

No. 21-1345

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In The  
**Supreme Court of the United States**

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JEFFREY B.C. MOORHEAD,

*Petitioner,*

v.

GLEND A LAKE, Clerk Of The District Court  
Of The Virgin Islands, and  
THE HONORABLE MICHAEL A. CHAGARES,  
Chief Judge Of The Third Circuit,

*Respondents.*

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**On Petition For Writ Of Certiorari  
To The United States Court Of Appeals  
For The Third Circuit**

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**SUPPLEMENTAL BRIEF**

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## **SUPPLEMENTAL FILING IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI**

Pursuant to S. Ct. R. 15.8, Petitioner submits an Order entered on April 18, 2022, by the District Court of the Virgin Islands, after the initial Petition was filed. App. 153. That Order held that no action would be taken on a second notice of appeal filed by Petitioner.

To put this Order into context, the initial Petition discussed the filing of a second notice of appeal on page 8. It was filed out of an abundance of caution, as explained in footnote 3. As noted on page 9, this second notice of appeal has, like the first notice of appeal, never been transmitted to the Third Circuit by the Clerk of the District Court, as required by F.R.App.P. 3.

The new Order demonstrates exactly why the Petitioner believes the requested relief should be granted. The Order again has a District Court Judge deciding whether an order is appealable, which is an issue for the appellate court, and then directing that no action be taken on it, in direct violation F.R.App.P. 3. Equally important, aside from the fact that 28 U.S.C. §1291 allows an appeal of all final orders of a District Court, a District Court Clerk must always process a notice of appeal without regard as to whether it involves an appealable order.

Again, it is respectfully submitted that certiorari should be granted and the orders below vacated, with

directions that the appeal in this matter be docketed and processed like any other appeal.

Dated: May 5, 2022

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