

No. 20-7906

In The

Supreme Court Of The United States

Gerald J. Silva, Prose - Petitioner

v.

United States - Respondent

Petitioner Gerald J. Silva's Motion to Reinstate
Petitioner's Case No. 20-7906 For A Writ of
Certiorari.

Submitted,

Gerald J. Silva

Gerald J. Silva, Prose

#160652

ACI- Intake Center

P.O. Box 8249

Cranston, RI 02920

Grounds For Reinstatement

1. On June 5, 2021, Petitioner received a Notice from The U.S. Supreme Court dated June 1, 2021 stating that Petitioner's Petition for a Writ of Certiorari was "Denied". The Notice did not provide an explanation or justification for the Denial. Therefore, Plaintiff's ability to effectively respond with specific Corrective Information is diminished.
2. Due to the deficient Medical and Living Conditions at Plaintiff's current place of incarceration, Plaintiff was Compelled to produce the Petition for a Writ of Certiorari, and this Document, under extraordinarily compromising circumstances causing the Petition, and this Motion, to be produced in a format that may be considered by many to be visually displeasing. Thus, due to the poor aesthetics of the Document, the vital Constitutional issues presented in the Petition may not have received the consideration that they deserve. Therefore, Plaintiff respectfully requests that the members of this Honorable Supreme Court take into consideration the possibility of the reality of their own humanity pertaining to this issue, and be receptive to the possibility that the inherent societal negative biases towards those participating in the Judicial Process without professional or legal

expertise, especially disenfranchised inmates, may have unduly influenced the oversight of the relevant constitutional issues presented in the Petition requiring the urgent attention of the Honorable Supreme Court.

3. The Circuit Court's lack of consideration of Plaintiff's

extraordinary circumstances that caused a delay in

Plaintiff's filing the required documents in a timely

manner with that Court, permitted the Circuit Court to

"Dismiss" Petitioner's Petition to that Court due to lack

of timeliness despite Plaintiff's diligent pursuit of

Plaintiff's Rights. Plaintiff contends that this decision

is in conflict with the Doctrine of "Equitable Tolling"

as established in *Holland v. Florida*, 560 U.S. 631, 130

S.Ct. 2549, 177 L.Ed. 2d 130 (2010).

4. Plaintiff contends that the Circuit Court failed to

consider Plaintiff's Complaint that the District Court

violated numerous Constitutional Rights when the

Presiding District Magistrate refused to allow Plain-

tiff to present witnesses to prove Plaintiff's

actual innocence.

5. Plaintiff contends that the Circuit Court's decision

to ignore Plaintiff's claim of "actual-innocence"

is in violation of *McQuiggin v. Perkins*, Supreme Court

of the United States, February 25, 2013, Argued, May

28, 2013, Decided, No. 12-126, which allows a Petitioner claiming "actual-innocence" to pursue his Petition as if it had been filed on time.

6. Despite The amateurish appearance of Plaintiff's Petition for a Writ of Certiorari, The Constitutional issues presented in The Document are relevant for consideration by This Honorable Supreme Court and are vital to The well-being of The United States in its entirety. The acceptance and advancement of Plaintiff's Writ of Certiorari will enable others who are more proficient with addressing The serious Constitutional Issues presented in The Writ to have a voice in This profoundly important discussion via Their Amicus Curiae Briefs.
7. To date, to Plaintiff's Knowledge, neither the United States Attorney General, nor The Rhode Island Federal District Attorney General have challenged Petitioner's Petition for a Writ of Certiorari, which Petitioner contends is relevant for consideration by This Honorable Supreme Court.
8. If The Supreme Court does not provide a suitable forum in which disenfranchised citizens can stand-up and be heard, The Country as a whole will fail to Thrive and evolve.

Conclusion

The Petition for a Writ of Certiorari should be granted.

Respectfully submitted,



Geraldo J. Silva, Prose

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July 12, 2020