

No.

IN THE  
SUPREME COURT OF THE UNITED STATES

MUHSIN HANIF ABDUR-RASHIM  
Petitioner

✓  
UNITED STATES OF AMERICA  
Respondent

MOTION FOR RECONSIDERATION

Come now, Petitioner Muhsin H. Abdur-Rashim, Pro Se, file this Motion for Reconsideration, in Regard to the Courts Order Dismissing Petitioners Motion, that was Denied on November 15, 2018. Petitioner Ask this Court for Reconsideration for the following:

Petitioner filed his Writ of Certiorari, on August 10 2018, which <sup>Court</sup> Stated that Petitioner Was Time Barred. That His Motion was Due on or Before August 9, 2018.

Petitioner Has Attached Reasons As to Why His Writ of Certiorari, was Late. Attached is a Memorandum from the USW Manager here At U.S.P. Atlanta, Stating the Reason Why Petitioner's Motion was Late.

Within these four Days that this Institution was placed on Locked Down, Petitioner had No to the Law Library or other Material

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3lim Being Confined to His Room, for these 4 Days.

for the foregoing Reasons Above, Petitioner Ask This Court to Reconsider, Its Denial of Petitioner Writ of Certiorari, Which Would have Been Filed on time Had It Not Been for these 4 days Locked in the Room.

Date: December 3, 2018

Respectfully Submitted

Muhsin H. Abdur-Rahim  
Muhsin H. Abdur-Rahim  
Reg No. 06010-007  
U.S.P. Atlanta  
P.O. Box 150160  
Atlanta, G.A. 30315

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 16-5132**

**September Term, 2017**

**1:15-cv-01471-UNA**

**Filed On: May 11, 2018**

Muhsin Hanif Abdur-Rahim,

Appellant

v.

United States of America,

Appellee

**BEFORE:** Henderson, Tatel, and Katsas, Circuit Judges

**ORDER**

Upon consideration of the petition for rehearing, it is

**ORDERED** that the petition be denied.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Ken Meadows  
Deputy Clerk

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 16-5132**

**September Term, 2017**

**1:15-cv-01471-UNA**

**Filed On:** March 14, 2018

Muhsin Hanif Abdur-Rahim,

Appellant

v.

United States of America,

Appellee

**BEFORE:** Henderson, Tatel, and Katsas, Circuit Judges

**ORDER**

Upon consideration of the motion for a certificate of appealability, the response thereto, which includes a request to dismiss the appeal, and the reply, it is

**ORDERED** that the motion for a certificate of appealability be denied, and the request to dismiss the appeal be granted. Appellant has not met the requirements for a certificate of appealability. See 28 U.S.C. § 2253(c); Slack v. McDaniel, 529 U.S. 473, 484 (2000). Appellant's 28 U.S.C. § 2254 petition was not timely filed in the district court. See 28 U.S.C. § 2244(d). This court may "exercise our discretion to consider whether [a petitioner] made a *prima facie* showing of timeliness," even if timeliness is not addressed by the district court. In re Williams, 759 F.3d 66, 69 (D.C. Cir. 2014). Although the district court did not address this issue, both the government and appellant have argued it in this court.

In his 28 U.S.C. § 2254 petition, appellant alleged that he received ineffective assistance from his 1995 criminal trial counsel and counsel who represented him during his 1997 state post-conviction proceeding. More than two decades have passed since those alleged instances of ineffective assistance. Although the one-year time for filing a habeas petition is tolled while "a properly filed application for State post-conviction or other collateral review" is pending, 28 U.S.C. § 2244(d)(2), a total of at least one year has elapsed during which the time was not so tolled. Furthermore, appellant has not demonstrated that equitable tolling of the deadline is warranted in this case. See Head v. Wilson, 792 F.3d 102, 106 (D.C. Cir. 2015) (quoting United States v. Baxter, 791

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F.3d 17, 30-31 (D.C. Cir. 2014)) (equitable tolling “is appropriate only if a petitioner shows ‘(1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way and prevented timely filing.’”).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. Because no appeal has been allowed, no mandate will issue.

**Per Curiam**

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