

IN The  
Supreme Court of the United States

ERIC G. GOLDEN,  
petitioner,

v.

FRANK H. EASTERBROOK, ET. AL  
Respondent,

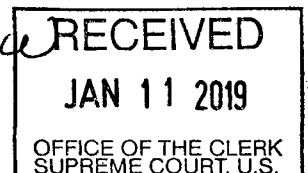
Motion to direct the Clerk to file  
Petition for a writ of Certiorari out of time

Now Comes Petitioner, ERIC G. GOLDEN, pro se  
hereby moving this Honorable Court to Except this  
petition for a writ of Certiorari.

IN Support of this Motion, petitioner  
states the following:

1) The judgment denying a timely petition  
for rehearing was Aug. 23, 2017. I received the  
final judgment on or about Aug. 26-27, 2017.

2) After receiving the final judgment, I, the  
petitioner was still a resident in Stateville  
C.C. and attempted to gain access to the Law  
Library immediately.



3) Before I was scheduled to attend the Law Library in Stateville C.C. I, Eric G. Golden, petitioner was transferred to Pinckneyville C.C. on Sept. 13, 2017.

4) Upon my arrival to Pinckneyville C.C. I, Eric G. Golden immediately submitted a request to gain access to Law Library. After a few weeks I was granted access, but my excessive legal box with all of my court orders were not available to me at that time.

5) After vigorously attempting to gain access to my excessive legal box I was pressed for time. So I, Eric G. Golden, petitioner submitted a motion to this Honorable Court asking for an extension of time.

6) I, Eric G. Golden, petitioner never received a response to my request for an extension of time, so I continued to push forward passionately, and vigorously to make the Nov. 21, 2017 deadline.

7) I WAS FINALLY GIVEN ACCESS TO MY EXCESSIVE LEGAL BOX. I RETRIEVED MY COURT ORDERS AND SENT FOR THE CERTIFICATION OF MY TRUST FUND PROVIDED BY KAREN PICKERING ACCT. TECH AND SIGNED OFF ON NOV. 16, 2017.

8) THE ONLY REASON WHY THERE WAS NO NOTARIZATION ON THE PROOF OF SERVICE, WAS BECAUSE, THE LADY THAT ~~ROW~~ THE LAW LIBRARY SAID THAT IT WASN'T REQUIRED. SHE SAID ACCORDING TO RULE 29 IT REQUIRED A NOTARIZED STATEMENT OR DECLARATION.

9) I ACTUALLY HAD THE PETITION FINISHED NOV. 18, 2017, BUT I PUT THE DEADLINE DATE BEFORE I SUBMITTED IT TO THE CORRECTION OFFICER TO PUT IN MAIL BAG BECAUSE DURING THE HOLIDAY SEASON THE MAIL ROOM IS BACKED UP WITH ~~OUT~~ GOING AND IN-COMING MAIL, AND I WAS TOLD THAT THE MAILING RULES APPLIED.

10) I FEEL THAT I AM BEING PENALIZED FOR THE INSUFFICIENT MAILING SYSTEM HERE AT PINEKNYVILLE C.C. AND THE ENTIRE ILLINOIS DEPARTMENT CORRECTIONS. I AM SERVING 40 YRS FOR SOMETHING THAT I DID NOT DO, THIS IS MY LIFE ON THE LINE.

I, ERIC G. Golden, Being first duly SWORN upon OATH, declares under the penalty of Perjury as provided by law pursuant to 735 ILCS 5/1-109, that I AM the petitioner, have read the ABOVE MOTION and the information is true and correct in fact and substance to the best of my knowledge. I affix my hand to sign the Dec. 2018, attesting to the truth thereof.

ERIC G. Golden  
PRINT NAME

1st Eric Golden

SUBSCRIBED AND SWORN Before  
Me this 21<sup>st</sup> day of December 2018.

Billy Rolla  
NOTARY PUBLIC



# United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted August 15, 2017

Decided August 23, 2017

## Before

DIANE P. WOOD, *Chief Judge*

FRANK H. EASTERBROOK, *Circuit Judge*

No. 16-3264

ERIC GOLDEN,  
*Petitioner-Appellant,*

*v.*

RANDY PFISTER,  
*Respondent-Appellee.*

Appeal from the United States District  
Court for the Northern District of  
Illinois, Eastern Division.

No. 15 C 8538

Virginia M. Kendall,  
*Judge.*

## ORDER

Eric Golden has filed a notice of appeal from the denial of his petition under 28 U.S.C. § 2254 and an application for a certificate of appealability. This court has reviewed the final order of the district court and the record on appeal. We find no substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2). Golden has procedurally defaulted federal review of his claims. Those claims that were not considered by the state appellate court were defaulted because the rule against hybrid representation is an independent and adequate state ground. *See Clemons v. Pfister*, 845 F.3d 816 (7th Cir. 2017). His claim asserting ineffective assistance of appellate counsel (for not arguing about other crimes evidence) was not fairly presented to the Supreme Court of Illinois, so it too was procedurally defaulted. The state appellate court's conclusion on Golden's ineffective assistance claim for not moving to quash the arrest was reasonable.

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Accordingly, the request for a certificate of appealability is DENIED.

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