

SUPREME COURT OF THE UNITED STATES

OFFICE OF THE CLERK

WASHINGTON, D.C. 20543-0001

JULIAN MARIN-GUTIERREZ  
-PETITIONER-

USCA8 No: 19-2299

V.

UNITED STATES OF AMERICA  
-RESPONDENT-

REQUEST FOR LEAVE OF THE COURT TO RESUBMIT THE FOLLOWING OUT OF  
TIME PETITION FOR A WRIT OF CERTIORARI.

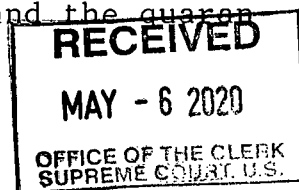
On March 18, 2020, Petitioner submitted his petition for a writ  
of certiorari to prison officials.

On March 19, 2020, prison officials postmarked the petition and  
mailed it to the supreme court of the United States ("SCOTUS").  
The petition was received in the office of the clerk on March 24,  
2020.

On March 31, 2020, the office of the clerk returned the petition  
to Petitioner, stating that the petition is, "Out-of-Time".

A petition is deemed filed at the time it was delivered to  
prison authorities for forwarding, *Houston V. Lack*, 487 U.S. 266  
(1988)[Persuant to Fed.R.App. p.25(a)(2)(c), "A petition filed  
by an inmate confined in an institution is timely filed if deposi-  
ted in the institution's internal mail system on or before the  
last day for filing."].

Petitioner does not dispute the fact that the petition was  
untimely. But due to extraordinary and compelling circumstances  
within the institution for the COVID-19 pandemic, and the quaran-



tine lockdown, court materials such as typing, stamps, certification materials and envelopes were unavailable to Petitioner. Thus, for the foregoing reasons, Petitioner respectfully requests for leave of the court to submit the following petition pursuant to rule 12.1, as an out-of-time petition, for consideration of the court.

Respectfully submitted this day: 04/28/2020.

By: Julian Marin-Gutierrez

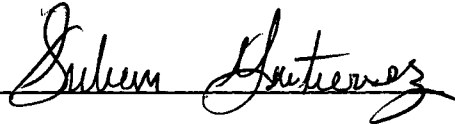
Reg. No: 13844-030

F.C.I. 2 Oakdale

P.O. BOX 5010

Oakdale, LA 71463

Signature: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Julian Gutierrez", is written over a horizontal line that serves as a signature line.

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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No: 19-2299

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Julian Marin Gutierrez

Petitioner - Appellant

v.

United States of America

Respondent - Appellee

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Appeal from U.S. District Court for the Southern District of Iowa - Des Moines  
(4:16-cv-00287-SMR)

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**JUDGMENT**

Before COLLOTON, GRUENDER, and SHEPHERD, Circuit Judges.

This appeal comes before the court on appellant's application for a certificate of appealability. The court has carefully reviewed the original file of the district court, and the application for a certificate of appealability is denied. The appeal is dismissed.

October 28, 2019

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 19-2299

Julian Marin Gutierrez

Appellant

v.

United States of America

Appellee

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Appeal from U.S. District Court for the Southern District of Iowa - Des Moines  
(4:16-cv-00287-SMR)

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**ORDER**

The petition for rehearing by the panel is denied.

December 18, 2019

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

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