

No. _____

IN THE
SUPREME COURT COURT OF THE UNITED STATES
THE HONORABLE
SONIA SOTOMAYOR

JEFFREY RAMIREZ - PETITIONER

vs.

JOE ALLBAUGH, Director ODOC - RESPONDENT

MOTION TO DIRECT CLERK OF COURT TO FILE PETITION OUT-OF-TIME

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

Jeffrey Ramirez, #687887

Davis Correctional Facility

6888 E. 133rd Rd.

Holdenville, Okla. 74848

Justice Sotomayor, the Petitioner herein, Jeffrey Ramirez, is a prisoner in the State of Oklahoma, and does hereby submit a Motion To Direct Clerk Of Court To File Petition Out-Of-Time on submission of his Petition For Writ Of Certiorari due to the following facts and support therefore.

On October 18, 2019, Petitioner was granted an extension of time to file his petition for writ of certiorari (Application No. 19A416) up to and including December 23, 2019. Petitioner utilized the "Guide For Prospective Petitioners For Writ Of Certiorari" instructions and forms packet provide from the Office of the Clerk for the Supreme Court to submit his petition his pro se petition for writ of certiorari with attachments and his paupers statement to the Davis Correctional Facility Legal Mail Service on December 17, 2019 (see attached Affidavit of declaration of mailing from Davis Correctional Facility Mail Room staff).

The form includes a "Proof Of Service" declaration which Petitioner did fill out, sign and submit, attached to the last page of his submission. On this form it is clearly indicated that Petitioner submitted his petition to the legal mail service on December 17, 2019, well before the established deadline of December 23, 2019.

On January 23, 2020 the Office of the Clerk notified Petitioner (attached) that his writ of certiorari was postmarked January 3, 2020 and not received until January 13, 2020. In the third paragraph the Clerk directs Petitioner to Rule 29.2. Implying that Petitioner did not timely deposit his writ in a timely manner or have attached the appropriate declaration of mailing. However, Petitioner did have the declaration attached to his petition on the next to last page of the document, and did deposit it with the facility legal mail system on the very date indicated (December 17, 2019) on the provided form for same (copy attached).

Petitioner submits that he has been denied his right to have his petition filed in a timely manner at no fault of his own, by circumstance beyond his control. That his Petition For Writ of

Certiorari was logged by the Legal Mail Service of the Davis Correctional Facility six (6) days before the actual due date, with the declaration setting forth the date of its deposit in the institutions internal mail system attached thereto. That he did also on this same date, as declared, submit a copy of his petition, postage prepaid, to the Attorney General of Oklahoma. A fact attested to by the facility Legal Mail Log attached to this motion (attached).

Petitioner understands the Clerk to instruct him that he may resubmit his petition for filing only upon obtaining authorization by "motion directing the Clerk of the Supreme Court to file it out-of-time." At which time this Petitioner will re-submit his petition to the Davis Correctional Facility Legal Mail system for mailing.

Therefore, Petitioner submits this motion requesting Your Honor to issue an order directing the Court's Clerk to accept, and file, Petitioner's Petition For Writ of Certiorari out of time, with notice of same provided by the Clerk to the Attorney General of the State of Oklahoma.

Respectfully Submitted,



Jeffrey Ramirez, ODOC #687887
Davis Correctional Facility
6888 E. 133rd Rd.
Holdenville, Ok. 74848

Proof of Service

I, Jeffrey Ramirez, do swear and declare that on February 12, 2020, as required by Supreme Court Rule 29, I served the enclose Motion To Direct Clerk Of Court To File Petition Out-Of-Time on each party to the above proceeding, or the party's counsel, and on every person required to be served, by depositing an envelope containing the above documents in the United

States mail properly addressed to each of them as indicated below, and with first class postage prepaid, through the Legal Mail Service of the Davis Correctional Facility:

Mike Hunter, Oklahoma Attorney General
313 NE 21st St.
Oklahoma City, OK. 73105

2-12-2020

Date

Jeffrey Ramirez
Jeffrey Ramirez

Affidavit

COUNTY OF HUGHES)
) ss
STATE OF OKLAHOMA)

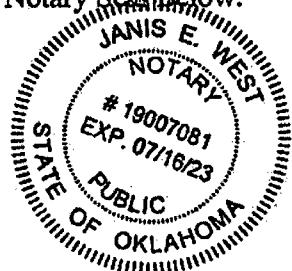
I Janis West, do hereby depose and declare under penalty of perjury under the laws of the state of Oklahoma, and the United States of America, that the attached Davis Correctional Facility Inmate Mail History (Print Date: 1/28/20 @ 3:24 PM) is true and correct Legal Mail Log of all incoming and outgoing legal mail for inmate Jeffrey Ramirez ODOC# 687887 during the time period of 12/02/19 through 1/28/20, and hereto affix my signature on the 31st day of January, 2020. 28 U.S.C. § 1746. 18 U.S.C. § 1621.

Janis West

DCF Mail Room Staff

Subscribed and sworn to before me this 31st day of January, 2020.

Notary Seal Below:



Janis West
Notary Public
19007081
Commission Number
07/16/23
My Commission Expires

DAVIS CORRECTIONAL FACILITY
INMATE MAIL HISTORY by PERM#
Report Date(s): 12/2/19 to 1/28/20

Print Date: 1/28/20 3:24PM

INMATE NAME: RAMIREZ, JEFFREY
AGENCY #: 687887
PERM #: 2083343
HOUSING: D/DS/255/A

MAIL DATE	MAIL TO/FROM AND ADDRESS	MAIL TYPE
01/27/2020	US SUPREME COURT OF THE UNITED STATES, 1 1ST STREET NE, WASHINGTON, DC 20543-	INCOMING-LEGAL
01/06/2020	OK ATTORNEY GENERAL, 313 NE 21ST STREET, OKC, OK 73105-	OUTGOING-LEGAL
01/06/2020	SUPREME COURT OF THE U.S., WASHINGTON, DC 20543-	OUTGOING-LEGAL
12/17/2019	OKLAHOMA ATTORNEY GENERAL, 313 NE 21ST, OKLAHOMA CITY, OK 73105-	OUTGOING-LEGAL
12/17/2019	SUPREME COURT OF THE US, WASHINGTON, DC 20543-0001	OUTGOING-LEGAL

TOTAL ENTRIES: 5

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Jeffrey Ramirez — PETITIONER
(Your Name)

VS.

Joe Allbaugh, Director ODOC — RESPONDENT(S)

PROOF OF SERVICE

I, Jeffrey Ramirez, do swear or declare that on this date, December 17, 20 19, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Oklahoma Attorney General

313 NE 21st St.

Oklahoma City, Okla. 73105

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 17, 20 19


(Signature)

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