

NO. 21-7397

IN THE SUPREME COURT OF THE UNITED STATES

**MARIO DERRELL JONES,
Petitioner,**

v.

**GREAT SOUTHERN NATIONAL BANK; RAYMOND JAIL; JACKSON POLICE
DEPARTMENT; CASSANDRA KAUERZ; STEPHEN HATCHETT, DISTRICT
ATTORNEY; LIEUTENANT BOBBY QUEEN; OFFICER FRED SULLIVAN;
KENNETH WILSON; BRETT TROTTER; FRANKLIN CHANCEY; EILEEN
PARRISH; BRYAN HOSS; JUDGE CARROLL ROSS; JUDGE AMY REEDY;
DOCTOR JAMES SEGO; ALVIN PASCHAL; DISTRICT ATTORNEY GENERAL
STEVE BEBB; 10TH JUDICIAL DRUG TASK FORCE; BRADLEY COUNTY
DISTRICT ATTORNEY GENERAL'S OFFICE; BRADLEY COUNTY SHERIFF'S
OFFICE; PAMELA HANCOCK; WILLIAM HAMMACK,
Respondents**

**On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit**

BRIEF IN OPPOSITION

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TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
TABLE OF AUTHORITIES	ii
BRIEF IN OPPOSITION.....	1
REASONS FOR DENYING THE PETITION	1
A. ABSENCE OF A BASIS TO GRANT CERTIORARI.....	1
B. RESPONSE TO PETITIONER'S CLAIMS ON THE TIMELINESS OF NOTICE OF APPEAL	2
C. EXPIRATION OF THE STATUTE OF LIMITATIONS IN THE DISTRICT COURT.....	3
D. UNSUBSTANTIATED ALLEGATIONS IN THE WRIT FOR CERTIORIA....	4
CONCLUSION.....	4

TABLE OF AUTHORITIES

Fed. R. App. P. 4(a)(1)(A).....	3
Fed. R. App. P. 4(a)(1)(B)	3

BRIEF IN OPPOSITION

REASONS FOR DENYING THE PETITION

A. ABSENCE OF A BASIS TO GRANT CERTIORARI

Petitioner Mario Jones has not offered any indication that the United States Court of Appeals for the Fifth Circuit: made a decision in this case that conflicts with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power; has decided an important question of federal law that has not been, but should be, settled by this Court; or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

Petitioner Mario Jones restates and adds to his strained allegations made in District Court and reiterated in the Court of Appeals. None of these factual allegations have been ruled upon by a court or jury. Mario Jones' suit was dismissed in the District Court based on a finding by the District Judge that Marion Jones had failed to timely file his suit and the claims were barred by the appropriate statutes of limitations. The District Judge gratuitously added that she did not have the power to unseal documents sealed by another court. Mario's Jones' appeal was dismissed in the Court of Appeals because Jones failed to timely file a notice of appeal. The Court of Appeals gratuitously added that even if the appeal had been timely filed, the Court

would have affirmed the dismissal by the District Court based upon the statutes of limitations.

These dismissals based upon statutes of limitations and the failure to timely file a notice of appeal are not unique or unusual actions, they do not conflict with rulings by this Court or other courts, they do not decide important questions of federal law, and they do not depart from the accepted and usual course of judicial proceedings.

The Petition for Writ of Certiorari should be denied.

B. RESPONSE TO PETITIONER'S CLAIMS ON THE TIMELINESS OF NOTICE OF APPEAL

The United States Court of Appeals for the Fifth Circuit found that Mario Jones failed to timely file his Notice of Appeal within thirty days of the district court's final judgment, as required by Fed. R. App. 4(a) 1(A). The Court then dismissed his appeal for lack of subject matter jurisdiction. This is the ruling that Mario Jones requests this Court to review. The record is clear that Mario Jones did not comply with the deadline to file his appeal.

Nowhere in his Writ does Mario Jones explain how the Court of Appeals failed to properly count the day limit for time to file a notice of appeal. He does not explain how he timely filed his appeal and how the Court of Appeals was incorrect in determining that he had not timely filed.

Mario Jones does assert:

For the purposes of this Writ, the previous procedural arguments addressed by the Respondents are moot because the appeal was already deemed sufficient and was timely filed. *Page 6 of Petition.*

Jones gives no reference citation to support his conclusion. What he is apparently referring to is an entry in the Court of Appeals ECF general docket for his case. An excerpt from the ECF docket shows:

10/20/2021  0 pg, 0 KB

PROPOSED SUFFICIENT BRIEF filed by Appellant Mr. Mario Derrell Jones in 21-60434. [\[9666316-2\]](#)
Brief has been deemed sufficient. Sufficient Brief deadline satisfied. [21-60434] (SEP) [Entered: 10/20/2021 11:05 AM]

This is a note by the Clerk that the Appellant's Brief by Mario Jones had been "deemed sufficient" in form for filing. It is not a comment or indication that the **notice of appeal** had been timely filed. Jones made this same argument in his reply brief in the Court of Appeals.

Jones also argued to the Court of Appeals that he was entitled to 60 days to file his notice of appeal under Fed. R. App. 4 (B) which applies to the time for appeal "if one of the parties is: (i) the United States...." Jones is arguing that the Court of Appeals applied the wrong rule. If Jones is renewing this argument in his Petition, it is obvious that the United States is not a party in this case. The Court of Appeals applied the proper rule; Fed. R. App. 4 (A) which requires that a notice of appeal be filed within 30 days after entry of the judgment or order appealed from.

C. EXPIRATION OF THE STATUTE OF LIMITATIONS IN THE DISTRICT COURT.

In its Per Curiam opinion, after finding that Mario Jones failed to timely file his Notice of Appeal (establishing that the Court of Appeals had no jurisdiction), the Court of Appeals noted:

Even if the court had jurisdiction to hear this appeal, we would affirm the district court's dismissal because Jones' claims are time barred.

The District Court found that Mario Jones' claims in the District Court were time barred by the applicable statute of limitations. Mario Jones never explained why his claims were not time barred in his response to the motion for summary judgment in the District Court, or in his pleadings in the Court of Appeals. Nor has he offered an explanation in his Petition to this Court.

D. UNSUBSTANTIATED ALLEGATIONS IN THE WRIT FOR CERTIORARIA

Petitioner Mario Jones uses page after page in his Petition to restate old, and make new, factual allegations that are not supported by reference to any document or other evidence, or references to the record. All of these allegations, except that there was a Thomas Franklin Wilson, he did die, there was an estate opened in Lauderdale County, Mississippi, and that Mario Jones was arrested and held on drug charges from time to time are imaginary, untrue, and denied by Respondents.

CONCLUSION

For the reasons stated, the Petition for Writ of Certiorari should be denied.

Respectfully submitted, this the 16th day of May, 2022.

/s/ Charles G. Copeland

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