

SUPREME COURT OF THE
UNITED STATES OF AMERICA

ABU KHALID ABDUL-LATIF
PETITIONER

v.

UNITED STATES OF AMERICA
RESPONDENT

USCA 9 No. 19-35115

Motion to direct the Clerk
to file a Writ of Certiorari
out of time

AFFIDAVIT

COMES NOW, Petitioner Mr. Abu Khalid Abdul-Latif to file a Motion to this Honorable Court in request to file a Writ of Certiorari of time in respect to the rare occurrence that caused Mr. Abdul-Latif to miss the Deadline by 3 days. On this, Mr. Abdul-Latif humbly requests this Court to review this Motion in order that Mr. Abdul-Latif may continue his quest for relief on this matter.

We ask this Honorable Court to excuse the lateness of the arrival of this filing based on the following.

As this Honorable Court is aware, the date of the Ninth Circuit Court of Appeals ruling was November 8, 2019, and that determined that I had until February 6, 2020 to file this Petition. As I was putting the Motion together I was in Sandstone, Minnesota housed at the Correctional Facility I learned that I was being transferred to a different facility for Medical Reasons, and ordered to pack all of my property for transfer on or around January 2, 2020. On January 7, 2020, I was put on the bus to leave, and stayed in transit until January 16, 2020. Upon arrival, I informed several

staff members here that I had a Court deadline to meet, but I did not get my property until February 7, 2020 which just happened to be the day after this Honorable Court's deadline. Even with that, the Motion was completed and an affidavit was sent with the Motion dated for February 10, 2010 with hopes that this Court would review this claim because the delay was not in my control.

This unforced delay could not be helped, I again humbly Pray that the Highest Court in the Land would not let this be the reason to turn their back from granting relief in this case in the interests of Justice. The Property sheet I signed proving that I did not receive my property until February 7, 2020 will be with this Motion as evidence of my claims.

I do not have funds to pay fees, and have always been allowed to file without paying one.

I swear under the penalty of perjury that everything stated is true and correct to the best of my knowledge

DATED 2 / 3 / 2020

Respectfully Submitted,

AKL
ABU KHALID ABDUL-LATIF

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NOV 8 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

No. 19-35115

Plaintiff-Appellee,

D.C. No. 2:13-cv-01715-JLR
Western District of Washington,
Seattle

v.

ABU KHALID ABDUL-LATIF,

ORDER

Defendant-Appellant.

Before: SILVERMAN and OWENS, Circuit Judges.

The request for a certificate of appealability (Docket Entry Nos. 19, 21) is denied because appellant has not shown “that (1) jurists of reason would find it debatable whether the district court abused its discretion in denying the Rule 60(b) motion and, (2) jurists of reason would find it debatable whether the underlying section 2255 motion states a valid claim of the denial of a constitutional right.”

United States v. Winkles, 795 F.3d 1134, 1143 (9th Cir. 2015), *cert. denied* 136 S. Ct. 2462 (2016); *see also* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Any pending motions are denied as moot.

DENIED.

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