

No. 20-6275

IN THE  
SUPREME COURT OF THE UNITED STATES

Molika Akwo Nweme — PETITIONER  
(Your Name)

vs.  
United States of America RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals 5<sup>th</sup> Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Molika Akwo Nweme  
(Your Name)

3700 Wright Ave.  
(Address)

Big Spring, TX 79720  
(City, State, Zip Code)

BOP #: 66602479  
(Phone Number)

QUESTION(S) PRESENTED

5th Circuit Court of Appeals denied my motion to file petition for rehearing out of time. I requested to file petition for rehearing out of time because ~~am~~ filing pro se (without an attorney), and because of limited access to the library due to ongoing lockdown at the facility I am incarcerated because of the ongoing Covid-19 pandemic in the country.

### LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

### RELATED CASES

1. USA v. Molika Nweme, No. 4:18-cr-497-1, U.S. District Court for the Southern District of Texas. Judgment entered Nov. 20, 2019.
2. USA v. Molika Nweme, No. 19-20830, U.S. Court of Appeals for the Fifth Circuit. Judgment entered Sep. 21, 2020.

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## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

Non listed because I am incarcerated and the private facility I am incarcerated at does not have appropriate law library, and access to the tiny library is limited because of the ongoing covid-19 lockdown.

### STATUTES AND RULES

### OTHER

## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Oct. 6, 2020.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix B.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

#### CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

I am not sure of any constitutional and statutory provisions because I do not have access to a law library to research on them since we are currently undergoing Covid-19 lockdown:

But I think in a situation where a defendant/appellant is incarcerated, and have limited access due to a natural disaster such as the ongoing Covid-19 pandemic, to prepare timely petition for rehearing of his appeal, the court is supposed to consider his motion to file the petition for rehearing out of time.

#### STATEMENT OF THE CASE

The appeal court 5<sup>th</sup> circuit had denied to consider my motion to file a petition for rehearing out of time. I requested to file the petition for rehearing out of time because this sadly ongoing covid-19 pandemic has put not only the country to lockdown and limited access to activities but also us prisoners who are incarcerated in private prison facilities.

We have been on covid-19 lockdown since March, 2020 and access to every activity including programs and the general library has been restricted and limited to prevent the spread of the covid-19. As you can see I have prepared my petition for writs of certiorari by hand writing because access to the library is restricted.

Also I am on appeal pro se, I do not have an attorney who could have helped me file my motion for petition of rehearing on time.



### REASONS FOR GRANTING THE PETITION

This ongoing Covid-19 Pandemic is something that has hit the entire nation drastically, slowing down every activity. I think it's of national importance for the Supreme Court to ~~decide~~ on the appeal court's decision to deny my motion to file a petition for rehearing out of time despite the difficulties and limitations I currently have as an incarcerated person who is ~~under~~ under Covid-19 lockdown to prepare my court's and legal documents on time.

My ~~proffers~~ are for the Supreme Court to review my entire case and request the appeal ~~to go~~ Court to grant my motions and petition for rehearing.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Modika Akwo Nweme

Date: 10/22/2020