

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CLAYTON PAUL BATEMAN _____ PETITIONER

VS.

STATE OF MISSISSIPPI _____ RESPONDENT(S)

ON PETITION FOR A
WRIT OF CERTIORARI TO
COURT OF APPEALS OF THE
STATE OF MISSISSIPPI

MOTION FOR EXTENTION OF TIME
TO FILE

PETITION FOR WRIT OF CERTIORARI

CLAYTON PAUL BATEMAN #175035

S.M.C.I-2, D-2, #8

P.O. BOX 1419

LEAKESVILLE, MS 39451-1419

TABLE OF CONTENTS

Coversheet

Table of Contents _____ 1

List of Interested Parties _____ 2

Jurisdictional Statement _____ 3

Purpose Statement _____ 4

Reason to Grant Extension _____ 5

Appendix A
Ruling from State Court of Appeal _____ A

Appendix B
Order from State Supreme Court _____ B

Appendix C
Denial of Rehearing from C.O.A. _____ C

Appendix D
Docket Sheet from C.O.A. _____ D

Appendix E
Mandate from C.O.A. _____ E

Certificate of Service

LIST OF INTERESTED PARTIES

Supreme Court and Court of Appeals
for the State of Mississippi
P.O. Box 249 Jackson, MS 39205-0249

Attorney General for the State of Mississippi
Jim Hood, Gia Nicole McLeod, Jason L. Davis,
Alicia Marie Ainsworth
P.O. Box 220 Jackson, MS 39205-0220

Lawrence R. Bourgeois Jr., Judge
Harrison County Circuit Court
P.O. Box 1461 Gulfport, MS 39502

Harrison County District Attorney
P.O. Box 1180 Gulfport, MS 39502

Gia Nicole McLeod, Director
Inmate Legal Assistance Program
633 N. State St Jackson, MS 39202-3306

NOTE: This party is also listed with the A.G. above

No Party Association
Darrell Clayton Baughn, Office of Attorney Gen.
633 N. State St Jackson, MS 39202-3306
Anthony Louis Schmidt Jr., MS Dept Pub. Safety
P.O. Box 958 Jackson, MS 39205-0958

NOTE: These Parties are also State Actors

SEE: Appendix D; 2016-LT-01353-SCT docket

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

The date on which the States' Highest Court denied petitioners Petition for Writ of Certiorari was Wednesday, 10th day of April 2019. A copy of that order appear at Appendix B. That order was filed on Thursday, 18th day of April 2019.

The above Petition for a Writ of Certiorari followed a timely Motion for Rehearing in the States' Court of Appeals. Rehearing was denied Tuesday, 29 day of January 2019. The letter from the Court informing appears at Appendix C.

The intended Petition for a Writ of Certiorari to this Court will be seeking review of the determination of the Court of Appeals of the State of Mississippi in Case #2016-CT-01353-COA, that was rendered Tuesday, 25th day of September 2018. The docket sheet for said case appears at appendix D. The Mandate from the Court of Appeals appears at Appendix E.

Petitioner understands the 90 days file his Petition began with the filing date of the State Supreme Courts' denial of certiorari: 18th day of April 2019. That places the deadline for the proposed Writ on 17th day of July 2019.

PURPOSE

This application for extension of time is for Clayton Paul Bateman (Petitioner), solely and individually.

Petitioners' proposed petition for a Writ of Certiorari will seek this Courts' review of the judgment rendered in the Court of Appeals for the State of Mississippi : Cause No[#] 2016-CT-01353-COA. Said judgment appears in appendix A.

Petitioner seeks by this application for an extension of time; an additional term of ~~60~~ days.

Petitioner shows herein that he has systematically been denied legal service, particularly for several weeks in June. Had these services been provided in a timely manner as requested, petitioners' proposed petition for writ of certiorari would have been prepared and ready for submission by or before the original deadline of the 17th July 2019. It should be kept in mind that this entire application was not intended and is completely ad hoc, without any kind of assistance.

Petitioner has repeatedly informed the I.L.A.P. Staff of the current deadline for this application.

Petitioner was not given any legal service or an opportunity to mail this application until 10 July

REASON TO GRANT EXTENSION

Petitioner is not an attorney, nor skilled in law or process, and is wholly dependent upon the Mississippi Department of Corrections (M.D.O.C.) Inmate Legal Assistance Program (I.L.A.P.) for any and all legal needs. This is compounded by petitioners' indigent status. Petitioner asserts now, as reason for the granting of this application, is that he has received completely inadequate legal service and has been denied competent access to the courts. To better understand this one must come to realize that there is not a law library of any kind accessible to inmates at the institution where petitioner is housed. The I.L.A.P. services available consist only of notary copy, mailing out of material (extremely limited in scope) and once per week up to 10 (ten) items (cases, statutes, or addresses, each individually) to be copied from West-Law may be requested of the I.L.A.P. staff. There is no council to be had. The I.L.A.P. staff consists only 2 or 3 women to provide legal service to over 3,000 inmates, scattered over several counties. Also once per week,

if requested before 8 am. Monday morning, an inmate may use the ILAP notary, copy, mail service sometime Wednesday or Thursday. This 'visit' to the ILAP office is the only time an inmate has to ask any questions of the Staff during the 5 to 10 minutes while they are busy with whatever copying and mailing they are doing for you. Petitioner has asked on numerous occasions for council with the Staff to help him with various aspects of the law, and/or process. The petitioner is directed to put any questions on the next I.L.A.P. request form which is never answered.

Petitioner received the State Supreme Courts' denial of his petition for a writ of certiorari on the 18th day of April 2019. The due day of the petition for writ of certiorari 17th day of July 2019 making the 10 day prior due day for this application the 7th day of July 2019. This date falls during the week of the 4th of July holiday, when the ILAP Staff has a limited schedule with no service the entire week. This same limited schedule is the same as was use for both Easter (21st April) and for Memorial day (27th May). Petitioner was denied

access to any legal service during the weeks of 10th of June thru the 27th of June 2019. As of this draft of this application on 2nd July, there is a request in to see the ILAP staff this week declaring my deadline. Of course it is yet to be seen if petitioner will be denied or not, but of the 11 weeks between 18 April 2019 and 4 July 2019 he has been denied access to legal services for 5 weeks possibly, 6 weeks if this holiday week is also refused.

It is relevant to these issues to point out that the entire M.D.C.'s ILAP service is overseen by Gia Nicole McLeod, an attorney that is special council to the States' Attorney Gen.. Gia Nicole McLeod (McLeod) is even listed as party to the cause in the States' Court of Appeals upon which review by this Court will be sought in the proposed petition for writ of certiorari. See appendix D.

Petitioner spoke to McLeod in the ILAP office on 6th June, and among other issues, asked about this conflict of interest. He was told on all points to submit such questions in writing, which was done within a day or so. There have been several such requests for information

submissions since. There has been no reply, and as shown earlier, the petitioner has been denied all access to legal services for several weeks. This is not just merely the overtaxing of an inadequate and limited service, but does in fact operate to impede, frustrate, and deny access to the courts. Petitioner has lost more than a month of the 3 months that was allotted for him to properly prepare his petition for a writ of certiorari to this Court. The granting of this application for an extension of time would give petitioner the opportunity to better use the limited resources available to him.

To understand the intent of the above mentioned operation, of frustration, at least in part, one must be aware of the underlying contention that petitioner has raised in each of the state courts, and has maintained throughout. Petitioner presented the state courts' the jurisdictional challenge that the state itself is without sovereignty based on the 1990 state constitutional amendment repealing the states' boundaries. This courts' standing decisions hold that "the Boundary line is the line of sovereignty" Central Rail Co.

of New Jersey v. Jersey City, 204 U.S. 473, 478 (1908)

Petitioner has a well supported construction that at least raises a significant question of Law, and jurisdiction one that merits a de novo review in any court it is presented to as a matter of course. However, petitioner has been unable to have this issue addressed by the Courts, any of the various appointed attorneys, any attorney for that matter, or more particularly, by the ILAP legal staff, which is all petitioner has access to, limited as it is. The State has a real and substantial motive to impede and frustrate petitioner through its various agents. In the instant case that would be, but not limited to, Gia Nicole Mcleod and the ILAP legal staff under her control.

Petitioner has assembled this application without any assistance, armed only with this Courts rules in the hopes that he may have a timely opportunity to actually mail it this week.

Petitioner, Clayton Paul Bateman, for these reasons does pray that this Court grant his application for extention of time in the full 60 day term.

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