

MOTION FOR LEAVE TO FILE AN OUT OF TIME FILING

Gareth Evan Lomax files for leave, to file an Out of time filing, for the court's Consideration, in accordance with Rule 21, Rule 37.5 and Rule 17.3.

A MOTION IN SUPPORT

The issue Unknown to the Court

The filing sent for July 1, 2019 was sent from Staples in Massachusetts. That filing was discussed 3—weeks prior to that filing's deadline, on or about, May 30, 2019. On those days intended for printing of those documents the supervisor took days—off, June 27 and 28 of 2019. Those days off were within mere moments after speaking with *Petitioner* en route to Staples to begin the print process of his federal civil lawsuit.

The end result was that Staples would not return the 40 copies to Staples in Greenfield or to *Petitioner* for Monday July 1, 2019. Shipping from USPS for all 40 copies were to be combined with the original and the certified check, as per *Rule 29*. 40 copies and copies mailed to stated parties were, instead, supposedly sent from Staples at or around Monday July 1, 2019. The Original was sent July 28, 2019 and the Certified check on that same Monday July 1, 2019, by the *Petitioner*. Three separate boxes were sent to the court's address.

FBI

Gareth Evan Lomax contacted the FBI as a matter of notifying a federal authority that the case had been interfered with. The call was made directly after leaving the Staples in Greenfield at approximately 2004 Hours, on June 28, 2019. A call lasting 16 minutes and 16 seconds. We reiterate our concerns regarding the Staples incident as being similar or same to the issues in Northampton, Massachusetts.

Consideration

We ask that the court grant the request.

Additionally, we ask that each of the *Respondents* provide an *Amicus Curiae* stating that the parties or entity in the above—styled case:

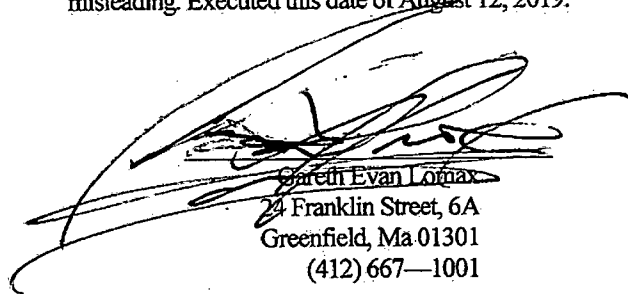
1. Did not seduce (Staples Employees) or otherwise intrude upon the lawful right to petition for a right of wrongdoing
2. Consents that the case should go forward without penalty, and
3. That their (your) party would not be prejudiced by doing so.

Rule 29.4. states, Any response to a motion shall be filed as promptly as possible considering the nature of the relief sought and any asserted need for emergency action, and, in any event, within 10 days of receipt, unless the Court or a Justice, or the Clerk under Rule 30.4, orders otherwise. A response to a motion prepared as required by Rule 33.1, except a response to a motion for leave to file an amicus curiae brief (see Rule 37.5), shall be prepared in the same manner if time permits. In an appropriate case, the Court may act on a motion without waiting for a response.

A unanimous agreement by all stated parties is preferable. But, that a lack of response could be factored against you. As stated, eight separate responses are requested from Eight Unknown Northampton Police. A response is sought from an Unknown Massachusetts State Police.

Non—response, could cause for a summary judgment to be entered against you.

I Gareth Evan Lomax, in *Acting Pro Se*, in the above—styled case. I declare under penalty and hereby attest, 28 U.S.C. § 1746, under the penalty of perjury and under the laws of the United States of America that the statements attested to are correct and are not falsified or misleading. Executed this date of August 12, 2019.



Gareth Evan Lomax
24 Franklin Street, 6A
Greenfield, Ma 01301
(412) 667—1001

United States Court of Appeals For the First Circuit

No. 18-8007

GARETH EVAN LOMAX,

Plaintiff, Petitioner,

v.

COMMONWEALTH OF MASSACHUSETTS; UNKNOWN NORTHAMPTON POLICE
OFFICER(S); UNKNOWN MASSACHUSETTS STATE POLICE OFFICER;
NORTHWESTERN DISTRICT ATTORNEY(S); ATTORNEY ROBERT BRAY,

Defendants, Respondents.

Before

Howard, Chief Judge,
Lynch and Thompson, Circuit Judges.

JUDGMENT

Entered: November 26, 2018

Plaintiff-petitioner Gareth Evan Lomax seeks permission to appeal, pursuant to Fed.R.App.P. 5, to permit the district court's reconsideration, pursuant to Fed.R.Civ.P. 60, of its January 11, 2018 and February 21, 2018 orders dismissing plaintiff's complaint. However, the district court docket indicates that in an electronic order dated March 20, 2018, the court granted reconsideration to the extent that plaintiff sought more time to respond to the show cause order entered on January 11, 2018. And Lomax's response (Dkt # 58) remains pending in district court. Therefore, even if properly before this court, the petition for permission to appeal is denied as moot. To the extent that petitioner seeks to appeal from dismissal of claims not encompassed by the show cause order, he may do so after judgment enters.

By the Court:

Maria R. Hamilton, Clerk

cc:

Hon. Mark G. Mastroianni

Robert Farrell, Clerk, United States District Court for the District of Massachusetts

Gareth Evan Lomax

Bart Q. Hollander

Kerry David Strayer

Dennis Anti

Jennifer A. Rymarski

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