

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES  
KIRK COTTOM — PETITIONER  
VS.  
UNITED STATES OF AMERICA — RESPONDENT

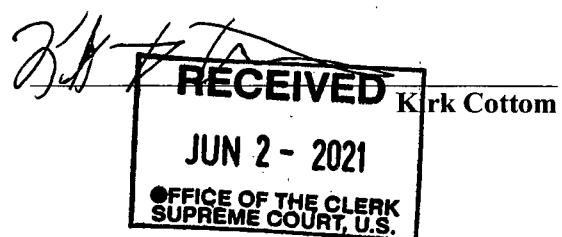
**DECLARATION OF TIMELY FILING**

I, Kirk Cottom, assert that I submitted the PETITION FOR A WRIT OF CERTIORARI on **May 15, 2019**. Two copies of the petition were presented to the **prison legal mail** clerk, they were then logged in and accepted. Both envelopes had three one dollar stamps affixed and the heat sensitive address labels required by the prison.

On May 31, 2019, I was summoned to prison legal mail and the copy of the petition that was addressed to the Solicitor General was returned to me. I informed the Supreme court clerk of this anomaly and asked for direction but did not receive a response; therefore, I assumed that the court clerk for the Supreme Court had received their copy of the petition.

On February 10, 2021, Clara Houghteling responded to my change of address request with the news that "...there seems to be no record of your petition having been received in this court." I then sent her proof of the incorrect delivery of the Solicitor General's copy to the clerk for the Court of Appeals Federal Circuit. That clerk then sent the petition to the Court of Appeals for the Eighth Circuit. That clerk then sent the petition back to me at FSL Elkton in Lisbon Ohio. (See Attached note from Federal Circuit clerk.)

I then asked Clara Houghteling how to rectify this problem and she said I should re-submit the petition with this declaration. Therefore, **I declare under penalty of perjury that the foregoing is true and correct. Executed on May 27, 2021.**





UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT  
717 MADISON PLACE, N.W.  
WASHINGTON, D.C. 20439

PETER R. MARKSTEINER  
CLERK OF COURT

CLERK'S OFFICE  
202-275-8000

May 23, 2019

United States Court of Appeals for the Eighth Circuit  
Thomas F. Eagleton Courthouse  
Office of the Clerk  
111 South 10<sup>th</sup> Street  
Room 24.329  
St. Louis, MO 63102

**In re: Cottom v. USA  
Case no: 16-1050**

Dear Clerk,

I am transmitting to your court original documents that were submitted to the United States Court of Appeals for the Federal Circuit in error. We received the documents on May 22, 2019.

Very truly yours,

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court

Enclosures: Original documents

cc: Kirk Cottom  
Reg #22413-055  
Federal Satellite Low Elkton  
PO Box 10  
Lisbon, OH 44432