

UNITED STATES SUPREME COURT  
 11-585 C 1-25-97 (CONT. P2)

THIS IS A PETITION TO FILE A MOTION, OUT-OF-TIME. • BASED ON THE  
 DETAILS ATTRIBUTED TO THE CIVIL-19 EPIDEMIC WHICH RESULTED IN THE  
 CLOSURE OF ALL GOVERNMENT ACTIVITIES, INCLUDING THE LAW LIBRARY ON THIS  
 FACILITY FROM ABOUT, FEB. 2020, HERE AT MULTIPLE STAGE PROGRESSION.  
 WITH THE CLOSURE OF THE LAW LIBRARY ALL ACCESS IS ONLY THROU-

THE ENCLUSED DOCUMENTS REFERRING THIS LAW LIBRARY ACCESS, AND  
 REQUESTS AND LOCATIONS. THIS MFT IS SUPPORTED BY  
 MAIL, TO A DIFFERENT ADDRESS. THIS MFT IS SUPPORTED BY  
 WITH THE CLOSURE OF THE LAW LIBRARY ALL ACCESS IS ONLY THROU-

THE ENCLUSED DOCUMENTS REFERRING THIS LAW LIBRARY ACCESS, AND  
 REQUESTS AND LOCATIONS. THIS MFT IS SUPPORTED BY  
 THE LEVEL REQUIRED BY THE COURT TO CHARGE INTERVENTION, UNDER U.S.  
 SUPREME COURT, Article 10, TO CORRECT A MISCARRAGE OF JUSTICE. THE  
 VICTIM OF MY U.S. CONSTITUTIONAL RIGHTS, THE 6th AMEND. TO HAVE  
 COMPILATION FOR DEFENDING DEFENDANTS IN THE POWER, THE 7th  
 AMEND. "RIGHTS IN CIVIL CASES", RIGHT TO A TRIAL BY JURY SHALL BE  
 PRESERVED, THE 14th AMEND. "DUE PROCESS OF LAW" AND EQUAL PROTECTION  
 OF THE LAW, AND RULES OF COURT, FED. R. OF CIV. P., RULE 60(b) ALSO  
 EVIDENCE, AND RULE 38 (b) DEMAND FOR TRIAL. ALSO INCLUDES THE  
 MAILBOX RULE BEING ENFORCED BY THE COURT.

LESLIE GREEN SMITH	APPELLANT
#	CASE
V.	TEHAMA COUNTY SHERIFF'S DEPT.
MOTION TO FILE PETITION	AND, C. BASIS, JCT.
OUT-OF-TIME	DUE TO THE CLOSURE OF THE LAW LIBRARY
DET-19 EPIDEMIC WHICH RESULTED IN THE CLOSURE OF ALL GOVERNMENT ACTIVITIES, INCLUDING THE LAW LIBRARY ON THIS FACILITY FROM ABOUT, FEB. 2020, HERE AT MULTIPLE STAGE PROGRESSION. WITH THE CLOSURE OF THE LAW LIBRARY ALL ACCESS IS ONLY THROU-	THE ENCLUSED DOCUMENTS REFERRING THIS LAW LIBRARY ACCESS, AND REQUESTS AND LOCATIONS. THIS MFT IS SUPPORTED BY THE LEVEL REQUIRED BY THE COURT TO CHARGE INTERVENTION, UNDER U.S. SUPREME COURT, Article 10, TO CORRECT A MISCARRAGE OF JUSTICE. THE VICTIM OF MY U.S. CONSTITUTIONAL RIGHTS, THE 6th AMEND. TO HAVE COMPILATION FOR DEFENDING DEFENDANTS IN THE POWER, THE 7th AMEND. "RIGHTS IN CIVIL CASES", RIGHT TO A TRIAL BY JURY SHALL BE PRESERVED, THE 14th AMEND. "DUE PROCESS OF LAW" AND EQUAL PROTECTION OF THE LAW, AND RULES OF COURT, FED. R. OF CIV. P., RULE 60(b) ALSO EVIDENCE, AND RULE 38 (b) DEMAND FOR TRIAL. ALSO INCLUDES THE MAILBOX RULE BEING ENFORCED BY THE COURT.

UNITED STATES SUPREME COURT

LESLIE SMITH (626133) USDC # 21-6-CV-00545-KJN  
 M.C.A. # 19-15763  
 PO BOX 409090 (E22-B-204-2)  
 LDNE, CA, 95640

U.S. SUPREME COURT, MOTION TO FILE PETITION, OUT-OF-TIME  
I'M A PRO-SE PETITIONER CONFINED IN THE CALIFORNIA DEPARTMENT OF  
CORRECTION AND REHABILITATION (C.D.C.R) AT MULE CREEK STATE PRISON,  
(M.C.P.). I HAVE NO LEGAL TRAINING, NO ACCESS TO A COMPUTER WITH A  
PROGRAM TO ASSIST IN FILING CASES, OR PARALEGAL ASSISTANCE FOR  
RESEARCHING THE CASE. I HAVE CONTINUALLY BEEN DENIED APPOINTMENT OF  
COUNSEL, WHICH DENIES THE SAME REPRESENTATION THAT THE DEFENDANTS  
ENJOY, ACCESS TO WITNESSES AND SWORN AFFIDAVITS OR DECLARATIONS, THAT  
THE DEFENDANT'S ATTORNEY HAS DEMONSTRATED ON NUMEROUS OCCASIONS.  
I CANNOT COMPLY WITH UNKNOWN RULES, WHICH ARE THE GROUNDS THAT  
THE DEFENDANT'S ATTORNEY HAS BEEN ABLE TO EXPLOIT TO THEIR AD-  
VANTAGE. THE COURTS HAVE IGNORED THE MAILBOX RULE, REGARDING LEGAL  
MAIL FROM THE COURT, RECEIVED BY THE INSTITUTION MAILROOM, BUT NOT  
RECEIVED BY THE INMATE, RESULTING IN THE U.S. COURT OF APPEAL (9TH CIR.)  
DENYING THE NOTICE OF APPEAL, BASED ON LACK OF JURISDICTION, CLAIMING  
THE NOTICE WAS FILED UNTIMELY. THE DENIAL OF THE MAILBOX RULE IS OF  
NATIONAL IMPORTANCE, AND INVOLVES APPROX. 2 MILLION INMATES  
AND THEIR FAMILIES AND FRIENDS THAT SUPPORT THEM FROM OUTSIDE  
PRISON WALLS.

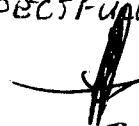
WHEN THE COURTS OR ATTORNEYS MAIL, LEGAL DOCUMENTS TO AN INMATE,  
THEY ARE RECEIVED BY THE INSTITUTION MAILROOM, ALL CONTROL IS  
RELINQUISHED AND ACCEPTED BY THE INSTITUTION MAILROOM. THE  
RECIPIENT MAY NOT RECEIVE THE DOCUMENTS OR HAVE KNOWLEDGE OF  
THE DOCUMENTS. I HAVE EXPERIENCED THIS, WITH THE ORDER ISSUED  
BY THE, U.S.D.C., #2:16-cv-00545-KJN, ON 8-29-2018 (DOC. 63, OF THE  
COURT DOCKET). THE COURT MUST RECOGNIZE, THAT ANY LEGAL DOCUMENTS  
MAILED TO AN INMATE NOT REPRESENTED BY COUNSEL IS NOT RECEIVED

U.S. SUPREME COURT, MOTION TO FILE PETITION, OUT-OF-TIME  
UNTIL THE LEGAL MAIL IS SIGNED BY THE ADDRESSEE, AS RECEIVED. THESE  
RULES EXTEND BEYOND MY CASE, AND APPLY TO BOTH, CRIMINAL AND CIVIL  
CASES. THEY INVOLVE PAST CASES THAT WERE NOT CHALLENGED, OR  
FUTURE CASES INVOLVING THE MAILBOX RULE, THAT THE COURTS WILL  
CONTINUE TO IGNORE, IF THE CHALLENGE IS UNSUCCESSFUL WITH THE  
COURT. THIS WRIT IS ALSO SUPPORTED BY THE U.S. CONSTITUTION, RULES  
OF THE COURT AND CASE LAW, THAT WOULD BENEFIT AN INMATE'S RIGHTS.  
EVEN THOUGH THE INMATE IS UNAWARE OF THOSE RIGHTS, IS A VIOLATION  
OF THE 14<sup>TH</sup> AMEND. "EQUAL PROTECTION OF THE LAW". IT IS IMPOSSIBLE  
FOR AN UNTRAINED INMATE TO POSSESS THE KNOWLEDGE TO ADEQUATELY  
PRESENT A CASE THAT CAN RAISE TO THE LEVELS REQUIRED BY THE  
COURT UNLESS THE COURT INTERVINES ON ITS OWN AUTHORITY.

THE ACTIONS THAT I SEEK ARE; THE OVERTURN OF THE SUMMARY  
JUDGMENT ORDER GRANTED TO THE DEFENDANTS BY THE U.S.D.C.;  
THE ABILITY TO CONTACT BOTH OF MY WITNESSES, CONFINED OR PAROLED  
IN THE L.C.C.R.; AND PRESENT THEM BEFORE THE COURT AT A JURY TRIAL.  
THESE ARE THE ACTIONS THAT WOULD NOT HAVE OCCURRED WITH APPOINTED  
COUNSEL.

I SWEAR UNDER PENALTY OF PERJURY, THAT THE STATEMENT  
PRESENTED TO THE COURT ARE TRUE AND CORRECT, TO THE BEST OF MY  
KNOWLEDGE. EXCUSED ON THIS DATE, MAY 9, 2021.

RESPECTFULLY SUBMITTED

  
LESLIE SMITH

INCLOSED ARE COPIES OF SUPPORTING DOCUMENTS FOR LATE FILING, 3 PAGES

STATE OF CALIFORNIA  
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE  
CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

## SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME)	(FIRST NAME)	CDC NUMBER:	SIGNATURE:
Smith	L	G26133	8/20/2020
HOUSING/BED NUMBER:	ASSIGNMENT:	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.):	
E19-A 204-2	Voc. BUILD. MAINT.	HOURS FROM 0715 TO 1345 LAOLIB. LEGAL PAPERS	

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

TO: B YARD LAW LIBRARY  
HOW DO I GET LEGAL MAIL TO THE B YARD LAW LIBRARY, TO BE COPIED, WITHOUT SENDING IT THRU THE REGULAR MAIL WHEN THE OFFICERS REFUSE TO SIGN AND SEAL ENVELOPES TO THE LAW LIBRARY?

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) \*\*NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED\*\*

SENT THROUGH MAIL: ADDRESSED TO: DATE MAILED: / /

DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF?
C/o JINKERSON 77717	07/20/2020		(CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY:	
		(CIRCLE ONE) IN PERSON BY US MAIL	

## SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
Styles	07/31/2020		07/31/2020

Here is a manila envelope to seal your documents in. You can send it to B Facilit/Libary. I will receive, process it, and send it back through the mail in a sealed envelope. I've enclosed the copy same

## SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

RETURNED TO MS. GYLES WITH LEGAL DOCUMENTS ENCLOSED. DID NOT SEND LEGAL DOCUMENTS, STAFF WOULD NOT ALLOW THE DOCUMENT ENVELOPE TO BE SEALED WHILE WITHIN THE INSTITUTION MAIL SYSTEM, EVENTHOUGH THE NUMBER OF PEOPLE HANDLING THE UNSEALED LEGAL DOCUMENTS IS UNKNOWN AND SUBJECT TO UNAUTHORIZED INSPECTION.

SIGNATURE:	DATE SUBMITTED:
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## SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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STATE OF CALIFORNIA  
**INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE**  
 CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

**SECTION A: INMATE/PAROLEE REQUEST**

NAME (Print): (LAST NAME)	(FIRST NAME)	CDC NUMBER:	SIGNATURE:
JMMH	L.	626133	
HOUSING/BED NUMBER:	ASSIGNMENT:	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.):	
E19-A 204-2	Voc. BUILD. MAINT.	HOURS FROM 0715 TO 1345 LAW LIBRARY	

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

I'M REQUESTING LAW LIBRARY ACCESS TO RESEARCH TWO COURT RULES:  
**FEDERAL RULES OF APPELLATE PROCEDURES, RULE 41 (COPY)**  
**FEDERAL RULES OF CIVIL PROCEDURE, RULE 41 (COPY)**

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) \*\*NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED\*\*

SENT THROUGH MAIL: ADDRESSED TO: DATE MAILED: / /

DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF?
Ho Wedder	4-14-20		(CIRCLE ONE) YES <input checked="" type="radio"/> NO <input type="radio"/>
IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY:	
Law Library E-Yard	4-14-20	(CIRCLE ONE) IN PERSON <input type="radio"/> BY US MAIL <input checked="" type="radio"/>	

**SECTION B: STAFF RESPONSE**

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
J. Curran	4-16-20		4-16-20

SUP. DSC. 2013

USSC

5/15/199

**SECTION C: REQUEST FOR SUPERVISOR REVIEW**

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

NOTE: RETURNED TO B FACILITY EDUCATION OFFICE WITH LIBRARY PAGING REQUEST FORM FOR REQUESTED INFORMATION. 4-17-2020

SIGNATURE:	DATE SUBMITTED:
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**SECTION D: SUPERVISOR'S REVIEW**

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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USSC 5 OF 199

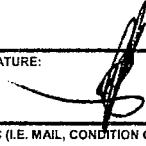
Distribution: Original - Return to Inmate/Parolee; Canary - Inmate/Parolee's 2nd Copy; Pink - Staff Members Copy; Goldenrod - Inmate/Parolee's 1st Copy.

SUBMITTED WITH, OR IN CERTIORARI  
PAGE 1 OF 3

STATE OF CALIFORNIA  
**INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE**  
CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

**SECTION A: INMATE/PAROLEE REQUEST**

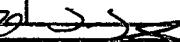
NAME (Print): (LAST NAME)	(FIRST NAME)	CDC NUMBER:	SIGNATURE:
SMITH, L		B 26133	
HOUSING/BED NUMBER:	ASSIGNMENT:	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.):
E19-A 204-2	DOC. BUILD. MAINT.		LEGAL DOCUMENTS COPY'S

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

MS. GYLES: IS IT POSSIBLE TO PLACE MY LEGAL DOCUMENTS IN THE RETURN BOOK BOX IN FRONT OF THE LAW LIBRARY TO HAVE THEM COPIED FOR THE COURTS. I CANNOT SEND THE ENVELOPE FOR MAIL THAT REMAINS WITHIN THE INSTITUTION.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) \*\*NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED\*\*

SENT THROUGH MAIL: ADDRESSED TO: MS. GYLES, B-LAW LIBRARY SUPERVISOR DATE MAILED: 8/21/2020  
 DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES <input checked="" type="radio"/> NO <input type="radio"/>
S. Gyles	08/27/20		
IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:		METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON <input type="radio"/> BY US MAIL <input checked="" type="radio"/>
S. Gyles	08/27/20		

**SECTION B: STAFF RESPONSE**

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
S. Gyles	08/27/20		08/28/20
<p>The book is not designed to be used for documents. They can be damaged by falling books and/or rain. There are plans to open in early September pending vendor approval.</p>			

**SECTION C: REQUEST FOR SUPERVISOR REVIEW**

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:
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**SECTION D: SUPERVISOR'S REVIEW**

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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FILED

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

OCT 22 2019

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

LESLIE GORDON SMITH,

No. 19-15063

Plaintiff-Appellant,

D.C. No. 2:16-cv-00545-KJN  
Eastern District of California,  
Sacramento

v.

TEHAMA COUNTY SHERIFF'S  
DEPARTMENT; C. GIBSON, Warden,

ORDER

Defendants-Appellees.

Before: SILVERMAN, W. FLETCHER, and RAWLINSON, Circuit Judges.

Appellees' motion for leave to file a supplemental declaration in support of their response to the court's February 13, 2019 order to show cause (Docket Entry No. 7) is granted. Appellant's motion to file a response to appellees' declaration (Docket No. 8) is granted. The declaration and response have been filed.

A review of the record and the parties' responses to the February 13, 2019 order to show cause demonstrates that this court lacks jurisdiction over this appeal. The notice of appeal, served on January 7, 2019 and filed on January 9, 2019, was not filed or delivered to prison officials within 30 days after the district court's August 29, 2018 order denying appellant's post-judgment tolling motions. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(4); *United States v. Sadler*, 480 F.3d 932, 937 (9th Cir. 2007) (requirement of timely notice of appeal is jurisdictional); *see*

*also Hollywood v. City of Santa Maria*, 886 F.2d 1228, 1231 (9th Cir. 1989) (no separate judgment required for order denying post-judgment motion; time to appeal begins to run from entry of order denying post-judgment motion). The district court's December 12, 2018 post-judgment order directing the district court Clerk to re-serve the August 29, 2018 order and denying appellant's resubmitted motion for appointment of counsel is not appealable. *See Am. Ironworks & Erectors, Inc. v. N. Am. Const. Corp.*, 248 F.3d 892, 898 (9th Cir. 2001) (ministerial post-judgment orders not final and appealable). Consequently, this appeal is dismissed for lack of jurisdiction.

**DISMISSED.**

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