

No. 21-_____

IN THE
SUPREME COURT OF THE UNITED STATES

RONNIE RICE - PETITIONER

V/S.

FRANK VAN HIEL - RESPONDENT.

MOTION TO RESUBMIT PETITION FOR
WRIT OF CERTIORARI RESPECTFULLY
DIRECTING CLERK OF THE COURT TO
FILE IT OUT-OF-TIME, AS DIRECTED
BY THE CLERK OF THIS COURT.

Comes now, the Petitioner, Ronnie
Rice, pro-se, pursuant to this clerk's

correspondence dated: May, 11, 2021 and respectfully moved this Honorable Court to grant this motion to resubmit filing of Petition for Writ of Certiorari.

In support of this motion Petitioner stated the following:

1. The Petitioner filed a Petition for a Writ of Certiorari which was postmarked April 28, 2021 and received May 3, 2021.

2. The Clerk determined that Rice's Petition is out-of-time.

3. The date of the lower court judgment or order denying a timely petition for rehearing was October 22, 2020.

4. Therefore, with the additional 60 days granted by the order of this Court issued on March 19, 2020, the petition was due on or before March 21, 2021. See (R. Rules 13.1, 29.2 & 30.1,

5. When the time to file a Petition for a writ of certiorari in a civil case

(habeas action included)
has expired, the Court
no longer has the power
to review the petition.

6. The Clerk of this Court
gave Rice permission to
resubmit his petition
with this motion direct-
ing the Clerk of the Court
to file it out-of-time.

7. In Schacht v. United
States, 398 U.S. 58, 64, 90
S. Ct. 1555, 24 L. Ed. 2d 44
(1970), this Court held:
"Indeed, this Court's Rule

8. In addition to the above, pursuant to Federal Rule App. Proc. 26(c), Petitioner can show good cause for his Petition being out of time, which is because he had no access to the facility's law library due to the coronavirus.

9. The facility was on lock down due to the virus from October of 2020 and started opening back up slowly in the middle of January of

2021.

10. It would be weeks after; wherein, the law library opened.

11. On top of the above, Petitioner also filed an extension of time.

12. Petitioner's petition being out of time is no fault of Rice.

WHEREFORE, Petitioner prays that this Honorable Court grant this motion, accept the resub-

mitting of Rice's Petition for
Writ of Certiorari and grant
any & all relief deemed just
and proper within the premises.

Respectfully Submitted,
x April J. Rice
Petitioner, Pro Se

CERTIFICATE OF SERVICE

I, hereby certify, that on the
17 day of May, 2021, a true &
correct copy of the above motion
was sent to the Indiana Attor-
ney General office - 302 W. Wash-
ington Street - Fifth Floor, Indi-
anapolis, IN. 46204; by giving it

to prison officials through U.S.
Postal Mailing Service affixed
with sufficient postage.

X Paul F. Rice
Petitioner, Pro-Se

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted October 15, 2020

Decided October 22, 2020

Before

DIANE S. SYKES, *Chief Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

No. 20-1401

RONNIE J. RICE,
Petitioner-Appellant,

Appeal from the United States District
Court for the Northern District of
Indiana, South Bend Division.

v.

No. 3:17cv738

RICHARD BROWN,
Respondent-Appellee.

Jon E. DeGuilio,
Chief Judge.

ORDER

Ronnie Rice has filed a notice of appeal from the denial of his 28 U.S.C. § 2254 petition and a request for a certificate of appealability. We have reviewed the final order of the district court and the record on appeal. We find no substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

Accordingly, we DENY the request for a certificate of appealability and DENY Rice's pending motions.

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