

No: _____

SUPREME COURT OF THE UNITED STATES

LAWANDA WARREN,
Pro, se. Appellant

V.

CEW GROUP d/b/a PBI INSTAL
BIALEK ENVIRONMENT
ACCIDENT FUND INS. COMPANY OF AMERICA
KENNECTION INSTALLATION LLC
NORGUARD INSURANCE COMPANY
Appellees.

PETITION VIRGINIA SUPREME COURT

On Petition for a Writ of Certiorari to the
SUPREME COURT OF THE UNITED STATES

LAWANDA WARREN
2237 DUKE ST, C-23
ALEXANDRIA VIRGINIA 22314
leentif7@gmail.com

(931) 378-1067
RECEIVED
SEPTEMBER 17, 2020
SEP 23 2020
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SUPREME COURT, U.S.

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MOTION FOR EXCUSABLE NEGLIGENCE

Rule 6(b)(1)(B), Rule 60(b)(1) and Rule 4(a)(i)(ii)(5)(A)

Ms. Warren pro se' appellant respectfully Motion the Supreme Courts of America for Excusable Neglect.

Ms. Warren appellant has been denied petition review for tardiness of filing On a Petition for a Writ of Certiorari to the Supreme Court of America.

Rule 6(b) allows courts to grant relief by finding that an inadvertent late filing, while negligent, constitutes "excusable neglect." *Pincay v. Andrews*, 389 F.3d 853, 860 (9th Cir. 2004).

Rule 6(b)(1)(B), provides that for any act that must be done by a party to a federal court proceeding within a specified time frame, the court may "for good cause, extend the time...after the time has expired if the party failed to act because of excusable neglect." Fed. R. Civ. P. 6(b)(1)(B).

Ms. Warren meets extraordinary precedence to request the application of law.

- 1. Whether the delay in filing was within the reasonable control of the movant. Ms. Warren inability to file a timely Writ of Certiorari was out of reasonable control for reason(s):**
- 2. Ms. Warren read the dates and of the time limit wrong and also, aware of the viral spread of COVID 19 Pandemic as well as being positive with Covid 19 during the period of time to file such a petition. Ms. Warren, illness lacked focus with mild but serious Covid symptoms.**

Besides Ms Warren's Positive and therefore, Contagious Covid-19 diagnosis, she has been diagnosed with other underlying health issues that require surgery and could not receive medical treatment during this pandemic.

- 3. Ms. Warren filed Writ of Certiorari to the Supreme Court of America on August 21, 2020, four days past the deadline which was due on or before August 17, 2020. Ms. Warren being denied to efile because of non-status as a Bar Member. Ms. Warren took all precautions as per CDC as to not put people in harm's way and delivered the petition by hand, despite being under quarantine**
- 4. The length of the delay is minimal given the unforeseen stresses involved around the filing that incurred. The delay's potential impact would allow an unjust dismissal and should be rectified so that the potential impact on the judicial proceedings in resolving the issues and arguments is necessary as to not have a malpractice of justice.**
- 5. The danger of prejudice to the moving party, Ms. Warren having the burden of proof and being denied review.**
- 6. The movant acted in good faith.**
- 7. Rule 60(b)(1) provides for a party or their legal representative to obtain relief from an adverse judgment of a federal court for "mistake, inadvertence, surprise or excusable neglect." Fed. R. Civ. P. 60(b)(1).**

The rule provides in relevant part: "The district court may extend the time to file a notice of appeal if: (i) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and (ii) . . . that party shows excusable neglect or good cause." Fed.R.App.P. 4(a)(5)(A).

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 13th day of December, 2019.

Lawanda Warren,

Appellant,

against Record No. 191144
 Court of Appeals No. 1433-18-4

Kennection Installation, LLC., et al.,

Appellees.

From the Court of Appeals of Virginia

The Court dismisses the petition for appeal filed in the above-styled case for lack of jurisdictional statement. Code § 17.1-410(A)(2) and (B).

Justice Chafin took no part in the resolution of the petition.

A Copy,

Teste:

Douglas B. Robelen, Clerk

By:



Deputy Clerk

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday the 23rd day of December, 2019.

Lawanda Warren,

Appellant,

against

Record No. 191144
Court of Appeals No. 1433-18-4

Kennection Installation, LLC., et al.,

Appellees.

From the Court of Appeals of Virginia

It appearing appropriate to do so, the order entered on December 13, 2019 is hereby vacated and the following order is entered in its place:

Finding that the petition for appeal does not contain a statement setting forth in what respect the decision of the Court of Appeals involves (1) a substantial constitutional question as a determinative issue, or (2) matters of significant precedential value, the Court dismisses said petition filed in the above-styled case. Rule 5:17(c)(2).

Justice Chafin took no part in the resolution of the petition.

A Copy,

Teste:

Douglas B. Robelen, Clerk

By:



Deputy Clerk



SUPREME COURT OF VIRGINIA

DOUGLAS B. ROBELEN, CLERK

SUPREME COURT BUILDING

100 NORTH 9TH STREET, 5TH FLOOR

RICHMOND, VIRGINIA 23219

(804) 786-2251 V / TDD

FAX: (804) 786-6249

MURIEL-THERESA PITNEY

CHIEF DEPUTY CLERK

May 20, 2020

LaWanda Warren
2327 Duke Street
C-23
Alexandria, VA 22314

Re: *LaWanda Warren v. Kennection Installation, LLC, et al.*
Record No. 191144

Dear Mr. Warren:

The Court refused your petition for rehearing on March 20, 2020. That order concluded your case. There is no provision for reconsidering the refusal of rehearing. Accordingly, no action will be taken on the "affidavit of correction petition" seeking "re-examination and reconsideration" of your case.

Sincerely,

A handwritten signature in cursive script, reading "Muriel-Theresa Pitney".

Muriel-Theresa Pitney
Chief Deputy Clerk

MTP/mbi



SUPREME COURT OF VIRGINIA

DOUGLAS B. ROBELEN, CLERK

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RICHMOND, VIRGINIA 23219

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FAX: (804) 786-6249

MURIEL-THERESA PITNEY
CHIEF DEPUTY CLERK

March 24, 2020

LaWanda Warren
2327 Duke Street
C-23
Alexandria, VA 22314

Re: *LaWanda Warren v. Kennection Installation, LLC, et al.*
Record No. 191144

Dear Mr. Warren:

The Court refused your petition for rehearing on March 20, 2020. That order concluded your case. Accordingly, no action will be taken on the "motion to consolidate" and amended motion to consolidate you filed.

Sincerely,

A handwritten signature in cursive script, reading "Muriel-Theresa Pitney".

Muriel-Theresa Pitney
Chief Deputy Clerk

MTP/ep

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 14th day of August, 2020.

Lawanda Warren,

Appellant,

against

Record No. 191144

Court of Appeals No. 1433-18-4

Kennection Installation, LLC., et al.,

Appellees

From the Court of Appeals of Virginia

On May 15, June 10, and July 2, 2020 came the appellant, who is self-represented, and filed respectively an "affidavit of corrected petition," an "affidavit of correction [sic] petition and reconsideration motion under CR 59(a)(2)(7)(9)," and a document requesting "corrections of the facts that the lower courts based their denial opinion" in this case.

Upon consideration whereof, the Court denies the relief requested in the various documents.

Justice Chafin took no part in the resolution of this matter.

A Copy,

Teste:

Douglas B. Robelen, Clerk

By:



Deputy Clerk

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