

Docket No. 19-8736

IN THE SUPREME COURT OF THE UNITED STATES

Linda Payne Clark
petitioner

v.

STATE OF WASHINGTON
respondent.

Linda Payne Clark

pro se petitioner

P.O. Box 345

La Conner, WA 98257

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March 31, 2021

DEMAND FOR NEW CONFERENCE
PETITION FOR REMANDING

RECEIVED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

In The Supreme Court of The United States

Linda Page Clark
petitioner

v.

STATE OF WASHINGTON
respondent

DEMAND FOR NEW CONFERENCE
PETITION FOR REHEARING

To the Honorable Elena Kagan, Associate Justice of the United States and Circuit Justice for the Ninth Circuit:

Based on the year-long closure and inefficiency caused in the United States Supreme Court due to the COVID-19 pandemic, Ms. Clark hereby DEMANDS a new conference / rehearing concerning her Petition for Writ of Certiorari filed on or about June 10, 2020.

On Tuesday, March 30, 2021, Ms. Clark presented in person at the United States Supreme Court in Washington D.C. to personally hand her three earlier filed documents: DEMAND FOR NEW CONFERENCE dated October 12, 2020; DEMAND FOR SUBMISSION TO THE HONORABLE ELENA KAGAN AND/OR PETITION FOR REHEARING dated November 24, 2020; and DEMAND FOR PROOF OF COMPETENCE AND

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NON-BILLS OF UNITED STATES SUPREME COURT CLERK
dated February 15, 2021 to someone other than a
member of the Clerk's office, e.g. Justice Kagan's clerk,
to insure proper processing and handling.

Ms. Clark drove over 3,000 miles to insure
these documents were handed to someone competent
and capable. According to the Court's website on or
about March 20, 2021 the Court was open to the
public. This was an update from earlier months.

However, upon arriving at the Court, Ms. Clark
was informed by Officer Wibisono that the Court
was still closed due to the pandemic and has been
since March 2020.

Ms. Clark informed Officer Wibisono of her
intention to hand her documents to someone other
than a member of the Clerk's office. Officer
Wibisono contacted a supervisor who advised to
give Ms. Clark the phone number 202.479.3000.
Ms. Clark again advised Officer Wibisono she had
driven 3,000 miles to hand her documents to some-
one other than a member of the clerk's office.

Ms. Clark was advised that few, if any, members /
employees of the Court were working in the
building and, in fact, were telecommuting and
have been since March 2020 when the Court
closed.

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Soon thereafter, Ms. Clark and Officer Wibisuno were joined by Officers Robinson and Leppert.

Ms. Clark again restated her intention and was advised by Officers Robinson and Leppert her request could not be accommodated due to the Court's closure.

Ms. Clark was advised by Officer Robinson she could file the documents with the police on Second Street and they would go directly to the clerk's office.

Again Ms. Clark reiterated she wished to hand the documents to someone outside of the clerk's office. The Officers indicated that would not be possible.

Because of the lateness of Ms. Clark's arrival she inquired as to whether she could fulfill her intention on the next business day. She was advised it was not likely and was referred to the police shack and the phone number provided by the supervisor.

Ms. Clark called the phone number reaching a switchboard operator who advised even if there was someone in the building it would be highly unlikely anyone would come outside in the

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middle of the pandemic Ms. Clark was again referred to the police shack for filing of her documents.

Ms. Clark presented to the police shack at approximately 4:26 p.m. The officer took Ms. Clark's identification and printed two stickers. One for the front page of one of the documents. The other to serve as a receipt for Ms. Clark.

After the label was affixed to the front of one of the documents, Ms. Clark inquired as to a date stamp for the other two. Ms. Clark was advised by the officer "NRP#65 or NRP 465" all three documents would be placed together in the bag he was holding and would not be opened by anyone but the clerk's office.

Ms. Clark inquired again of this new officer of handing them to someone other than the clerk's office. She was told due to the closure of the Court this would not be possible.

Ms. Clark has been severely prejudiced by the Court's year-long closure due to the pandemic and DEMANDS that her request for proof of competence and non-bias be responded to AND that her Petition for Writ of Certiorari be re-visited by a now full Court.

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LINDA FERNE CLARK

v.

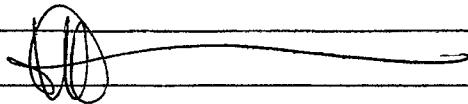
STATE OF WASHINGTON

(5)

Therefore, Ms. Clark submits her DEMAND FOR
NEW CONFERENCE/ PETITION FOR PLEADING to
be granted forthwith.

DATED this 31st day of March 2021

Respectfully Submitted,



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P.S. Ms. Clark returned to the Court 3-31-2021 and
called the 202-479-3000 number numerous times.
The automated recording advised all clerks were
still telecommuting due to the pandemic.

No. 19-8736

IN THE SUPREME COURT OF THE UNITED STATES

Linda Renae Clark,
Petitioner,

v.

State of Washington,
Respondent.

DEMAND FOR SUBMISSION TO THE HONORABLE ELENA KAGAN
AND/OR
PETITION FOR REHEARING

Linda Renae Clark
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November 24, 2020

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SUPREME COURT U.S.
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2021 MAR 30 PM 4:26

NRP#65

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

Linda Renae Clark,
Applicant,

v.

State of Washington,
Respondent.

DEMAND FOR SUBMISSION TO THE HONORABLE ELENA KAGAN
AND/OR
PETITION FOR REHEARING

To the Honorable Elena Kagan, Associate Justice of the United States and Circuit Justice for the Ninth Circuit:

Pursuant to this Court's Rules 35.3 and 44, Petitioner Linda Renae Clark respectfully demands a new conference and/or petitions for rehearing concerning her Petition for Writ of Certiorari filed on or about June 10, 2020.

PETITION PROCEEDINGS AND ORDERS

1. On or about March 25, 2020 Ms. Clark filed an Application for Extension with this Honorable Court. This Application was received and returned by the Clerk's Office on March 30, 2020.

2. On or about May 18, 2020 Ms. Clark filed an Amended Application for Extension with this Honorable Court. This Amended Application was received and returned by the Clerk's Office on May 22, 2020.

3. On or about June 10, 2020, Ms. Clark filed a Petition for Writ of Certiorari with this Honorable Court.

4. Respondent, State of Washington, waived its right to respond on or about July 17, 2020.

5. The Petition was distributed on July 23, 2020 for conference scheduled for September 29, 2020.

6. Conference on the Petition was conducted on September 29, 2020.

7. An Order denying Certiorari was issued October 5, 2020.

8. On or about October 12, 2020 Ms. Clark filed a Demand for New Conference via United States Postal Service Priority Mail; tracking number 9505 5101 6507 0287 3192 11. The Clerk's Office for this Honorable Court states in its letter this item was postmarked October 16, 2020 and received by the Court on November 5, 2020. However, USPS receipt confirms it was mailed on October 13, 2020 (as October 12, 2020 was a federal holiday) and received by this Honorable Court on October 16, 2020. (Exhibit B)

9. The Clerks Office with the United States Supreme Court having received Ms. Clark's DEMAND FOR NEW CONFERENCE on October 16, 2020, attached as Exhibit A, returned such to Ms. Clark on November 19, 2020 citing failure to adhere to Rule 44 .

SUPREME COURT LETTER DATED NOVEMBER 19, 2020

Ms. Clark received a letter from Scott S. Harris, Clerk for the United States Supreme Court dated November 19, 2020 denying her Demand for a New Conference based on the grounds that it did not comply with Rule 44 for Petition for Rehearing.

Instead of forwarding Ms. Clark's demand to Justice Elena Kagan to whom it is addressed or returning it to Ms. Clark and informing her it failed to comply with Rule 44 which, according to the clerk's office, was the more appropriate vehicle for rehearing of her Petition, the clerk's office held onto Ms. Clark's Demand until the 25 day time period for a Petition for Rehearing under Rule 44 had expired. Thus denying Ms. Clark of any avenue for rehearing.

It is clear from the Supreme Court Rules that a justice has the authority to extend deadlines as they deem necessary. Further, according to Justice Sandra Day O'Connor in her article *Foreward: The Changing Role of the Circuit Justice*, “[justices] have the power to grant stays or injunctions in both civil and criminal cases, to arrange bail before and after conviction, and to provide other ancillary relief, such as extensions of time for various filings and **other procedural variances**.” In addition, based on Ms. Clark’s Demand it is clear from her *in forma pauperis* attempt at obtaining a reconsideration of this court of its denial for Certiorari that Ms. Clark requested a rehearing by a full court. Ms. Clark’s Demand/Request were timely filed and filed in good faith. Thus pursuant to Rule 44, the Clerk was obligated to inform Ms. Clark of her deficiency and thus give her the opportunity to cure such deficiency.

6. If the Clerk determines that a petition for rehearing **submitted timely and in good faith is in a form that does not comply with this Rule** or with Rule 33 or Rule 34, the **Clerk will return it with a letter indicating the deficiency**. A corrected petition for rehearing submitted in accordance with Rule 29.2 no more than 15 days after the date of the Clerk’s letter will be deemed timely. [emphasis added]

In the alternative, Justice Kagan has the authority to extend the deadline for filing a Petition for Rehearing pursuant to Rule 44 (1):

1. Any petition for the rehearing of any judgment or decision of the Court on the merits shall be filed within 25 days after entry of the judgment or decision, unless the Court or a Justice shortens or extends the time.

or, as stated above to provide other ancillary relief such as procedural variances.

It gives Ms. Clark no pleasure in making such an assertion, but it seems the clerk’s office of the United States Supreme Court is intentionally withholding Ms. Clark’s filing thereby exploiting Ms. Clark’s status as a *pro se* petitioner due to her financial inability to hire legal counsel and thus preventing Justice Kagan from giving it the proper opportunity for granting of Ms. Clark’s Petition for Writ of Certiorari. Ms. Clark understands and acknowledge’s the clerk’s

office role as the “gate keeper”, but by intentionally holding on to Ms. Clark’s Demand and returning it without first submitting it to Justice Kagan or with instruction to refile as a Rule 44 Petition for Rehearing, this Court is denying Ms. Clark’s Constitutional Rights to be heard by this Honorable Court.

Ms. Clark has submitted two other items to this Honorable Court which have been denied by the Clerk’s Office. (1) Application for Extension dated March 25, 2020 (received March 30, 2020) and returned on March 30, 2020 in light of this Court’s Order concerning the COVID-19 pandemic dated March 19, 2020. (2) Amended Application for Extension dated May 18, 2020 (received May 22, 2020) due to COVID-19 time delays returned and denied May 22, 2020.

Based on the Clerk’s Office returning the aforementioned documents on the same day they were received based on their failure to comply with the Rules of this Court or other, Ms. Clark had no reason to believe her Demand was not filed properly nor accepted by this Court.

THEREFORE, Ms. Clark respectfully requests this filing as well as Ms. Clark’s original DEMAND FOR NEW CONFERENCE be submitted to Justice Kagan for consideration.

DATED this 24th day of November, 2020.

Respectfully submitted,

/s/ Linda Renae Clark

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No. 19-8736

IN THE SUPREME COURT OF THE UNITED STATES

Linda Renae Clark,
Petitioner,

v.

State of Washington,
Respondent.

DEMAND FOR NEW CONFERENCE

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October 12, 2020

IN THE SUPREME COURT OF THE UNITED STATES

Linda Renae Clark,
Applicant,

v.

State of Washington,
Respondent.

DEMAND FOR NEW CONFERENCE

To the Honorable Elena Kagan, Associate Justice of the United States and Circuit Justice for the Ninth Circuit:

Pursuant to this Court's Rules 35.3, Petitioner Linda Renae Clark respectfully demands a new conference concerning her Petition for Writ of Certiorari filed on or about June 10, 2020.

PETITION PROCEEDINGS AND ORDERS

1. On or about June 10, 2020, Ms. Clark filed a Petition for Writ of Certiorari with this Honorable Court.
2. Respondent, State of Washington, waived its right to respond on or about July 17, 2020.
3. The Petition was distributed on July 23, 2020 for conference scheduled for September 29, 2020.
4. Conference on the Petition was conducted on September 29, 2020.
5. An Order denying Certiorari was issued October 5, 2020.

JUSTICE RUTH BADER GINSBURG

Justice Ginsburg served as an unprecedented advocate of Women's Rights while on the United States Supreme Court. She absolutely should have been a part of the conference concerning Ms. Clark's Petition for Writ of Certiorari, especially considering its allegations that

the State of Washington knowingly violates the Constitutional Rights of its female indigent criminal defendants.

According to *Time Magazine* in an article focusing on Justice Ginsburg by Jamie Ducharme¹ dated September 18, 2020, it states about Justice Ginsburg:

She **announced in July 2020** that she'd been treated earlier that year for cancerous lesions on her liver, but made clear her intentions to remain on the bench, noting that she was "satisfied that my treatment course is now clear."

Ms. Clark has scoured the news articles available via the Internet search engine Google®. Ms. Clark is unable to find any news reported by the mainstream media that Justice Ginsburg's pancreatic cancer had returned during the summer of 2020.

Ms. Clark's mother was diagnosed with pancreatic cancer. She was not as fortunate as Justice Ginsburg in her conquering this type of cancer the first time she was diagnosed. It was barely three months from the date of diagnosis until her mother's death. Ms. Clark will never forget the voracity with which it consumed her mother during the last two weeks. However, prior to and during those final two weeks and despite the illness caused by chemotherapy, her mother was coherent and capable of intelligent decisions.

Justice Ginsburg has been quoted consistently (and reasserted in the *Time Magazine* article) when asked about remaining on the Supreme Court:

"I have often said I would remain a member of the court as long as I can do the job full steam. I remain fully able to do that," she said in July 2020.

Based on this quote, Justice Ginsburg's history of conducting her duties while hospitalized and ill², and Ms. Clark's first-hand experience with pancreatic cancer, it is

¹ Ducharme, Jamie. "How Cancer Shaped Justice Ruth Bader Ginsburg's Life and Work." *Time Magazine*, September 18, 2020.

² Ms. Clark does not want anyone reading this to feel she is diminishing the impact of pancreatic cancer on Justice Ginsburg. It is undoubtedly one of the ugliest diseases a person can be diagnosed with. She is merely trying to

believed by Ms. Clark that the conference for her Petition demanded re-scheduling to an earlier date such that Justice Ginsburg could offer her vast experience concerning Women's Rights and the allegations asserted against the State of Washington and its treatment of its indigent female criminal defendants.

Even if the clerks responsible for briefing the Chief Justice concerning Ms. Clark's Petition deemed it lacked merit for discussion, it is highly unlikely Justice Ginsburg would have agreed with that determination when taking into consideration her role in assuring women's rights over the years of her highly esteemed legal career.³

Supreme Court Rule 35.3,

3. When a public officer who is a party to a proceeding in this Court in an official capacity dies, resigns, or otherwise ceases to hold office, the action does not abate and ***any successor in office is automatically substituted as a party.*** [Emphasis added.]

Although 35.3 does not specifically state that it applies to a U.S. Supreme Court Justice, it provides context and validity for Ms. Clark's DEMAND.

In consideration of the above and Supreme Court Rule 35.3, Ms. Clark believes the conference for discussion of her Petition should have been delayed pending appointment of Justice Ginsburg's replacement on the Court.

Further, there is precedent such as in 1954 after the sudden death of Justice Robert Jackson. Justice John Marshall Harlan was confirmed and at least three cases which were equally divided were reargued; two of those reversing to a 5-4 majority.

THEREFORE, Ms. Clark respectfully DEMANDS a new conference allowing the new Supreme Court Justice (soon to be appointed by President Donald Trump) to assert

assert that despite the diagnosis, if anyone was going to refuse to allow it to rule her life and diminish her capacity as an intelligent and capable human being it is Justice Ruth Bader Ginsburg.

³ Instead, Ms. Clark's Petition was denied on September 29, 2020, the day of Justice Ginsburg's burial.

an opinion concerning the rights of women in Washington State and in the United States of America.

DATED this 12th day of October, 2020.

Respectfully submitted,

/s/ Linda Renae Clark

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