

Diana Cole Cherry
5042 Wilshire Blvd Los Angeles
CA 90036 #33783
In Pro Per

SUPREME COURT OF THE UNITED STATES
WASHINGTON, DC

Diana Cole Cherry

Petitioner

vs.

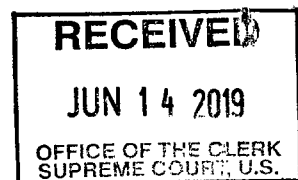
Ceo of Weyerhaeuser Doyle R Simons.

Respondent

No. 17-56697

MOTION TO REQUEST THE CLERK
TO FILE THE PETITIONER PETITION
FOR A WRIT OF CERTIORARI

I am Seeking to file a Motion to request the Clerk to file my petition for the Writ of Certiorari. the Clerk Mr Scott S. Harris stated the following 'the petition for the writ of certiorari was out of time, the date of the lower court judgment or order denying a timely petition for rehearing was September 19, 2018. therefore the petition was due on or before December 18, 2018. This is incorrect information that was stated as explained on the following page..



OPENING STATEMENT

this is Incorrect. The Date Mr. Scott S. Harris reference from the lower Court Judgment or Order on September 19, 2018 this is not the date that I received the final Court Order Judgment. I received the final Order Judgment On December 12, 2018 Therefore December 18th 2018. would not be My deadline. I have sent my evidence showing that. Incorporate by reference Document(60)The ORDER formal Mandate affirmed entered march 22, 2018. and the Document(70) the judges stated "the recalled for the limited purpose of Considering the motion for clarification" My Clarification Entry No. (11) it was later denied. a statement from the Appellate Court judges and I quote the formal Mandate shall reissue forthwith, no further filling will be entertained in this closed case'. On the responding letter from the lower Appellate Court judges On the ORDER for Clarification Document Dated Sep 19, 2018 the ORDER is a reply to my motion for clarification (Docket Entry No.(11) the procedure that was presided on the reference dated September 19, 2018 ORDER. this was not a timely petition for rehearing, it was a reply from a Request That I had Made Concerning Clarification on the Formal Mandate Judgment Order, from the lower United State Ninth Circuit Court Appellate Court of Appeals responding to my motion for Clarification on The ORDER Formal Mandate affirmed pursuant to Rule 41(a) of the Federal rules Seeking of appellate procedure, Judgment Order date filed April 13, 2018 an entered March 22, 2018. from the lower Ninth Circuit Appellate Court of appeals. then my appeal Court case was Closed. The ORDER formal Mandate affirmed was sent to the below Court to render a final Judgment Order.

Order. the Rule 41(a) of the Federal rules When a Formal Mandate is issued no further actions can be taken from the Appellate Court Federal Rule 41(a). which is when the below Court and that is the Central District Court of Los Angeles CA made a ruling on the Final Judgment Order and that is where I received my final Judgment Order which is on December 12th 2018 since the lower Appellate Court issued a formal Mandate and My appeal case was Closed I had no Choice but to return to the below Central District Court. for the final Order Judgment on my case the Statement That I am Mentioning here is already included in my petition for the writ of Certiorari. documentations so to proceed to the next level Which is The United State Supreme Court I needed to receive my final ruling on a Order Judgment and that is what I received which is the final order on December 12th 2018. by a formal mandate affirmed Order Rule 41(a) entered march 22, 2018 document (60). and directions from the lower 9th Circuit Appellate Court of appeals to the below Central District Court of Los Angeles CA

CLOSING STATEMENT

this is Indisputable facts of an event on the September 19, 2018

I am not certain where clerk Mr. Scott S Harris is receiving his information from as that is not what occurred in the case with that being said I am Requesting for the Clerk to file My petition for the writ of Certiorari. that I have already provided to Mr. Scott S. Harris to be filed and being that Mr. Scott S. Harris have incorrect information of my case and I have provided the correct facts of my case. meaning I am not out time. I am Requesting the clerk to file My petition for the writ of Certiorari

Sincerely

Diana Cole Cherry

Date June 10th, 2019.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 19 2018

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

DIANA COLE CHERRY,

Plaintiff-Appellant,

v.

DOYLE R. SIMONS, CEO of
Weyerhaeuser,

Defendant-Appellee.

No. 17-56697

D.C. No. 2:16-cv-07469-SVW-PLA
Central District of California,
Los Angeles

ORDER

Before: LEAVY, M. SMITH, and CHRISTEN, Circuit Judges.

The mandate is recalled for the limited purpose of considering the motion for clarification.

This appeal was dismissed as frivolous. *See* 28 U.S.C. § 1915(e)(2)(B)(i) (the court shall dismiss an appeal, notwithstanding payment of the filing fee, if the court determines that the appeal is frivolous or malicious). Any payment of the filing fee will not result in the reinstatement of this appeal.

The district court shall refund \$505 to appellant by remitting a check to Diana Cole Cherry, 5042 Wilshire Boulevard, Suite 33783, Los Angeles, CA 90036. The Clerk shall serve this order on the finance unit of the district court.

Cherry's motion for clarification (Docket Entry No. 11) is denied.

The mandate shall reissue forthwith.

No further filings will be entertained in this closed case.