

Kenneth R Barber #43791

ASU 195

P.O. Box 8457

Lancaster, Ca 93539

United States Supreme Court

Kenneth R Barber

No. 18A104

vs

Application to Chief Justice to file Writ

Stu Sherman et.al

of Certiorari Past Deadline (Rule 13(c))

I Kenneth R Barber hereby move this court for leave to file Writ of Certiorari pursuant to Rule 13(c) on the grounds that the circumstances concerning the missed deadline are extraordinary which left it impossible for me to make copies serve and file writ by the courts set deadline of Sept 17, 2018. (See letters from Clerk, Ex.A; Motions, Ex.B)

I Kenneth R Barber declare under penalty of perjury that the following supporting facts are true:

1) I am a lay-person in law.
2) An application for an extention of time was presented to the Chief Justice who on Aug 8, 2018 extended the time to and including Sept 17, 2018.

3) On Sept. 17, 2018 I was suppose to go to the law library to make copies so I could serve and file the writ. The Librarian didn't show up for work. Therefore it was impossible for me to make the deadline.

4) On Sept 17, 2018 I sent a motion to this court requesting an extention up to Sept 24, 2018. (See Ex.A; Ex.B)

5) On Sept 21, 2018 an incident happened on the yard

which resulted in me being sent to hole and all my property & paper work confiscated. On Sept 24, 2018 I filed another motion for extension of time but once again had no access to copies and therefore could not serve documents. I also didn't have Zip Code. (The motion was returned.)

6) As soon as I got my paperwork I got my necessary copies and on Oct 11, 2018 I served & filed my completed writ.

7) Shortly after I received a letter from the clerk saying "the const no longer has the power to review the petition,

8) I believe the court does have the power pursuant to Rule 13(s) if the court rules I missed the deadline due to extraordinary circumstances.

9) I have set forth extraordinary and complex set of valid issues which will undoubtedly effect countless prisoners and finally set a new precedent of clearly established federal law.

Wherefore petitioner prays this Court

1) Grant this motion to file the included writ of Certiorari past deadline,

2) Grant any such other and further relief this court deems appropriate.

I declare under penalty of perjury the foregoing is true & correct,

Executed this Nov. 1, 2018 at Lancaster, Cal.

Kenneth R. Berger
Kenneth R. Berger

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

APR 20 2018

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

KENNETH RICHARD BARBER,

Petitioner-Appellant,

v.

STUART SHERMAN, Warden,

Respondent-Appellee.

No. 17-55820

D.C. No.
2:15-cv-06327-DMG-MRW
Central District of California,
Los Angeles

ORDER

Before: McKEOWN and N.R. SMITH, Circuit Judges.

The motion for reconsideration (Docket Entry No. 7) is denied. *See* 9th Cir.
R. 27-10.

No further filings will be entertained in this closed case.

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JAN 30 2018

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

KENNETH RICHARD BARBER,

Petitioner-Appellant,

v.

STUART SHERMAN, Warden,

Respondent-Appellee.

No. 17-55820

D.C. No.
2:15-cv-06327-DMG-MRW
Central District of California,
Los Angeles

ORDER

Before: NGUYEN and OWENS, Circuit Judges.

The request for a certificate of appealability (Docket Entry No. 4) is denied because appellant has not made a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *see also Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

Any pending motions are denied as moot.

DENIED.

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