

19-7159

IN THE

SUPREME COURT OF THE UNITED STATES

No. _____

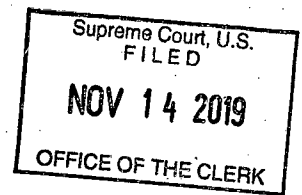
ORIGINAL

SIR GIORGIO SANFORD CLARDY

Petitioner

-against-

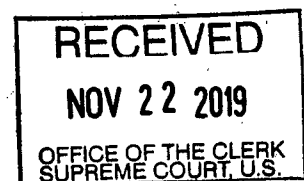
GARTH GULICK, et al.,
Respondents



PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Sir Giorgio Sanford Clardy
JWISS # 682809

Multnomah County Detention Center
11540 NE Inverness Drive
Portland Oregon 97220



QUESTIONS PRESENTED

1. After waiving defendants service of summons, are they required to comply with Fed. R. Civ. P. 12(a)(1)(A)(i) or 12(a)(1)(A)(ii) when filing timely answers? And if the answer is Fed. R. Civ. P. 12(a)(1)(A)(ii), would defendants affirmative defenses be waived and guilt admitted when they don't file an answer timely from the 60 days after the request for waiver of service of summons is sent to defendants.
2. Can the Appellate court consider for the first time on appeal a defendants argument of excusable neglect as a form of good cause for time modification under Fed. R. Civ. P. 6(b)(1)(A) if it wasn't preserved in the trial court or pled and proven as "plain error" in the appellate proceedings?

PARTIES

The petitioner is Sir Giorgio Sanford Clardy, a detainee at Multnomah County Detention Center in Portland, Oregon. The respondents are Gertm Guelick, doctor at Snake River Correctional Institution ("S.R.C.I."), Anna Hughes, Health Service Manager at S.R.C.I., Robert White, nurse at S.R.C.I., "John or June" Bristol, doctor at S.R.C.I., "John" Masoth, doctor at S.R.C.I., Robbo "Doe", doctor at S.R.C.I., and "John" Shelton, chief doctor at S.R.C.I.

DECISIONS BELOW

The decision of the United States Court of Appeals for the Ninth Circuit is unreported. It is cited in the table at 2019 U.S. App LEXIS 17951 (9th Cir 2019) and a copy is attached in the Appendix to this petition. ^{A 51-52} ~~Appendix~~. The Order of The United States District Court for the District of Oregon is reported. It is cited in the table at 2018 U.S. Dist LEXIS 1160691 (D. Ore 2018) and a copy is attached in the appendix to this petition. see A 1 - 9.

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JURISDICTION

The Memorandum of the United States Court of Appeals for the Ninth Circuit was entered with a judgment on June 14, 2019. An order denying a petition for rehearing en banc was entered on September 26, 2019, and a copy of that order is attached in the Appendix to this petition. ^{A-62} ~~Amend~~. Jurisdiction is conferred by 28 U.S.C. § 1254 (1).

CONSTITUTIONAL PROVISION AND COURT RULES INVOLVED

This case involves Amendment XIV to the U.S. Constitution, which provides:

section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

* * *

section 5. The Congress shall have power to enforce by appropriate legislation, the provision of this article.

The Amendment has governing authority over Federal Rules of Civil Procedures, which provide in relevant terms of this case:

⁽⁶⁾
F.R.C.P. (b)(1). In General. When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires.

* * *

F.R.C.P. 4 (d)(3). Time To Answer After A Waiver. A defendant who, before being served with process, timely returns a waiver need not serve an answer to the complaint until 60 days after the request was sent out until 90 days after it was sent

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