

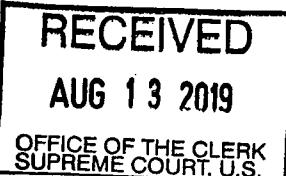
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~~July 31<sup>st</sup>, 2019~~

*August 4th, 2019*

Mr M. Duggan  
Case Analyst  
Supreme Court Of The United States  
Office of The Clerk  
1 First Street, NE  
Washington DC 2054  
USA

Dear Mr Duggan



**Re: Case: 18A252 - Keith Smeaton v. USINS Petition For Writ of Certiorari to The Fifth Circuit  
Court of Appeal No: 16-30827 and lower District Court matter No. BC-86-3333.**

Further to your letter dated February 19th, 2019 which I received on or about the July 27<sup>th</sup>, 2019 requiring me clearly to clarify whether I am asking a Petition for Writ of Certiorari or Mandamus and secondly to sign my Motion To Proceed In Forma Pauperis. I am pleased to enclose the corrected documents as requested. In support I confirm I am filing a Petition For Writ of Certiorari.

I also attach my Motion asking permission to file my subject Petition on the grounds of special circumstances, one of which is compassion because of the debilitating effects of Dyslexia disability which has caused a technical delay in filing subject Petition by the due date of January 28<sup>th</sup> 2019. The court received the said petition on or about January 22<sup>nd</sup>, 2019.

**Included in the said attached motion to this court asking for (1) permission to file subject Petition out of time on special circumstances. I also Motion the court for permission to add the additional evidence listed in Index (2) " additional Evidence" of 69 Pages to be added to the enclosed corrected Petition for Certiorari Appeal because I refer to them in my subject Petition. They were exhibited to my original letter to the Court asking permission to file Certiorari Appeal and in my initial Petition. They will assist the court by providing the background facts leading to this Appeal supporting the evidence currently listed and attached to my Petition.**

At Page 67 of Index (2) I attach the letter from Ms Dorota Cronin, Cognitive Analytic Therapist, NHS East London dated December 6ths, 2018 confirming that the debilitating effects of dyslexia diagnosed in 1983 by Doctor Beverly Hornsby and Mr Guy Grey, Member of Royal Academy's Working team Educational Assessment on Dyslexia are current. Ref Pages 31 to 43 stating that extreme anxiety causes me to miscommunicate and misunderstand meaning of documents.(see Pages 36 to 37).

In this regard, I have been under therapy for PTSD and Depression since December 2018, during which time I have been attempting to comply with the filing rules for said petition, from which I never recovered. It may be argued that I am not in fit mental state to attempt to file subject Petition without professional assistance which means the Court rules are asking me to do something I cannot do, due to my disability which I know the Court is well aware. Therefore, I ask the court to graciously extend the time again for me to file. I apologize once again for delays. Not having Professional representation during this time, has affected the accuracy of the details of the subject petition which I had believed were correct. One of the problems is finding a UK law firm who is both insured and familiar with U.S Federal Law and Court rules. America lawyers simply refuse to assist.

Once again I thank you for your continued help in this matter; it is really appreciated.

Sincerely



Keith Smeaton,  
Petitioner / Appellant / Plaintiff

Attachments:

Motions and Index (2) Additional Evidence 74 Pages *AND PROCEDURAL BACKGROUND*

**Please Note: The Personal Support Unit, Royal Courts of Justice, Strand London Volunteers assisted with the typing of the attached Motion and index 2. They are not permitted to give legal advice or interpret any court rules.**

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**In The Supreme Court of The United States**

Between: ) Case No. 18A252.

- ) *Fifth Circuit 16-30827, Claim: 2:86-cv-3333*
- )
- ) (1) Motion asking permission to extend time to
- ) file the corrections regarding the timely filed
- ) Petition for Writ of Certiorari on the
- ) compassionate grounds of special circumstances
- ) of dyslexia disability argued below.

**The Fifth Circuit Court of Appeal  
And its Judges The Honourable  
Elrod, King and Higgins  
United States Circuit Judges  
Respondent**

- ) (2) Motion to appoint professional Counsel if necessary regarding debilitating effects of
- ) Dyslexia ensuring documents meet court rules.
- ) (3) Motion to permit Petitioner to file and serve documents by email to avoid both the vast cost and time delay of international mail which Petitioner cannot afford through being a pensioner in forma Pauperise.
- ) (4) Motion permitting additional supporting documentary evidence previously filed but returned attached herewith as Index (2) which includes the December 18<sup>th</sup>, 2019 letter from Ms Cornin, Cognitive Analytic Therapist NHS East London, confirming the 1983 diagnosis of debilitating effects of Dyslexia which are current during the period of filing the Petition for Writ of Certiorari Appeal, causing confusion with management of documents and misunderstanding of court rule sin the public interest and the interests of justice.

Scott S. Harris, Clerk  
Michael Duggan, Case Analyst

1

42 I, Keith Smeaton, the undersigned Petitioner of the above address, will state and ask for the Court's  
43 indulgence to permit my corrections of mistakes in the attached Petition for Writ of Certiorari caused  
44 by the debilitating effects of Dyslexia. The request is to permit the corrections to be filed out of time  
45 on compassionate grounds of disability which is caught by the **American Disabilities Act of 1990**  
46 and the **UK's Equality Act 2010** on the grounds that I have been forced to represent myself without  
47 professional assistance which resulted in the errors.

48  
49 Dyslexia, which the Webster Dictionary defined as "one who can not understand the meaning of that  
50 which is written" has made it difficult for me to fully understand and comply with the rules of the  
51 court despite my best efforts.

52  
53 I had lodged the Petition for Writ of Certiorari on the 22<sup>nd</sup> January 2019, the 28<sup>th</sup> being the due date  
54 but the written mistakes needed to be corrected for said reasons.

55  
56 Mr Duggan, Case Analyst, in his letter of February 19, 2019 to me (which I received on or about the  
57 26th of July 2019) stated the two mistakes are that I had not clearly stated if I was applying for  
58 Certiorari Appeal or Petition for Writ of Mandamus, as I mention at page 3 of the Petition. Said  
59 Paragraph is now removed. I have added the words "Petition For Writ of Mandamus" to the face  
60 page of the Petition. Secondly, Mr Duggan stated I had not signed the motion to proceed in forma  
61 pauperise. It is now signed: I had signed the supporting affidavit, mistakenly thinking it was the only  
62 required signature. This was a dyslexic mistake of not fully understanding documents.

63  
64 This clarifies the fact that this Petition is a Petition for Certiorari Appeal.

65  
66 Because of the court's understanding my disability issues, it kindly previously extended the filing date  
67 by 60 days from the 28<sup>th</sup> November 2018 allowing me to correct errors. I now return the corrected  
68 Petition Certiorari with this Motion for an extension of time to correct it.

69  
70 I regret repeating details raised in my Petition for Writ of Certiorari regarding debilitating effects of  
71 Dyslexia, which is a novel defence issue however I restate them with regard to this Motion.

72  
73 Mr Duggan, the case analyst of The Supreme Court has recognized the possible injustice that may  
74 have occurred when applying strict court rules to said disabled persons like me. Due to a brain  
75 defect resulting in the two lobes competing for function, my eyes do not recognise what my they see  
76 and I cannot process incoming information properly and it becomes twisted in the process. Therefore, I  
77 become confused between left and right. I also suffer short-term memory difficulties. Therefore,  
78 composing written documents is very difficult resulting in them being unreadable. Therefore,

79 regretfully everything I write and read of an official nature has to be supervised to ensure accuracy.  
80 As said, all UK solicitors I approached refuse to assist; for example, they do not have insurance  
81 covering this issue and private individuals are reticent to assist in my legal issues for fear of being  
82 blamed if subsequently criticised. This is like me being stranded in an ocean with no rescue boat. At  
83 school I was constantly punished physically for being supposedly lazy and called stupid which  
84 resulted in extreme anxiety and fear causing extreme frustration. Experts confirm that this  
85 subsequently caused me to suffer an Adjustment Reaction, which is a mental relapse, particularly  
86 when in court proceedings which causes miscommunication. In support, the said medical report named  
87 below confirms that this Adjustment Reaction results in my saying what I do not mean to say, I agree  
88 with the content of written matter when in fact I do not agree, write what I do not mean to write  
89 etc. As a result, I was pressurized to plead guilty to the charge of mail fraud.  
90

91 **Ref Index (2) attached Pages 31 to 43 Page (37) supporting Petition of Writ of Habeas Corpus**  
92 **(P of HC) No. WWS-85-c-1551** seeking to negate the Mail Fraud Conviction and release from  
93 Federal Prison in **Case WWS-83-cr-0213** on grounds Dyslexia negated the element of intend causing  
94 a misunderstanding as contrived by US Postal Inspector and US Prosecutor which evidence supports,  
95

96 **Ref: Index(2) Pages P of HC 5 to 30.** They not understanding debilitating effects of dyslexia assumed  
97 criminal activity which they could not prove so they manufactured and concealed favourable defence  
98 evidence to gain grand jury indictment and conviction despite they knew evidence proved the case  
99 was / is a civil matter.  
100

101 **Ref: P of HC.** The FPD's office was infective when failing to investigate or mount defence in this  
102 regard as shown in **P of HC No. 1551** prejudicing and discriminating me in the process.  
103

104 Justice Kavanaugh, during his US Supreme Court Selection process stated "No Man Is Above The  
105 Law" which raises the question: Does this apply to Government Officers of e.g. the Postal Inspector  
106 Davis Westburg and Assistant US Prosecutor Eble Luckel, who prosecuted both the Fraud case 0213  
107 and Bail jumping case 0693; and did they pervert the cause of justice when concealing defence  
108 evidence proving innocents and as a result of their preventions did the USINS continue he said  
109 perversion of justices argued in Claim No. 3333 which discriminated against me?  
110

111 FPDs refused to investigate these facts that and pressurised me inducing my guilty plea when they  
112 knew I was suffering debilitating effects of dyslexia and under psychotherapy with the Mount Diablo  
113 Medical Centre for trauma.  
114

115 The Adjustment Reaction was caused by my Business Partner R L Abbot embezzling significant  
116 money from our family business leaving debt in my name and causing my infant family to become  
117 homeless. **Ref Judgement against Abbott In the Case of Russell V Smeaton January 1981,**  
118 **Walnut Creek County Court.** This, combined with concurrent criminal investigation and hearings  
119 resulted in my mental incapacity Adjustment Reaction which Doctor Sykorsky, expert witness. In  
120 the subsequent Bail Jumping Case WWS-83-cr-06933 his testimony was unchallenged and the court  
121 accepted the mental condition (that can last from months to 20 years), confirming I was  
122 suffering, which resulted in my not being able to do anything simple and me being open to the  
123 suggestion to plead guilty when I was not. The transcripts of those proceedings confirm I was  
124 confused during Criminal Proceedings **attached to Petition For Writ of Certiorari.** The P of HC  
125 argues that because of this mental condition and because of the extreme anxiety I was under at the  
126 time, I was pressurized into pleading guilty by the FPD.

127  
128 Unlike a physical or obvious disability, mine is hidden and therefore reasonable adjustments are not  
129 applied in order to help me, which is prejudicial and discriminatory.

130  
131 The Adjustment Reaction lasted 27 years, after which I was able to make the decision to file my  
132 motion to amend the 1986/7 judgment by Judge Vernon wrongly dismissing Claim 3333 pursuant to  
133 the Fifth Circuit judgement / order No. 87-4401 and 87-0394 attached to the Petition For Writ of  
134 Certiorari.

135  
136 The District Federal courts in 1983 refused to consider the new post-conviction medical evidence or  
137 the other due process contraventions raised in P of HC No. 1551 wrongly blocking legal process  
138 through the court system by Judge contravened Title 218 USC Sec 2255.

139  
140 The detrimental effects of dyslexia disability were not readily known in 1983. It is caught by the US  
141 ADA Act 1990 which was not established in 1983 when I was wrongly convicted of Mail Fraud in  
142 **Case WWS-83-cr-0213 and Bail Jumping WWS -83-cr-0693.** If it had been, it would have  
143 supported the contention that the fraud charge against me was without merit on ground that it was in  
144 fact a civil matter based upon the defence of Promissory Estoppel as I argue in my Petition for Writ of  
145 Habeas Corpus (P of HC) No. WWS-85-c-1551 Ref. Index (2) Pages 31 to 43 attached herewith  
146 based upon the favourable opinion of His Honour Justice Black Ref: Blacks Law Dictionary.

147  
148 **Index (2) Page 67 is the December 6<sup>th</sup>, 2018 letter from Ms Dorota Cronin, Cognitive Analytic  
149 Therapist, National Health Service (NHS) East London confirming the 1983 diagnosis of  
150 debilitating effects of dyslexia are current to date causing my written errors with the filed Petition for  
151 Writ of Certiorari.**

152 **Index (2) Page 69 is the the Ninth Circuit Court of Appeals dated September 14, 2017 order**  
153 **reinstating my Petition For Writ of Habeas Corpus N0. 1551 to the US District Court . The US**  
154 **Prosecutor's office does not oppose the defence issues or its supporting post-conviction evidence**  
155 **regarding dyslexia and due process contraventions raised in the P of HC No,1551, save that the**  
156 **District Court has no jurisdiction to consider it on grounds said P of HC is moot because I was**  
157 **released from prison many years ago. I filed my opposition stating that the District Court does not**  
158 **have jurisdiction onground that I am to date suffering and continue to suffer the effect of unfair**  
159 **Conviction / Imprisonmentbecause they are being used against me in the UK proceedings and in my**  
160 **UK civil legal case. In 2010 the US Immigrationofficial at San Francisco Airport would not let me**  
161 **enter because of said 1983 conviction denying me the opportunity to be with my daughters for**  
162 **Christmas whom I had not seen for 11 years because of said unfair conviction. My opposition to the**  
163 **Prosecutors position of P of HC No. 1551 is supported by case law overcoming their objection. This**  
164 **is currently with the Ninth Circuit and I await their further instructions on this matter.**

165

166 I obtained the said UK Medical Diagnosis supporting **P of HC said P of HC 1551** while out of bail  
167 jurisdiction but voluntarily returned with it to the Federal Court's Jurisdiction to set aside the fraud  
168 conviction as argued in **P of HC No. 1551**.

169

170 If this court allows the Certiorari and the matter proceeded to a hearing to amend or correct the  
171 Vernon J 1986/7 judgment dismissing **Claim 3333** and I am again forced to represent myself, the fact  
172 is that without assistance, I will continue to make written and verbal mistakes in further proceedings  
173 which will confuse the court, waste the court's time and public money causing further traumas and  
174 stress to all concerned. Therefore, the question arises: should Court rules be strictly applied to a person  
175 like me who can not pay for professional help pursuant to the ADA Act 1990 which creates special  
176 circumstances. **Will this arguably contradicts the intent protection of 1<sup>st</sup>, 5<sup>th</sup>, 6<sup>th</sup> , 8<sup>th</sup>, 18<sup>th</sup> and**  
177 **other Amendments of the US Constitution?**

178

179 **This suggests that people with hidden mental disability**, of which there are a few types, MUST be  
180 professionally assisted during legal proceedings. If not, then the question arises: Will I be denied  
181 access to the court's power of relief?

182

183 I might add that there are verifying degrees of dyslexia. Mine is regrettably severe.

184

185 This Petition is based upon the fact that the prior that the 1983 Criminal proceedings in the Lower  
186 District and Appeal Court for the Ninth Circuit and Fifth Circuit District and Appeal Court failed to  
187 consider the Dyslexia issue. Infact the presiding Judge in the 1983 Fraud matter stated he did NOT  
188 care about dyslexia. **Ref The Transcripts of Case 0213 currently filed with this court.**

189  
190 Page 12 Line 375 of Petition doesand did refer to this as my Certiorari Appeal.  
191  
192 **Background and reason why I am asking the Court to permit my / Petitioner adding the**  
193 **evidence located in Appendix(2):**I defer to the learned Supreme Court justices' judicial knowledge,  
194 but to ask them to also be medical experts on said disability is unreasonable. This is why in 1983  
195 Federal District Judge WWS Schwarzer,presiding over thefraud case 02134, may have erred  
196 whennoting the debilitating effects of the Defendant's dyslexia disability but failed to act of his own  
197 volition and did not take professional advice on Dyslexia in a timely manner before proceeding to  
198 conviction and sentence. He became aware of it during initial hearings through to sentencing as the  
199 transcripts support. In addition, District Judge Schwartzter should have realized that the evidence  
200 supports the contention that the Criminal Case 0213 is a civilmater as argued in my **P of HC No.**  
201 **1551**(Attached) arguesand a criminal judge did not have jurisdiction to impose a sentence.  
202  
203 In support, the Judge again erred when failing to stay all proceedings until jurisdiction had been  
204 established which is a common-law issue.  
205  
206 All subsequent court hearings have failed to address these issues. The said P of HC attached new post-  
207 conviction evidence proving innocence e.g. The said 1983 Dyslexia Diagnosis and its supporting  
208 arguments e.g. of ineffective assistance of council and prosecutorial abuse, and Judicial and due  
209 process errors**Ref: Index (2) Pages 31 – 43.** All of thisraises the arguable case whichcontradicts  
210 the San Francisco Federal District Convictions in both the Fraud and Bail Jumping cases and the  
211 Ninth Circuit Court of Appeal's decision to deny my Appeals from P of HC No. 1551 until I was  
212 released from Federal prison into civilUSINS civil jurisdiction. This negated Congress's intent and  
213 the Internationally accepted intent of HABEAS CORPUS. This also negated the Ninth Circuit denial  
214 ofmy appeal from the Bail Jumping conviction **Case 84-1175** from lower Court Judgment in Case  
215 No.WWS-83-cr-0693**Ref Index (2) Pages 72 – 74.**  
216  
217 Because the said P of HC No. 1551 raised novel issues, there is an arguable defence against a  
218 Conviction by Guilty Plea and a defence to criminal fraud lies in the civil matter of Promissory  
219 Estoppelnegating the element of intent as confirmed by His Honour Judge Black **Ref: Blacks Law**  
220 Dictionary both argued in said P of HC No. supporting innocents. The Federal Court should have  
221 granted P of HC negating both conviction for Bail Jumping and Deportation proceedings **No. 26 368**  
222 **961 Ref Index (2) Pages 62 – 65 because deportation was** based upon the allegation that I had  
223 committed a crime of Moral Turpitude which P of HC evidence and argument supports is untrue**Ref P**  
224 **of HC.** The lower Federal Court all refused to consider it and unfairly blocked fromprogressing  
225 through the court which results in a contravention of the 1948 Universal Declaration of Human Rights

6

226 torture through false imprisonment which the subject Claim No. 3333 addresses. This is because the  
227 USINS wrongly subjected me to penal servitude without an order from a court of Competent  
228 jurisdiction continuing the arguably false imprisonment caused by the Ninth Circuit Federal Judges  
229 abuse and contravention of Title 28 USC Sec 2255 and Federal Rules of Criminal Procedures No. 11  
230 as also argued in said P of HC No. 1551.

231  
232 Therefore, as a direct result, the 1985/6 USINS Administrative Court order Excludingme and the  
233 subsequent 1987 Louisiana District Court dismissing Claim 3333 and the subsequent 2015 Louisiana  
234 District Court presiding over my / Petitioners Motion to alter and amend the prior 1986/ 7 judgment  
235 dismissing claim 3333 and theFifth Circuit Court of Appeals May 16<sup>th</sup>,2016 wrong affirmation of the  
236 l2016 lower District Court decision dismissing my motion to amend or correct the 1986/7 Vernon J  
237 Judgment are all in error.

238  
239 The other error of the May 16<sup>th</sup> 2016 Fifth Circuit Circuit Court of Appeal order which is also  
240 pivotal in that they failed to consider the 2016 lower Louisiana District Court Judge error of not  
241 considering the central groundof my / Petitioner's 2015 motion. This was to specifically correct  
242 and/or amend the 1986 the Louisiana District Court Judgment of His Honour Judge Vernon's  
243 dismissal of the claim No. 3333 pursuant to the 1986/7 Fifth Circuit Court of Appeal's order No. 87-  
244- 4401 and 87-0394 permitting me / Petitioner to motion the district court to correct or amend the  
245 Vernon J's1986/7-order dismissing claim N. 3333. It did not do this, prejudicing me and  
246 contravening the 5<sup>th</sup> and 6<sup>th</sup> Amendment because it denied me access to the court for not considering  
247 the said Fifth Circuit's 1987 59(e) judgment which mootedVernon J's order, facilitating my Motion to  
248 The District Court to amend and or correct the Vernon J order. **Ref Apendex (2) the 1986/7 Fifth**  
249 **Circuit Court of Appeal's order No. 87-4401 and 87-039.** The Said orders are filed in the first  
250 index attached to my / Petitioner's Petition for Certiorari.

251  
252 **Therefore**, for the reasonsstated above and on the grounds of special compassionate circumstances  
253 through Petitioner's disability of Dyslexia which causes confusion with documentation (also stated  
254 above). I respectfully remind the court that I did file the Petition for Writ of Certiorari by the Due date  
255 of 28<sup>th</sup>January, 2019 but it needed correction caused by dyslexia for which I apologise. I ask the court  
256 to again grant a short extension and allow my Petition for Writ of Certiorari to be filed and proceed in  
257 the interests and cause of natural justice to its just conclusion which, because of the issues in this case,  
258 I believe are in the Public Interest internationally.

259  
260 Respectfully  
261



262  
263  
264 Keith Smeaton Petitioner / Appellant / Plaintiff Pro-Se. ~~July 31<sup>st</sup>, 2019~~ AUGUST 6<sup>th</sup> 2019.

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 16-30827

---

KEITH SMEATON,

Plaintiff - Appellant

v.

ALAN NELSON; RON SANDERS; WARDEN FEDERAL DETENTION  
CENTER OAKDALE; WILLIAM H. FURNIA; DAVID WESTBERG;  
EDWARD MOSS; CHARLES A. WIEGAND, III; H. S. OTT; DAVID  
JOHNSTON; THOMAS HETRICK; NORMAN CARLSON; FOY; STEVEN  
MARTIN; JOSEPH WILLIAMS; UNITED STATES IMMIGRATION AND  
CUSTOMS ENFORCEMENT,

Defendants - Appellees

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Appeal from the United States District Court  
for the Western District of Louisiana

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ON PETITION FOR REHEARING EN BANC

(Opinion 05/16/2018, 5 Cir., \_\_\_\_\_, \_\_\_\_\_ F.3d \_\_\_\_\_)

Before KING, ELROD, and HIGGINSON, Circuit Judges.

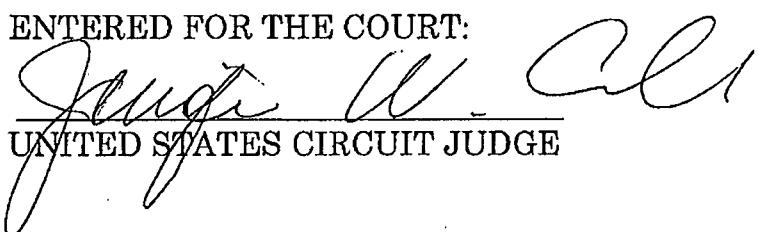
PER CURIAM:

(✓) Treating the Petition for Rehearing En Banc as a Petition for Panel  
Rehearing, the Petition for Panel Rehearing is DENIED. No member of  
the panel nor judge in regular active service of the court having

requested that the court be polled on Rehearing En Banc (FED. R. APP. P. and 5<sup>TH</sup> CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

( ) Treating the Petition for Rehearing En Banc as a Petition for Panel Rehearing, the Petition for Panel Rehearing is DENIED. The court having been polled at the request of one of the members of the court and a majority of the judges who are in regular active service and not disqualified not having voted in favor (FED. R. APP. P. and 5<sup>TH</sup> CIR. R. 35), the Petition for Rehearing En Banc is DENIED.

ENTERED FOR THE COURT:

  
\_\_\_\_\_  
UNITED STATES CIRCUIT JUDGE

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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United States Court of Appeals  
Fifth Circuit

No. 16-30827  
Summary Calendar

---

**FILED**  
May 16, 2018

Lyle W. Cayce  
Clerk

KEITH SMEATON,

Plaintiff-Appellant

v.

ALAN NELSON; RON SANDERS; WARDEN FEDERAL DETENTION CENTER OAKDALE; WILLIAM H. FURNIA; DAVID WESTBERG; EDWARD MOSS; CHARLES A. WIEGAND, III; H.S. OTT; DAVID JOHNSTON; THOMAS HETRICK; NORMAN CARLSON; FOY; STEVEN MARTIN; JOSEPH WILLIAMS; UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT,

Defendants-Appellees

---

Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 2:86-CV-3333

---

Before KING, ELROD, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Keith Smeaton, former federal prisoner # 75242-011, appeals the district court's denial of his postjudgment motion for relief from the May 14, 1987 dismissal of his civil rights complaint. Smeaton's Federal Rule of Civil

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 16-30827

Procedure 59(e) motion was filed more than 28 years after the entry of the judgment. Consequently, the district court did not abuse its discretion in denying the Rule 59(e) motion as untimely. *See FED. R. CIV. P. 59(e); Quinn v. Guerrero*, 863 F.3d 353, 360 (5th Cir. 2017), *cert. denied*, 138 S. Ct. 682 (2018). To the extent the motion should have been treated as a Federal Rule of Civil Procedure 60(b) motion, it was also untimely. *See FED. R. CIV. P. 60(c)(1); Quinn*, 863 F.3d at 360 n.1; *Travelers Ins. Co. v. Liljeberg Enterprises, Inc.*, 38 F.3d 1404, 1410 (5th Cir. 1994). Finally, to the extent the motion should have been treated as a motion for a ruling on the Rule 59(e) motion filed on May 15, 1987, Smeaton cannot show that the district court's denial of the motion was an abuse of discretion, *see Quinn*, 863 F.3d at 360, and he has abandoned any challenge to the basis of the district court's dismissal of his complaint, *see Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993).

Accordingly, the district court's judgment is AFFIRMED. Smeaton's motions to supplement the record on appeal and for the appointment of appellate counsel, a waiver of the visa requirement, and financial assistance with travel costs are DENIED.

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