

In The
**SUPREME COURT OF THE UNITED
STATES**

**APPELLANT MOTION TO COMPEL
UNDER RULE 14.5**

Statement of Fact

The Plaintiff filed a Petition on May 23, 2018, see enclosed letter and received a letter requesting minor changes by this court. The Plaintiff made the requested changes on September 17, 2018. Clayton Higgins claimed that he received the revised Petition on September 25, 2018 and refused to docket the Petition since it was not timely. The

Petitioner asked Mr Higgins to reconsider on October 16, 2018. When he did not, the Petitioner informed Scott Harris on November 15, 2018. To date Mr Harris has not responded. Because of lack of action The Plaintiff filed this Motion. The Plaintiff there are no disputes of the facts which shows clear abuse.

Respectively submitted January 18, 2019.

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FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

APR 30 2018

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

JOHN C. HOM,

Plaintiff-Appellant,

v.

UNITED STATES OF AMERICA,

Defendant-Appellee.

No. 17-17132

D.C. No. 3:17-cv-02525-WHA
Northern District of California,
San Francisco

ORDER

Before: TASHIMA, PAEZ, and IKUTA, Circuit Judges.

The motion for rehearing or reconsideration en banc (Docket Entry No. 10) is denied on behalf of the court. *See* 9th Cir. R. 27-10; 9th Cir. Gen. Ord. 6.11.

The motion for an extension of time to file the opening brief (Docket Entry No. 11) is denied as moot.

No further filings will be entertained in this closed case.

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ORDER

Before: TASHIMA, PAEZ, and IKUTA, Circuit Judges.

Appellant's request for an extension of time to file an opposition to the motion for summary affirmance, contained within the filing at Docket Entry No. 7 is granted. The opposition was filed at Docket Entry No. 8.

A review of the record, and the opposition to the motion for summary affirmance, indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (stating standard).

Accordingly, the motion for summary affirmance (Docket Entry No. 5) is granted.

AFFIRMED.

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