
In The
Supreme Court of the United States

Kenton W. Stephens ---- Pro Se Plaintiff-Petitioner,

VS.

Alliant Techsystems Corporation (ATK) et al --

Respondents

On Petition for Writ of Certiorari to the United States Court of Appeals for the
Tenth Circuit

MOTION FOR SUPREME COURT TO DOCKET OUT OF TIME PETITION

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I. Motion

Plaintiff-Petitioner motions Supreme Court (the Court) to docket
Petitioner's attached and "out of time" 21May2018 *Petition for Writ of
Certiorari* as mailed to US Supreme Court out of time on 23May2018
where writ of certiorari is requested to review the October 23, 2017
Order and Judgment by the US Court of Appeals for Tenth Circuit

(USCA) in the appeal case 17-4002 on appeal from the Utah Federal District Court case 1:15-cv-00108-RJS.

II. Background

As argued in the original complaint of 25 August 2015, Plaintiff-Petitioner now argues this case, although of the most extreme importance to millions of Americans, is of the simplest matter of facts and law and should have been dealt with in the simplest and most straightforward manner in the lower courts rather than consuming the large resources that it has thus far demanded due to Defendants', both identified and allegedly unidentified, extended but allegedly meritless arguments. Recognizing that circumstance and wishing to be respectful of the Court's resources, Plaintiff-Appellant fashions this motion in simple and summary statements as allegedly should be sufficient to justify docketing out of time the attached "out of time" petition. However, if Defendants' object to docketing the said petition out of time and having it judged for the first time outside the auspices of the state of Utah, an objective that the appeal to USCA failed to accomplish, Plaintiff-Petitioner prays that before the Court grants their objection the Court will allow him to submit a Reply that will contain extended arguments/facts and include appendices as justified by the importance of the law/facts involved to millions of American Workers.

III. Arguments

1. As explained in considerable detail in the attached petition, the law and facts involved in the case are of the utmost importance to millions of American workers and future retirees depending on proper interpretation and application of the 1974 ERISA federal law. Plaintiff-Petitioner alleges Defendants have successfully but wrongly argued interpretations of ERISA law that, if allowed to stand, will return private pension plan administration back to pre-ERISA days when multitudes of retirees found that pensions promised and earned over their entire working lifetime would be denied to them based on some contrived technicality imposed by allegedly ruthless and cynical pension plan administrators. Moreover, that law also provides for a federal court order identified as a Qualified Domestic Relations Order (i.e.; QDRO) enforceable in federal courts allowing divorced spouses to enforce a state court domestic relations order in any federal court in the land, overcoming the limitations on state court jurisdiction that had prevented countless divorced full-time home-makers from enforcing a separate portion of pension plan benefit as awarded to them in a state court divorce action. Defendants' meritless claim that the QDRO falls entirely under state court jurisdiction will return divorced spouses to their pre-ERISA dilemma. Docketing Plaintiff-Petitioner's out of time Petition for a certiorari will allow the Court to consider the merits of the petition, and maybe take briefs on the merits of the arguments.

2. Supreme Court Rule 10 clearly states acceptance of a petition for certiorari is by judicial discretion and Rule 10(c) states Supreme Court review of court of appeals decisions for important questions of federal law needing to be settled by the Court far outweigh importance of correcting erroneous factual findings or misapplication of a properly stated rule of law. Plaintiff-Petitioner presents a case straddling those types of problems, and believes the Court will welcome the chance to correct both the errors presented in this case as well as to recommend prosecutors use these facts/findings to investigate alleged systematic interference in judicial matters practiced in Utah and alleged systematic violation of ERISA law by large financial corporations as allegedly practiced by Fidelity, and maybe other giant financial companies, as maybe a quid pro quo for illegal favors by government regulators as those systematic violations led to the errors in this case. Those facts/errors were documented throughout the lower courts, some are referenced in the petition, and all will be amplified if the Court grants a certiorari and takes briefs. In short, Plaintiff-Petitioner argues that by docketing his out of time petition, the Court and prosecutors will entertain the opportunity to address two separate areas of allegedly nefarious behavior by hugely powerful and wealthy organizations appearing to engage in massive violation of federal law and/or denial of justice in the federal courts while the Court corrects errors in fact and law as found in this case and grants justice to Plaintiff-Petitioner.

3. The next two arguments will address the mechanics of why Plaintiff-Petitioner was unable to mail his petition by the original deadline date of 21May2018 although he so narrowly missed that deadline. Firstly, before Plaintiff-Petitioner could even begin preparing a petition he was required to submit a total of seven motions including a motion to extend time to submit the petition. Preparing the actual petition, although admittedly demanding in itself, turned out to be the smaller task. Plaintiff-Petitioner submitted a motion to Utah Federal District Court as 8January2018 Docket-130 for a stay of execution on District Court's Docket-112 final order and judgment for Defendants and an injunction on Defendants' resuming any payment of benefits. In the 9January2018 Docket-131 Ruling, District Court denied the injunction and granted a stay only through 27March2018, clearly inadequate for the purpose of petitioning for a certiorari. On March 19, 2018 Plaintiff-Petitioner submitted Docket-133 Motion to District Court for an emergency extension of stay until the Court's final ruling. District Court finally issued Docket-134 Order so stating. Considering the injunction on Defendants a necessity, Plaintiff-Petitioner submitted his 23January2018 motion for injunction to USCA who refused any order, saying appeal 17-4002 was closed. Plaintiff-Petitioner then submitted his February, 6 2018 motion for injunction on Defendants to the Court. Defendants' filed their 15March2018 Answer objecting to an injunction,

but agreeing not to resume paying monthly benefits without making any back payments, a device seen as a way to save pension administrators a great deal of money and maybe avoid any substantial payment of unpaid previously owed benefits. On the very next day (16May2018), after giving Defendants' five weeks to file an answer, the Court denied Plaintiff-Petitioner's 6February motion without giving him any chance to file a reply.

On 5March2018 Plaintiff-Petitioner submitted his fifth motion to request an extension of time as his efforts had thus far been totally consumed filing motions. The Court issued its 9March2018 order extending time to file to 14May2018. Plaintiff then filed his sixth motion, a 1March2018 motion with a short form affidavit to proceed In Forma Pauperis (IFP). The Court treated this as an incomplete petition, rejected it, provided much needed directions, extended due date until 21May, and required Court's long form affidavit be submitted. That affidavit, the seventh motion, was a gargantuan task requiring much research and consuming most of the remaining time. Plaintiff-Petitioner then quickly completed the petition by working around the clock with almost no sleep, and it appeared that Plaintiff-Petitioner would mail the petition on 21May2018 deadline. However, that was not to be.

4. What really killed Plaintiff-Petitioner's chance to mail the petition and motion to Proceed IFP on Monday21May was the requirement to

provide eleven copies of both petition and motion. Apparently the Court believes the considerable expense of reproducing many copies of a large document should be borne by petitioner and under normal conditions Plaintiff-Petitioner would agree. But in the interest of justice, Plaintiff-Petitioner urges the Court to consider that any pro se litigant also filing a motion to proceed as a pauper is likely to be, like himself, hard-pressed to bear that cost, operating with minimal office equipment, and without any means of personal transportation of his own to utilize commercial printers. Plaintiff-Petitioner offers no criticism of the staff in the Court Clerk's office as he is certain they only followed the precise rules set by the Court. The Court is urged to seriously consider more lenient rules for pro se litigants also proceeding IFP.

Those conditions added to the fact that Plaintiff-Petitioner will be eighty-one (81) years old in July and neither works nor thinks as fast as a younger man, lives alone and must tend to all household and lawn chores himself, and where all that made it impossible for him to reproduce, collate, and package the eleven copies of these two large documents in time to mail them by the deadline even though he had completed the documents on 21May2018. Never-the-less, Plaintiff-Petitioner, with many nearly sleepless nights, very nearly made the deadline anyway. But it was Tuesday afternoon before the entire package of eleven documents was ready to mail, and given the information in section-6, Plaintiff-Petitioner dared not allow the package

to lie around in a Utah USPO overnight. So the Package was held until Wednesday 23 May so it could be submitted to the USPO just prior to the delivery truck departing for the sorting facility and on to the airport. That circumstance resulted in the Court receiving the Package “out of time” on 25 May 2018 as noted in the Court’s 8 June 2018 letter, and is the basis for this motion for the Court to docket Plaintiff-Petitioner’s “out of time” petition as being an extremely important case to a vast number of American workers participating in private pension plans so the case can be heard for the first time outside the very questionable auspices of the state of Utah.

5. Plaintiff-Petitioner further argues that the Court should consider in its decision to docket his “out of time” petition that all text in both petition and motion to proceed IFP remain exactly as they were on Monday 21 May 2018. Not a single word of the text or even a single punctuation mark has been altered in the time since the text was completed on 21 May. Indeed, an inadvertently omitted verb in the final section remains omitted as the petition is now submitted to be docketed “out of time.” Therefore, in the truest sense of the words, only the time to submit is being extended if the Court decides to docket the “out of time” petition. And moreover, further considering that even the time to submit is being extended by only two days, there will have been absolutely no extension of time to prepare the petition. Given the unquestioned importance of this case, the interest of justice for countless

Americans dictates that the Court should proceed to docket this “out of time” petition.

6. This final argument section is saved for last because it is so distasteful as it is about the harassment Plaintiff-Petitioner has been subjected to while preparing all the above-said motions as well as the petition itself. The harassment has involved both on-line harassment of Plaintiff-Petitioner’s use of his laptop PC as well as perceived raids on his home and even harassment while using PC’s at the Weber County Library across town. Besides slowing Plaintiff-Petitioner’s productivity in preparing text, the harassment has denied him actual use of his PC on several occasions for hours at a time. The perceived raids on Plaintiff-petitioner’s home forces him to pack up everything he can possibly carry and take with him every time he takes a UTA bus trip. That’s a heavy burden for a man to carry who will soon be 81-years-old.

Moreover, the harassment is not limited to harassment by surveillance agents. Both Utah state and municipal governments are included. Roy city recently published a draconian set of standards for punishing citizens who waste irrigation water including warnings that residents who have leaky irrigation lines will be fined unless they repair them immediately. Plaintiff-Petitioner has never had a leaky irrigation line until that notice was published, but now his irrigation lines suddenly have massive leaks. The appearance of sabotage is unavoidable.

Plaintiff-Petitioner postponed repairing his irrigation water lines until

this petition is docketed, but notice of a fine is expected in the mail at any time. Given his rapidly disappearing reserves, a fine is a serious matter to Plaintiff-Petitioner.

Finally, Plaintiff-Petitioner has considered the harassment to be so serious that he has three times interrupted preparation of documents to file a written complaint with the US Senate Judiciary Committee's whistleblower email inbox including complaints submitted on 14April, 30April, and on 14June while working on this very motion. Moreover, preparing such a complaint is not taken lightly. Even more time is consumed as Plaintiff-Petitioner deems it wise to copy these complaints to a selected set of media outlets. While Plaintiff-Petitioner gets precious little feedback, it appears that the complaints do have an effect, and the complaints are considered to be a duty to fellow Americans. At any rate, those complaints added three more documents to the seven motions Plaintiff-Petitioner was required to prepare and file while preparing a petition, and maybe highlights the importance of the Court proceeding to docket Plaintiff-Petitioner's "out of time" petition.

IV. Conclusion

Considering the Section II Background and the Section-III Arguments, Plaintiff-Petitioner argues that the Court should grant the Section-I motion to docket the attached motion to allow him to proceed IFP and to docket the attached "out of time" petition.

Motion for SCOTUS to
Docket Out of Time Petition

Dated this 18th day of June 2018

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