

USCA9 No. 18-35692

SCOTUS No. \_\_\_\_\_

\_\_\_\_\_  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

JAMES ARTHUR ROSS – PETITIONER

VS.

BRIGITTE AMSBERRY, et al. - RESPONDENT(S)

AFFIDAVIT OF JAMES ARTHUR ROSS, PETITIONER, PRO SE

State of Oregon                                 )  
  ) ss.  
County of Umatilla                             )

I, James Arthur Ross, the Petitioner, pro se and being first duly sworn on oath, do depose and say the following:

I just recently received my Petition for Writ of Certiorari back from the United States Supreme Court. It was accompanied with a letter from Michael Duggan, Court Clerk. In not so many words, the letter basically states that my petition was postmarked on the 23<sup>rd</sup> day of July, 2019 and according to the records and court rules, that my deadline to file said petition was the 22<sup>nd</sup> day of July, 2019, thus, my petition was “out-of-time” unless I could provide “proof of service”, exhibit #1.

Therefore, as a pro se, indigent and incarcerated litigant, I chose the Petition for Writ of Certiorari from a list of documents from the Institution's legal library. It was simply a kind of “fill-in-the-blank” document that I did my best to “tighty-up” and prepare for filing. It was accompanied with a “Proof of Service” document of the same nature that I did my best as well to fill out, exhibit #2. As you

may see from this document, it appears to me that I did meet the requirements. Thus, I am extremely confused as to what I need to do.

Therefore, there is only (2) things that I can come up with, 1) the postmark date postmarking the filing the day as the 23<sup>rd</sup> day of July, 2019, the day after my deadline; or 2) The "Proof of Service" document itself, which was attached to my Petition for Writ of Certiorari, only has the specific address of the Defendant's counsel.

Thus, my response to issue one would be that I believe the "Proof of Service" document should have been sufficient, especially since it is the document provided by the Institution's Legal Library as part of the necessary forms to file.

However, for further "proof", I will attach copies of the slips to the Court and the Defendants that the Institution's Legal Library provides us when we hand them mail to be deposited into the post, marked as exhibits #3 and #4.

Basically, what the Institution's Legal Library Coordinators do is take a copy of the CD-28(a required prisoner form kind of equivalent to a check to pay for the postage) and the envelope, which is date stamped of when you handed it to them for mailing. Then, they keep copies for their records and provide inmates copies for their records, which was done in my case and it is those copies that I am submitting here.

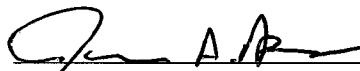
However, if it is directed to the second issue, again, it is a form provided by the Institution's Legal Library as part of the necessary forms to file your Writ of Certiorari and it does not state that you need to put the Courts' address on it, only that you must fill it out in order to show the Court that you have properly served the defendants.

Therefore, I am at a loss of words per say as to what I did wrong. For exmple, I would not have sworn that I served the defendants on the 22<sup>nd</sup> day of July, 2019, if I had not also filed or mailed the originals to the Court at the same time. Thus, the only thing I believe that I can do at this point is to state under oath that I, James Arthur Ross, the Petitioner, Pro Se, did in fact place the required

documents in concern, including my Petition for Writ of Certiorari, in a properly addressed first-class postage prepaid envelope to this Court and the Defendants in a separately properly addressed first-class postage prepaid envelope and delivered both of them to the Institution's internal mailing service by handing them to the Institution's Legal Library Coordinator, Ms. Davis, at the Two Rivers Correctional Institution for mailing on the 22<sup>nd</sup> day of July, 2019, which is required for legal mailings with CD-28's by the Institution's own internal rules here at T.R.C.I.. And, that I have no control over when prison officials actually put my legal mail in the post.

Finally, I hope that this honorable court will accept this as sufficient and file my Petition for Writ of Certiorari as timely as I am not an attorney and have no idea what to do.

**DATED** this 13<sup>th</sup> day of August, 2019.

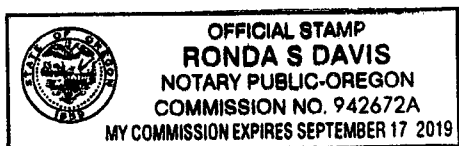


James Arthur Ross, Petitioner, Pro Se'  
S.I.D.#12599830  
Two Rivers Correctional Institution  
82911 Beach Access Rd.  
Umatilla, OR 97882

State of Oregon  
County of Umatilla

Signed and sworn to (or affirmed) before me on 8/13, 2019

by James Arthur Ross



Notary Public – State of Oregon

My commission expires: 9/17/2019

Institution JRCI  
 Name James Ross SID 12599830  
 Address 52911 Beach Access Rd.  
 City Lincoln State OK Zip 73882

\*Legal Mail\*

Supreme Court of the United States  
 Office of the Clerk  
 1 First Street NE  
 Washington, DC 20543

POSTAGE PAID

Oregon Department of Corrections  
 REQUEST FOR WITHDRAWAL OF FUNDS

Facility: JRCI Unit/Bunk #: 12-37A Date: 07-22-19  
 SID #: 12599830 Inmate Name (Print): Ross, James A.  
 (Last) (First) (MI)  
 Purpose: Legal Postage Amount: \$ \_\_\_\_\_  
 Pay To/Send To: Supreme Court of the United States Office of the Clerk  
 Address: 1 First Street NE Washington, DC 20543  
 (Street) (Apt #) (City) (State) (Zip Code)

I understand that in signing this inmate trust account withdrawal request, I have consented to the withdrawal of funds from my account by the Oregon Department of Corrections in the amount stated on the request. I also understand and agree that if sufficient funds are not available in my account at the time this withdrawal request is presented to the Department's Central Trust office (or field office) for processing, the Department has my consent to continue to withdraw funds that may in the future be deposited in my account, without notice or hearing, until it has recovered funds sufficient to satisfy the amount stated on the withdrawal request. I understand that optional medical service requests will be returned NSF if there are not sufficient funds in my account.

Adult in Custody Signature: [Signature]

\*\* NOTE: If check request, you must provide a pre-addressed, stamped envelope \*\*

Adult in Custody - Do Not Write Below This Line

☐ Check ☐ Fund Transfer Request ☐ Withdrawal  
 To the best of my knowledge, the above signature & SID are correct.

Authorized Signature(s) \_\_\_\_\_

Central Trust Use Only  
 Balance: \$ \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Initials: \_\_\_\_\_

CD 28 (12/13)

Exhibit #3

Institution TRCS  
 Name James Ross SID 12599830  
 Address 8294 Beach Access Rd.  
 City Umatilla State OR Zip 97882

\*Legal Mail\*

Denise G. Fjordbeck  
 ODOJ-Appellate Division  
 1162 Court Street NE  
 Salem, OR 97301

POSTAGE PAID

Oregon Department of Corrections  
 REQUEST FOR WITHDRAWAL OF FUNDS

Facility: TRCS Unit/Bunk #: 12-37A Date: 07-22-19  
 SID #: 12599830 Inmate Name (Print): Ross, James A.  
(Last) (First) (MI)  
 Purpose: Legal Postage Amount: \$ \_\_\_\_\_  
 Pay To/Send To: Denise G. Fjordbeck ODOJ-Appellate Division  
 Address: 1162 Court Street NE Salem, OR 97301  
(Street) (Apt #) (City) (State) (Zip Code)

I understand that in signing this inmate trust account withdrawal request, I have consented to the withdrawal of funds from my account by the Oregon Department of Corrections in the amount stated on the request. I also understand and agree that if sufficient funds are not available in my account at the time this withdrawal request is presented to the Department's Central Trust office (or field office) for processing, the Department has my consent to continue to withdraw funds that may in the future be deposited in my account, without notice or hearing, until it has recovered funds sufficient to satisfy the amount stated on the withdrawal request. I understand that optional medical service requests will be returned NSF if there are not sufficient funds in my account.

Adult in Custody Signature: [Signature]  
 \*\* NOTE: If check request, you must provide a pre-addressed, stamped envelope \*\*

Adult in Custody - Do Not Write Below This Line

☐ Check ☐ Fund Transfer Request ☐ Withdrawal

To the best of my knowledge, the above signature & SID are correct.

Authorized Signature(s) \_\_\_\_\_

**Central Trust Use Only**  
 Balance: \$ \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Initials: \_\_\_\_\_

Exhibit #4

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