

Supreme Court
Of The
United States of America

James A. Harnage #149472
Petitioner

U.S.S. CT # Unassigned

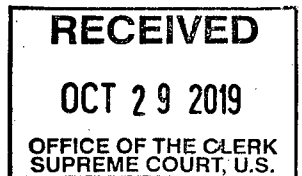
U.S.C.A. 18-2862

VS.

S. Barrone, ET AL.

Re-submitted 12/9/19 *ELH*
Dated: 10/1/19

Motion For Permission To File
Potentially Late Petition For Certiorari



Now comes the plaintiff-petitioner, James A. Harnage (Harnage), who hereby moves this Court for Permission To File his Potentially Late Petition For Certiorari, and therefore avers:

1. Plaintiff is a prose inmate, currently incarcerated at the Garner Correctional Institute (Garner), in Connecticut (the state).
2. Presently, plaintiff has numerous actions pending, in both state and federal court; challenging conditions of his twelve (12) year incarceration.
3. Since plaintiff's transfer to Garner from the MacDougall Correctional Institute (MacDougall), D.C. staff have been initiating new practice that is solely intended for the purposes of delaying, hindering and outright denying plaintiff, and all other inmates, at least at Garner; meaningful access to the courts, including, but not limited to:
 - a) denying outright, legal copies¹ and placing unreasonable limitations on the number of copies allowed per month, of twenty (20) pages per month, and;

FN1: D.O.C. Staff, at Garner, have placed an unreasonable requirement on the inmate population requiring that inmates send out a "Request To Incur Expenses" to the

- b) delaying incoming and outgoing legal mail by as much as 2-4 weeks from receipt by the mailroom for processing. On numerous occasions, plaintiff has received no notice of "short calendar" oral arguments, until 2 weeks after the argument was held; at plaintiffs surprise, and;
 - c) refusing to accept or schedule incoming legal calls from attorneys appointed by the Federal district Court, and;
 - d) refusing to allow inmates to give or receive legal documents from attorneys during legal visits, and;
 - e) denying indigent inmates paper, pen and legal envelopes for correspondence with attorneys and the courts. Plaintiff, an indigent inmate, had to trade a dinner tray, to obtain the pen he now writes with, and has gone to great lengths to obtain legal envelopes and obtain copies.
 - f) even e-filing notices are taking as long as 2-3 weeks, at times, to be received from D.O.C. staff.
4. In fact, last week, in the matter of Harnage vs Shari, 3:17-cv-0356 (AWT), Harnage was forced to get a court order, from The Honorable Sarah A. L. Merriam, to comply with a discovery order of that court, just to make copies to be provided to the state defendants. (See, Id., ECF 111 and 112) (annexed hereto)
5. These conditions, and a number of additional others; have been slowly degrading the plaintiffs ability to "timely" learn of and respond to decisions of any court.

Office of the Chief Public Defender, for all copying and mailing; identifying the number of copies, docket number of the case, etc..., and then, upon approval; mail the original documents to a third party service provider. Staff are basing this practice on a Memorandum of agreement between the D.O.C. and Office of the Chief

6. In fact, in submitting plaintiff's Petition For Certiorari, as attached, Hornage has spent several weeks attempting to find the means by which to make the required copies for the parties.

7. Plaintiff has been forced to coale the "Inmates Legal Aid Plan" (ILAP) service provider into making the copies for him, and then return these documents to him, for distribution; a service that is not a part of the Human Services Contract between the service provide and the state.

8. In regards to this petition:

a) On June 28, 2019, the Second Circuit Court of Appeals dismissed the appeal alleging "no arguable basis either in law or fact" under Neitzke vs Williams, 490 U.S. 319, 325 (1989), without a decision or analysis;

b) However, plaintiff did not have actual notice of the courts decision until July 29, 2019, due to delays in receiving mail (legal mail);

c) On July 29, 2019, plaintiff moved for an Articulation of the legal and factual basis upon which the appellate court dismissed the appeal;

d) To this date, October 1, 2019; plaintiff has not received a ruling on the motion for Articulation, but instead, on or about September 25, 2019, the plaintiff received the "Mandate" in this action, and a separate matter; Hornage vs Peters, 17-3394; decided the same day, in which the court has denied articulation;

Chief Public Defender, to provide those services from the Public Defenders budget for indigent criminal defendants. However, the agreement is intended for persons acting pro se, in the state court, challenging a criminal conviction. Due to the poorly drafted language of the agreement staff are applying it to ALL inmate copies, and

e) On August 7, 2019, and on numerous occasions since! Kurnage began requesting copies of the Petition for Certiorari, in an effort to be ready when the articulation was ruled on! and has been repeatedly denied!

f) In the face of these details by plaintiffs housing unit staff, correctional counselor (C.C.) Verrastro (Verrastro); plaintiff repeatedly sought out the assistance of ILAP associates!

g) However, the service provider has recently relocated and changed all of its contact information, including telephone number, and!

h) When Verrastro, the same individual contacting all the excuses to interfere with inmate legal access; posted the new information for the ILAP providers, the telephone number was listed in correctly and plaintiff has spent the intervening weeks attempting to obtain the correct contact information which Verrastro insisted was posted correctly, and!

i) Finally, on or about September 26, 2019, after going over Verrastro's head, plaintiff obtain the correct contact information and, on this day, has won authorization from the ILAP providers to mail them the enclosed petition, and this motion, for copying. (Questions of veracity may be posed directly to ILAP providers, Bousley/Anthony/Burdo, LLC. 877-294-2982).

9. Plaintiff is practiced in strictly adhering to mandatory deadlines in pursuit of his legal claims, even within the normal restrictions imposed by the D.C. on inmate litigants.

whereas the agreement was never intended to cover All Copies, the Rubric Defender is denying the duty to grant request to incur for civil matters. As the two entities dispute the agreement, inmates are being denied All Copies absent court order.

10. However, the recent spate of changes and restrictions being imposed by the P.O.C. are far beyond unreasonable, and beyond plaintiff's control.

11. Harnage has spent a great deal of time of the past several months, since February 2019; in writing duplicates of documents that he has been required to file, begging and trading for envelopes and pens and paper; just to obtain Extensions of Time or Reclaiming matters for oral arguments.

Therefore, plaintiff prays this court grant plaintiff Permission To File his Petition For Certiorari, as attached; which may potentially be Late, following the mailing of these documents to ILAP for copying.

By 
James A. Harnage #149472
50 Nunawauk Rd.
Newtown, CT. 06470

Certification of Service

The undersigned certifies the foregoing, and its attached Petition for Certiorari, were mailed 10/1/19 for copying services to:

Bansley/Anthony/Burdo LLC, 54 W. Main St., Mystic CT. 06355, and;
subsequently mailed 10/23/19 to this court and to defense counsel;
AAG. Robert S. Dearington, 110 Sherman St., Hartford, CT. 06105

The undersigned certifies the foregoing and its attached 
Petition were Re-mailed 11/13/19 and 12/9/19 to:  plaintiff

AAG. Robert S. Dearington, 110 Sherman St., Hartford, CT. 06105
following corrections pursuant to Notice of the Court on 11/1/19 of defects.

By 
plaintiff

D. Conn.
15-cv-1035
Thompson, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 28th day of June, two thousand nineteen.

Present:

Dennis Jacobs,
Debra Ann Livingston,
Susan L. Carney,
Circuit Judges.

James A. Harnage,

Plaintiff-Appellant,

v.

18-2962

S. Barrone, Deputy Warden, et al.,

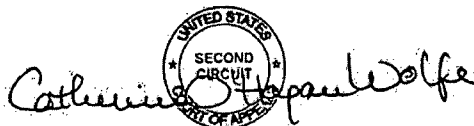
Defendants-Appellees,

McDaniels, Correctional Officer, et al.,

Defendants.

Appellees move to prohibit the pro se appellant from proceeding in forma pauperis. Upon due consideration, it is hereby ORDERED that the appeal is DISMISSED because it “lacks an arguable basis either in law or in fact,” and the motion is DENIED as moot. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see also* 28 U.S.C. § 1915(e).

FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk of Court

A circular seal of the United States Court of Appeals for the Second Circuit is stamped over the signature. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".

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