

Affidavit of Frederick Arayatanon

RE: USCA5 No.(?)

I frederick Arayatanon declare under penalty of perjury under the laws of the United States of America that I mailed the enclosed petition which is marked received JUL 20 2021 on July 1st of 2021. As stated in the proof of service page included in the petition, "I declare under penalty of perjury that the foregoing is true and correct. Executed on July 1, 2021." I did everything I could reasonably do to ensure the documents were received by the Clerk of the Court in a timely manner, including 1st class postage, properly addressed, and placed in outgoing mail following prison regulations. It is a known fact that outgoing mail in this institution is sometimes held for purposes of photocopying the contents and other purposes which sometimes delays delivery. I am asking that the "mailbox rule" be applied in this instance. "...a sworn statement is credible evidence of mailing for the purposes of the mailbox rule." Gamel v. Prideco L.P. Sept. 11, 2015 625 Fed. Appx. 690, U.S. App LEXIS 16263.

Signed and dated this 19th day of August 2021.

Frederick Arayatanon,

A handwritten signature in black ink, appearing to read 'F. Arayatanon', written over the printed name.

To Clerk of the Court: Enclosed is the petition re-submitted for writ of certiorari, which include the appended lower court opinions and the question presented for review on the first page behind the cover of the petition as requested pursuant to Rule 14.1(a). I have also mailed a copy of this re-submitted motion to Shundral Hobson-Cole, counsel for the United States at U.S. Attorney's Office 1575 20th Avenue Gulfport, Ms 39501 on same date as this petition.

Sincerely,


Frederick Arayatanon