

Thaddaeuss Thompson #A5013250
% Saguaro Correctional Center
1232 East Arica Road
Eloy, Arizona 85131

SUPREME COURT OF THE UNITED STATES

Thaddaeuss Thompson,
Plaintiff(s)

VS

Nolan Uehara,
et. al.
Defendant(s)

District Court No. :
CV17-00250-DKW-KJM

USCA9 No. :
18-15274

Motion Requesting Supreme
Court Clerk to file Plaintiff's
Petition for Writ of a
Certiorari Out-of-Time;
Declaration of Thaddaeuss
Thompson; Certificate of
Service

Motion Requesting Supreme Court Clerk to
File Plaintiff's Petition for Writ of a
Certiorari Out-of-Time

Pursuant to RULE 13, 21, and 30 of the
Rules of the Supreme Court of the United States
(RSCUS) I, Plaintiff Thaddaeuss Thompson, humbly

requests herein this Motion for this Court to allow Plaintiff to file his Petition for a Writ of Certiorari Out-of-Time.

I. INTRODUCTION

On about 5/14/2017 this action, brought against a Mr. Nolan Uehara, was originally commenced before the U.S. District Court: District of Hawaii. On about 8/6/2017, said District of Hawaii Court dismissed Plaintiff's Second Amended complaint. On about 2/10/2018 Plaintiff filed a Notice of Appeal. Then on about 2/16/2018 Plaintiff filed his Appeal brief of which he has still not received any such answer whatsoever. Finally on about 10/22/2018 Plaintiff originally filed his Petition for a Writ of Certiorari. Then during Plaintiff's second attempt at filing said Writ of Certiorari Plaintiff was advised by the Supreme Court Clerk the proper procedure needed to complete the filing of the Writ of Certiorari. Herein this motion Plaintiff attempts to properly follow said Clerk's instruction, see Exhibit - 1.

II. ARGUMENT

The circumstance explained above, where Plaintiff has not as of yet received any such response to his Appeal brief, Plaintiff feels should constitute an

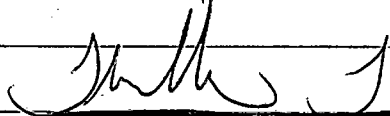
extraordinary circumstance. The treatment, actions, and/or conduct of Halawa Correctional Facility's (HCF) staff is absurd and only getting worse. As explained in the letter to the Clerk of the Supreme Court dated 11/29/2018, see Exhibit - 7, if you'd research the many civil actions Plaintiff has had to initiate you'll see that this action itself, presuming HCF inappropriately took and discarded the Appeals Court response, is exactly the kind of conduct HCF has been constantly displaying. Such conduct includes but is not limited to: making inmates choose between writing to their children or pursuing a civil complaint as indigent inmates are only afforded 1 piece of personal/official mail per week as they inappropriately and illegally are not affording an inmate's submissions to the Court the confidential legal mail status. ^{as they claim it's official not legal} HCF is reading and confiscating inmates legal material/mail outside of the inmate's presence before being sent out and also while it is coming in. HCF has instituted an absurd policy of a 1oz weight limit for all outgoing indigent mail making it essentially impossible to litigate any such complaints as that weight limit is nowhere near enough needed to send an average motion with its exhibits, proof of service, cover letter etc. etc. HCF is blatantly disregarding the Hawaii Revised Statutes and will not allow inmates to mail correspondence to the State of Hawaii Ombudsman sealed after inspected for

contraband, all of which Plaintiff feels the Supreme Court Clerk should take as constituting the extraordinary circumstance and allow the filing of said writ Out of Time.

III. CONCLUSION

Due to the reasons, arguments, and references cited above Plaintiff asks that Plaintiff's Motion to file his Writ of Certiorari Out-of-Time be granted.

DATED: Eloy, Arizona, 1/8/19


Thaddaeus Thompson
#AS013250
(Pro se)

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

APR 25 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

THAD THOMPSON,

Plaintiff-Appellant,

v.

NOLAN UEHARA,

Defendant-Appellee.

No. 18-15274

D.C. No.

1:17-cv-00250-DKW-KJM

District of Hawaii,
Honolulu

ORDER

Before: GOULD, TALLMAN, and MURGUIA, Circuit Judges.

A review of the record and appellant's response to the March 6, 2018 order to show cause demonstrates that this court lacks jurisdiction over this appeal because the notice of appeal, dated January 4, 2017 and received by this court on January 11, 2018, was not filed or delivered to prison officials within 30 days after the district court's judgment entered on August 2, 2017. *See* 28 U.S.C. § 2107(a); *United States v. Sadler*, 480 F.3d 932, 937 (9th Cir. 2007) (requirement of timely notice of appeal is jurisdictional); *see also* Fed. R. App. P. 4(d). Consequently, this appeal is dismissed for lack of jurisdiction.

DISMISSED.

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