

SUPREME COURT OF THE UNITED STATES

OFFICE OF the CLERK

WASHINGTON, DC 20543 – 0001

April 29, 2019

Lloyd G White

1494 Mariposa Drive,

Corona, CA 92879

R E: White v Nguyen

MOTION TO DIRECT THE CLERK TO FILE A PETITION OF CERTIORARI OUT OF TIME

Lloyd White requests this court to order its clerk to docket this out of time petition of certiorari

Background Statement

- on March 22, 2018, I received the judgment of the ninth circuit it was unfavorable so I called the clerk's office and ask if there were any avenues to have my case reviewed with the additional information I would send or maybe by the additional judges. I was told to address the court asking for the reconsideration of the order or judgment by the ninth circuit. I was told this should be submitted within a week to be heard and did, I later called the court the request had been received and filed on April 9, 2018
-
- I called the clerk's office of the ninth circuit every 2 to 3 weeks asking

when I could expect a reply, so if the decision went against me I could file in the Supreme Court of the United States. I was told I had to wait I could not file the same case in the Supreme Court without a final decision as the it had accepted for rehearing in the Ninth Circuit. It took the ninth circuit six months before I received the decision. Twice the waiting period to file in the Supreme Court. All I did was file and had my case accepted by the Ninth Circuit of my right as a citizen of the United States to have my case reviewed as part of due process. If they had said no I would have filed my case right away in the Supreme Court I believe I was being allowed my due process, I had nothing to do with the delay by the appeals court I was sent a letter by Mrs. Dwyer clerk of the court of the ninth circuit stating the original date of decision March 22 would be change from March 22, 2018 to the date of the decision of the rehearing which was September 25, 2018. This is critical information and is included in the accompanying documents. I took the customary 90 days to write the brief of certiorari and mail it 10 days before the deadline of 90 days from September 25 which was the new date given by the ninth Court of Appeals to be in time it would have to be filed by December 24 it was mailed December 17. The Supreme Courts returned the writ as having been submitted out of time I, Mr. White seeks an order directing the court clerk to file the out of time petition for the following reasons.

-
- Reasons for Ordering the Clerk to docket the Petition
- I asked for the reconsideration after the initial decision of the court on March 22, 2018 and it was accepted, is this part of my due process or not if it is part of the due process then why is a change of date from March 22 to September 2018 ignored. If it was not ignored then I would be in time. As a citizen of the United States I believe I am

entitled to due process if a reconsideration is not part of the due process then what is it. The bottleneck which led to the so-called out of time occurred by the ninth circuit this is why the case was filed out of time. For the March 22, 2018 date that would have to be filed by June 19, 2018 if due process is continuous and further hearings by the courts is part of the due process. a federal District Court or any court violates due process of law when it's erroneous decisions prevents a party from receiving meaningful opportunity to be heard see United Student Aid Funds, Inc. V Espinoza 559. the, 271 2010. Especially by careless actions by the nonjudicial staff. Also see Stern fee Marshall 131 S. See. T. 2594, 2011

-

- Respectfully Yours

- 

- Lloyd G White MD

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 25 2018

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

LLOYD GEORGE WHITE,

Plaintiff - Appellant,

v.

KEE NGUYEN,

Defendant - Appellee.

No. 17-56889

D.C. No. 5:16-cv-01784-CAS-JEM
U.S. District Court for Central
California, Riverside

MANDATE

The judgment of this Court, entered March 22, 2018, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Quy Le
Deputy Clerk
Ninth Circuit Rule 27-7

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 17 2018

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

LLOYD GEORGE WHITE,

Plaintiff-Appellant,

v.

KEE NGUYEN,

Defendant-Appellee.

No. 17-56889

D.C. No. 5:16-cv-01784-CAS-JEM
Central District of California,
Riverside

ORDER

Before: LEAVY, M. SMITH, and CHRISTEN, Circuit Judges.

We treat White's "reply" (Docket Entry No. 11) as a motion for reconsideration, and deny it as untimely. *See* 9th Cir. R. 27-10.

No further filings will be entertained in this closed case.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 22 2018

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

LLOYD GEORGE WHITE,

Plaintiff-Appellant,

v.

KEE NGUYEN,

Defendant-Appellee.

No. 17-56889

D.C. No. 5:16-cv-01784-CAS-JEM
Central District of California,
Riverside

ORDER

Before: LEAVY, M. SMITH, and CHRISTEN, Circuit Judges.

The district court certified that this appeal is not taken in good faith and revoked appellant's in forma pauperis status. *See* 28 U.S.C. § 1915(a). On January 11, 2017, the court ordered appellant to explain in writing why this appeal should not be dismissed as frivolous. *See* 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

Upon a review of the record, the response to the court's January 11, 2017 order, and the opening brief received on February 12, 2018, we conclude this appeal is frivolous and dismiss the appeal pursuant to 28 U.S.C. § 1915(e)(2).

DISMISSED.

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