the mandate, filed by Appellant Inyang Peter Oduok in 15-10498. Opposition to Motion is Unknown [8361026-1] [15-10498, 15-14561]*

08/24/2016 ORDER: The defendants' motion for summary affirmance is GRANTED. The district court's order dismissing Inyang Peter Oduok's complaint is AFFIRMED. Any pending motions are DENIED as moot. See order for complete text. [7852172-2] [7858916-2] [7816425-2] [7816425-3] [7816425-4] [7806889-2] [7807003-2] [7806889-3] [7807003-3] [7806889-4] [7807003-4] (WHP, RSR and JP) [15-10498, 15-14561]

07/14/2016 *"Motion on Order to Show Cause Why Janet Mohler/Docket Clerk Should Not be Held Criminally and/or Civilly Liable for Falsifying the Docket Entries" filed by Appellant Inyang Peter Oduok in 15-10498, 15-14561. [7852172-1] [15-10498, 15-14561]*

07/11/2016 *MOTION for expedited ruling on Appellant's Renewed Motion for Judgment filed by Appellant Inyang Peter Oduok in 15-10498. Opposition to Motion is Unknown [7858916-1] [15-10498, 15-14561]*

06/16/2016 RESPONSE has been filed by Appellant Inyang Peter Oduok in 15-10498 to Motion to dismiss case with prejudice filed by Appellees Charles Wilson, Honorable Julie E. Carnes, Frank M. Hull, Joel F. Dubina and Ed Carnes in 15-14561 [7807003-2], Motion for summary affirmance filed by Appellees Charles Wilson, Honorable Julie E. Carnes, Frank M. Hull, Joel F. Dubina and Ed Carnes in 15-14561 [7807003-3], Motion to stay briefing filed by Appellees Charles Wilson, Honorable Julie E. Carnes, Frank M. Hull, Joel F. Dubina and Ed Carnes in 15-14561 [7807003-4], Motion to dismiss case with prejudice filed by Appellees Charles Wilson, Honorable Julie E. Carnes, Frank M. Hull, Joel F. Dubina and Ed Carnes in 15-10498 [7806889-2], Motion for summary affirmance filed by Appellees Charles Wilson, Honorable Julie E. Carnes, Frank M. Hull, Joel F. Dubina and Ed Carnes in 15-10498 [7806889-3], Motion to stay briefing filed by Appellees Charles Wilson, Honorable Julie E. Carnes, Frank M. Hull, Joel F. Dubina and Ed Carnes in 15-10498 [7806889-4]. [15-10498, 15-14561]

06/14/2016 *"Renewed Motion for Judgment as a Matter of Law and Order Striking Appellees' Pleadings" filed by Appellant Inyang Peter Oduok. [7816425-1] [15-10498, 15-14561]*

06/09/2016 ORDER: Motion to take judicial notice filed by Appellant Inyang Peter Oduok is DENIED. [7757544-2] WHP, RSR and JP [15-10498, 15-14561]--[Edited 06/10/2016 by SCW]

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

June 25, 2018

Inyang Peter Oduok
P. O. Box 370971
Decatur, GA 30337

RE: Oduok v. Carnes
USCA11# 15-14561

Dear Mr. Oduok:

The above-entitled petition for a writ of certiorari was postmarked June 19, 2018 and received June 25, 2018. The papers are returned for the following reason(s):

The petition is out-of-time. The date of the lower court judgment or order denying a timely petition for rehearing was March 19, 2018. Therefore, the petition was due on or before June 18, 2018. Rules 13.1, 29.2 and 30.1. When the time to file a petition for a writ of certiorari in a civil case (habeas action included) has expired, the Court no longer has the power to review the petition.

Sincerely,
Scott S. Harris, Clerk
By: 
Redmond K. Barnes
(202) 479-3022

Enclosures

"
Ex. B
"

**Additional material
from this filing is
available in the
Clerk's Office.**