No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

DAVID R. DYSON,	) On Petition For Writ of Certiorari to the
	) United States Court of Appeal for the
Self-Represented Plaintiff-Petitioner,	) Seventh Circuit
	)
-vs-	) Case No. **17-2552**
	)
MEGAN J. BRENNAN,	) Chief Judge Diane P. Wood
POST MASTER GENERAL,	) Circuit Judge Daniel A. Manion
	) Circuit Judge Ilana Diamind Rovner
Defendant-Respondent.	) Rendering Decisions To be Reviewed

PETITIONER'S MOTION REQUESTING LEAVER TO FILE PETITION FOR WRIT OF CERTIORARI, *OUT OF TIME*

Introduction:

COMES NOW the Self-Represented Plaintiff, **DAVID R. DYSON** ("Dyson"), reserving all rights and waiving none, ever, and submits his motion requesting leave to file petition for writ of certiorari, out of time, seeking to have this court to issue a order allowing the petition for writ of certiorari to be filed, *out of time*, which was due to be filed on the 13th day of November, A.D., 2018. A copy of the Petition for Writ of Certiorari is attached to this motion.

Procedural Background:

On or about the 13th day of August, A.D., 2018, the United States Court of Appeal for the Seventh Circuit issued a Order denying petitioner Dyson's Petition for Rehearing En Banc (A true and accurate copy of the August 13, A.D., 2018 issued decision is attached here to and made part of this motion, labeled "Exhibit A").

On or about the 21st day of November, 2018, petitioner Dyson priority mailed to this Court, his Notice of Filing, Motion Requesting Leave To File Petition for Writ of Certiorari Certiorari, Instanter, and the Petition for Writ of Certiorari, which this Court dated stamped as being received on the 26th day of November, 2018.

On or about the 31st day of December, 2018, petitioner Dyson received back all of his November 21, 2018 mailed in documents, accompanied by a notice dated December 28, 2018 indicating the documents were being returned due to their being filed out of time.

On or about the 4th day of January, 2019, petitioner Dyson telephone called this Court at (202) 863-1004 speaking with a male deputy clerk who was advised of the returned documents, and the deputy clerk informed petitioner Dyson that he would have to re-file with the title of the document including the words "Leave To File, Out of Time.

Argument:

Petitioner Dyson contend that this Court should grant this motion and allow the Petition for Writ of certiorari to be filed, *out of time*, for the following reason(s) which will serve as a complete bases to allow the petition for writ of certiorari to be filed, *out of time*.

First, petitioner Dyson is proceeding Self-Represented and is handicap by being with-out the assistance of competent legal counsel and this is the first time which he has ever had to set himself to accomplish such a arduous task involving extensive time consuming research of the relevant rules and procedures, researching to obtain sample copies of writs containing information relevant to the issues which petitioner Dyson has presented in his writ to this court for review and consideration, and structuring a writ

format which meets the acceptable standards of this court that he could not thoroughly accomplish within the allowable ninety (90) day time period by the use of his self-represented ability. Therefore, this Court should grant this motion and allow the petition for writ of certiorari to be filed, *instanter*.

Second, petitioner Dyson is one of the publicly elected trustee members of the Village of Robbins' City Council and his duties and responsibilities controlled a good measure of his available freed up time, attention and energy which prevented him from focusing his full time, attention and energy toward preparing his writ for being ready to submit by the designated due date. And, petitioner Dyson had to divert some of his limited financial resources from the expenses associated with maintaining his family responsibilities and other maintenance obligation for having sufficient monies to cover the petition's copying costs, filing fees and postage. Therefore, this Court should grant this motion and allow the petition for writ of certiorari to be filed, *out of time.*

Finally, the petition for writ of certiorari is being submitted within eight (8) days of the November 13, A.D., 2018 due date, and eight (8) days does not represented an excessive amount of time pass the due date, and the slight delay in the submission of the petition will not cause an excessive delay in these proceedings, and petitioner Dyson will be greatly prejudiced if the petition for writ of certiorari would not be allowed to be filed, *out of time*. Therefore, this Court should allow this motion and allow the petition for writ of certiorari to be filed, *out of time.*

Conclusion:

Based upon the aforementioned, the fairest and just decision for this Honorable Court to make, as a Guardian of the Law, would be that of granting this second motion for leave to file petition for writ of certiorari *out of time*, and allow the petition for writ of certiorari to be filed *out of time*,

Granting this motion will serve the ends of Justice and will not prejudice any party.

WHEREFORE, the Self-Represented Petitioner, **DAVID R. DYSON** ("Dyson") respectfully beseeches this Honorable Court to hand down a decision consistent with the requested relief sought in this motion requesting leave to file petition for writ of certiorari, *out of time*.

Respectfully submitted

By David Richard Dyson
David Richard Dyson
Self-Represented Plaintiff-Petitioner

:David – Richard: Dyson
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United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

August 13, 2018

Before

DIANE P. WOOD, *Chief Judge*

DANIEL A. MANION, *Circuit Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

No. 17-2552

DAVID R. DYSON,
Plaintiff-Appellant,

v.

MEGAN J. BRENNAN,
Postmaster General,
Defendant-Appellee.

Appeal from the United States District Court for the Northern District of Indiana, Hammond Division.

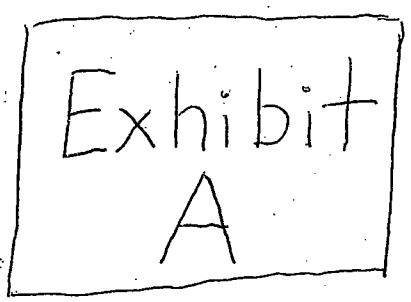
No. 2:14-CV-389

Paul R. Cherry,
Magistrate Judge.

ORDER

No judge of the court having called for a vote on the Petition For Rehearing En Banc filed by Plaintiff-Appellant on July 26, 2018, and all of the judges on the original panel having voted to deny the same,

IT IS HEREBY ORDERED that the Petition For Rehearing En Banc is DENIED.



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