

Reginald C. Sheftall Jr.)

PETITIONER)

V.)

Aaron Joyner, Warden)

RESPONDENT)

)

USCA4 No. 18-7103)

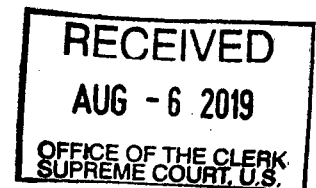
MOTION TO DIRECT COURT CLERK TO FILE

PETITION FOR WRIT OF CERTIORARI

OUT- OF -TIME

Petitioner is filing this petition in the above captioned civil habeas action from a criminal state court conviction. Petitioner had no knowledge of the entry of his Rehearing En Banc judgment filed on April 2, 2019 due to Petitioner currently being incarcerated and having no access to electronic filing. Petitioner motions the clerk to file under good faith and good cause because Petitioner was in receipt of the Rehearing En Banc order on April 8, 2019 when he signed for it after it was received by the Lee Correctional Institution mailroom on April 5, 2019 (see attachment). Petitioner was under the impression that the computation of his time to file his petition for Writ of Certiorari starts from the receipt of the order in compliance with 28 U.S.C. 1746.

Due to the fact that Petitioner is laymen to the law, Petitioner misapplied the Rule 41 (a) of the Federal Rules of Appellate Procedure when it came to the issuance of the formal mandate with the Rules of the United States Supreme Court Rule 13.1, 13.3, 29.2, and 30.1 when it came to computing his time for filing his Writ of Certiorari. Petitioner believed he filed the petition at first postmark on July 8, 2019 under the impression it was within the 90 days from the receipt of the Rehearing En Banc order. Petitioner respectfully requests the clerk of



the United States Supreme Court to file Petitioners petition for Writ of Certiorari Out-Of-Time
for good faith and good cause for the above said reasons.

Respectfully Submitted,
Reginald C. Sheftall Jr #348974
Lee Correctional Institution
F6-2240
990 Wisacky Hwy
Bishopville, SC 29010

July 30, 2019

s/ Reginald C. Sheftall Jr

CLERK'S OFFICE
U.S. COURT OF APPEALS
FOR THE FOURTH CIRCUIT
1100 E. MAIN STREET, SUITE 501
RICHMOND, VIRGINIA 23219
OFFICIAL BUSINESS

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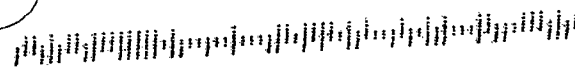
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LEE CI MAIL ROOM

#348974
LEE CORRECTIONAL INSTITUTION
F1-2154
990 Wisacky Highway
Bishopville, SC 29010-2021

29010-177590



FILED: April 2, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-7103
(8:17-cv-01955-TMC)

REGINALD C. SHEFTALL, JR., a/k/a Riegnald C. Sheftall

Petitioner - Appellant

v.

AARON S. JOYNER, Warden

Respondent - Appellee

O R D E R

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Chief Judge Gregory, Judge Agee, and Judge Diaz.

For the Court

/s/ Patricia S. Connor, Clerk

UNPUBLISHED

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

No. 18-7103

REGINALD C. SHEFTALL, JR., a/k/a Riegnald C. Sheftall,

Petitioner - Appellant,

v.

AARON JOYNER, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at
Anderson. Timothy M. Cain, District Judge. (8:17-cv-01955-TMC)

Submitted: February 21, 2019

Decided: February 25, 2019

Before GREGORY, Chief Judge, and AGEE and DIAZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Reginald C. Sheftall, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Reginald C. Sheftall, Jr., seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on his 28 U.S.C. § 2254 (2012) petition. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A) (2012). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2012). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find that the district court's assessment of the constitutional claims is debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); see *Miller-El v. Cockrell*, 537 U.S. 322, 336-38 (2003). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable, and that the petition states a debatable claim of the denial of a constitutional right. *Slack*, 529 U.S. at 484-85.

We have independently reviewed the record and conclude that Sheftall has not made the requisite showing. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED

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