

No.

In The
Supreme Court of The United
States

ANTHONY MARTINEZ,

Petitioner,

v.

THE UNITED STATES OF AMERICA,

Respondent.

MOTION TO DIRECT CLERK TO SUBMIT PETI-
TION OUT-OF-TIME

RAYMOND K. BRYANT, COUNSEL OF RECORD

RACHEL B. MAXAM*

CIVIL RIGHTS LITIGATION GROUP, PLLC

1543 Champa St. #400

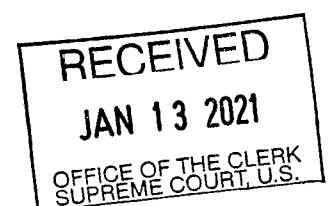
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**admission pending*



Petitioner, Anthony Martinez, through undersigned counsel, hereby requests that this Court direct the Court Clerk to accept his Petition for Writ of Certiorari out-of-time, for the following reasons.

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Based on Rule 13 and this Court's Miscellaneous Order regarding COVID-19, the deadline for Petitioner to submit his Petition for Writ of Certiorari was December 14, 2020.

On the evening of December 14, 2020, at 11:50 p.m. MST, undersigned counsel submitted the Petition for Writ of Certiorari to this Court through the electronic filing system (ECF). *See* Ex. 1. Thereafter, counsel sent a paper copy of the petition via Priority Mail Express (overnight) delivery through the U.S. Postal Service, which was post-marked December 15, 2020. *See* Ex. 2.

On December 23, 2020, the Court Clerk rejected the petition as "out-of-time" because the paper copy was post-marked on December 15, 2020 (one day late). *See* Ex. 3.

Counsel has been practicing civil rights law for 10 years in the District of Colorado and the Tenth Circuit Court of Appeals. However, counsel has never before submitted a Petition for Writ of Certiorari to this Court. During this time, and in these lower courts, electronic submissions have always been the preferred standard, and paper copies of submissions have only

been required after electronic submissions have documented the time and date of the original electronic submission. Thus, as a matter of practice, counsel has never known any other method of submitting original filings than electronic submission by the appropriate deadline, followed by paper filings afterward – if necessary. Based on this practice, counsel did not recognize that the electronic submission on December 14, 2020 would be subject to rejection based on the post-marked date of the paper copy mailing.

COVID-19 has forced counsel to work remotely from home in isolation, without the typical support of the office and customary resources.

Counsel accepts that he has erred, but humbly asks this Court to recognize that it was a good-faith error based on custom of a technology-driven practice, while COVID-19 has forced counsel to practice remotely. If a sanction should be imposed, counsel asks that a sanction be imposed exclusively on him, and not on the client, Mr. Martinez – who has been seeking justice after being shot in the back by a police officer since 2014. This case presents important federal questions that should be reviewed.



CONCLUSION

Petitioner requests that the Court Clerk be directed to accept and to docket the previously-filed Petition for a Writ of Certiorari.

1/5/2021

CRLG Mail - Your Electronic Filing record has been submitted.



Raymond Bryant <raymond@rightslitigation.com>

Your Electronic Filing record has been submitted.

1 message

efilingsupport@supremecourt.gov <efilingsupport@supremecourt.gov>

Mon, Dec 14, 2020 at 11:50 PM

To: raymond@rightslitigation.com

Your Petition for a Writ of Certiorari has been submitted. It will be reviewed once the hard copy is received. If you are not expecting this email, please contact the Supreme Court Electronic Filing Support Group at eFilingSupport@supremecourt.gov.

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Time Accepted 10:45 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM		10:30 AM Delivery Fee \$		Return Receipt Fee \$		Live Animal Transportation Fee \$	
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