

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.**


RECEIVED Kirk Cottom
JUN 2 - 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.



**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 10th 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