

U.S. SUPREME COURT. DISTRICT OF COLUMBIA

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Joseph Smith, a.k.a. Elijah Smith-Weeks,

Petitioner,

v.

USCADC No. 19-5276

U.S. PAROLE COMMISSION,

Respondent.

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MOTION DIRECTING CLERK OF COURT TO DOCKET

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PETITION OUT OF TIME

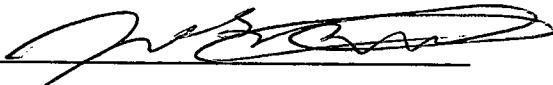
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The petitioner request that this court consider his appeal in adherence to civil procedure rules excusing him from being held to the standards of a professional attorney, forgiving him for being a layperson in matters of law, for the following reasons setforth herein: Attached is a grievance that is now pending with the administration here in Albany, N.Y. because of my offender rehabilitation coordinator, Ms. Brotherton, who lied to me back in february of this year, telling me that this parole detainer was taken out of the system after she had placed a phone call to the U.S.P.C.. However, in August she recants her statement saying the warrant is still active, and that she can't remember anything she said or did prior to COVID-19. This is the reason my appeal was not filed sooner, because I was told and led to beleive that the case was closed. Further, in light of this Corona-Virus pandemic, there was a period of three months from march to may here at the Cayuga correctional facility were law library access was restricted due to

social distancing. Because here, even before COVID-19, they made us sign up for legal research four days in advance. So it was impossible to perfect an appeal in the time allotted especially when the petitioner was ~~led~~ to believe that the courts were closed during the out-break.

Wherefore, I humbly request that Your Honors grant the petition after examination of the enclosed documents, and afford him a Writ of Certiorari, and terminate this Expired parole detainer in the interest of Justice.

RESPECTFULLY SUBMITTED,

X 

DATED:

10-12-2020

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Case No. DC 610 172

DCDC JAIL ID # 318-423

FBI # 521440HC3

NYS ID # 021077627

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 19-5276**

**September Term, 2019**

**1:19-cv-02389-UNA**

**Filed On: February 14, 2020**

Joseph Smith, also known as Elijah  
Smith-Weeks,

Appellant

v.

United States Parole Commission,

Appellee

**BEFORE:** Tatel, Millett, and Pillard, Circuit Judges

**ORDER**

Upon consideration of the motion to appoint counsel; and appellant's brief, which contains a request for a certificate of appealability, and the supplement thereto, it is

**ORDERED** that the motion to appoint counsel be denied. The interests of justice do not warrant appointment of counsel in this case. See 18 U.S.C. § 3006A(a)(2)(B). It is

**FURTHER ORDERED** that the request for a certificate of appealability be denied, and the appeal be dismissed. See 28 U.S.C. § 2253(c). Because appellant has not made "a substantial showing of the denial of a constitutional right," 28 U.S.C. § 2253(c)(2), no certificate of appealability is warranted. See Slack v. McDaniel, 529 U.S. 473, 484 (2000).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. Because no certificate of appealability has been allowed, no mandate will issue.

**Per Curiam**

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