

CASE NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

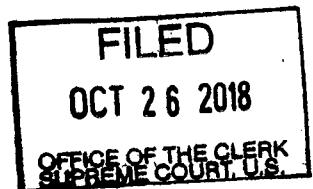
Dianne Michele Carter,
Petitioner,
V.

UNITED STATES OF AMERICA,
Respondent

**On Writ of Certiorari to the United
States Court of Appeals for the Fourth Circuit**

Petition to Hear Out of Time

Dianne Michele Carter
1201 Gifford Drive
Matthews, North Carolina
704-777-9558



THIS CASE SHOULD BE HEARD IN THE INTEREST OF JUSTICE

On April 27, 2018, Ms. Carter was served notice of the judgment dated February 16, 2018 by the Court of Appeals (COA.) At the time of service, the 45 days time limit to file a timely petition for rehearing with the COA had expired and it was impossible for Ms. Carter to timely file. Federal Rules of Civil Procedure Rule 5(e) requires service for offer of judgment. Ms. Carter was not served copy of this judgment prior to April 27, 2018 and there is no proof to the contrary. Because of this delay in service, the COA granted Ms. Carter 14 days from April 27 to petition the COA for en banc rehearing, see pages 4 & 5 below. Ms. Carter petitioned the COA for en banc rehearing on May 9, 2018 and the COA denied the petition on July 5, 2018. In the interest of justice, the time for PETITION FOR WRIT OF CERTIORARI should run from the date of that denial. Ms. Carter's PETITION FOR WRIT OF CERTIORARI was received by the Supreme Court on September 5, 2018.

Here is another instance of the inferior court operating outside of the requirements of the supreme Law of the Land which is further detailed in Ms. Carter's PETITION FOR WRIT OF CERTIORARI:

1. An Order to Show Cause was issued 12/21/17.
2. The hearing was scheduled for 15 days later on 01/05/18.
3. Order requires service in accordance with Rule 4(e) within 14 days of the date of the Order.
4. Order requires proof of service filed with the Clerk.
5. Order allows Ms. Carter at least 14 days prior to the hearing to offer a defense.

The Order was not served on Ms. Carter, proof was not filed with the Clerk yet the judge issued a BENCH WARRANT on 01/05/18 for Ms. Carter's arrest and Ms. Carter was arrested.

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
OFFICE OF THE CLERK

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Richmond, Virginia 23219-3517
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Patricia S. Connor
Clerk

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April 27, 2018

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No. 17-2364, US v. Dianne Carter
3:16-cv-00673-FDW-DCK

Dear Ms. Carter:

Another copy of the court's opinion, which was filed with its judgment on

February 16, 2018, is enclosed. You have 90 days from February 16 to file a petition for writ of certiorari with the United States Supreme Court. The time for filing a petition for rehearing or rehearing en banc in this court has expired. If you wish to file a motion to file a petition for rehearing or rehearing en banc out of time, you should file a motion, accompanied by the petition for rehearing or rehearing en banc, within 14 days for consideration by the court

Sincerely,

/s/ Jennifer Rice
Deputy Clerk

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