

No.

IN THE
SUPREME COURT OF THE UNITED STATES

CHAD MICHAEL VICE, Petitioner,

vs

CITY OF FORT MADISON, ET AL, Respondents

PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE 8TH CIRCUIT
IN & FOR
EXTENSION OF TIME

Chad Michael Vice #1065118

Anamosa State Penitentiary

406 North High Street

Anamosa, Iowa 52205

Phone No. (319) 462-3504

JURISDICTION

1. That the judgment of the United States Court of Appeals for the 8th Circuit was entered on February 02, 2022. An Order denying a petition for rehearing was entered on March 16th, 2022. Jurisdiction is conferred by 28 U.S.C. §1254 (1).
2. That the Dist. Ct. had jurisdiction under the general Federal question jurisdiction conferred by 28 U.S.C. §1332(a).
3. That the Dist. Ct. had jurisdiction under the general Federal question jurisdiction conferred by 28 U.S.C. §1367.

STATEMENT OF THE CASE

4. That the undersigned seeks relief from the Dist. Ct. Order entered on November 24th, 2021 (4:21-cv-00354-BGE-SHL) and subsequent judgments of the United States Court of Appeals for the 8th Circuit (No. 21-3907) in that, the Prison Litigation Reform Act in conjunction with Federal Rules of App. Pr. 8th Cir. R. 47A(a) have violated

the undersigneds access to the Courts and right to be heard. Whereby, he sought to amend the complaint freely as a "usual procedural practice" Rule 15(a)(2) Fed. R. Civ. P.; and thus asserts under the Rules of Decision Act 28 U.S.C. §1652 the aforementioned Federal Courts lack jurisdiction to dismiss the State of Iowa's Tort proceedings (CNE0007022 and CNE0007055) as untimely: See James Rivers Ins. Co. -vs- Rapid Funding, L.L.C., 658 F.3d 1207, 1216-1217 (10th Cir. 2011); Royals Ins. Co. of Am. -vs- Bu-Val Elec. Corp., 918 F. Supp. 647, 652 (E.D.N.Y. 1996); as Fed. Ct.'s must apply State Statute of limitations. Erie R.R. Co. -vs- Tompkins, 304 U.S. 64, 58 S. Ct. 817, 82 L. Ed. 1188 (1938); as well with Diversity Challenges: See, Wells -vs- Siamonds Abrasive Co., 345 U.S. 514, 73 S. Ct. 856, 97 L. Ed. 1211 (1953); Eades -vs- Clark Distributing Co., Inc., 70 F.3d 441, 443-444 (6th Cir 1995). As herein to: these proceeding had already been adjudicated under State Tort §669, by Order of the Iowa Dist. Ct. for North Lee County; to be, December 3rd, 2021, under CNE0007022 and CNE0007055.

5. That the undersigned asserts "dismissing a pro-se Complaint for failure to state a claim... without opportunity to amend is generally error;... harmless error to dismiss without prejudice" *Bazaux vs Scott*, 136 F.3d 1053, 1054 (5th Cir 1998); as herein to:

a. That the undersigned would ask of this Court to dismiss this Complaint without prejudice under 28 U.S.C. § 2106 and/or grant Change of Venue and docket to: U.S. Northern Dist Ct of Iowa; Docket No. 1:22-cv-00020-LTS-KEM in accord with the subject matter in adjudication with Iowa Tort Proceedings Cause No.'s CNE0007022 and CNE0007055 [t]herein.

EXTENSION OF TIME

6. That the undersigned has been working in due diligence towards bringing proper suit in regards to the subject matter herein; as hereto:

That he has also written three different Clerks of Court to inquire whether the opinions are reported, designated for publication or unpublished; as hereto;

That his indigency creates a problem with postage and copies, thus hindering his ability to bring a timely writ of Certiorari and necessary attachments (copies of judgments & orders etc...)

CONCLUSION

For the foregoing reasons, an extension of time for filing a writ of Certiorari should be granted in this case.

"I, the undersigned, declare under the penalty of perjury pursuant to 28 U.S.C. §1746 that the information contained herein to be true and correct."

Respectfully Submitted,



Chad Michael Vice #1065118
Anamosa State Penitentiary
406 North High Street
Anamosa, Iowa 52205
In Propria Persona

April 17th, 2022

Date:

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 21-3907

Chad M. Vice

Plaintiff - Appellant

v.

City of Fort Madison, Iowa; Fort Madison Police Department; John Does, Officers; Lee County
Sheriff Department; Lee County Correctional Center; John Does

Defendants - Appellees

Appeal from U.S. District Court for the Southern District of Iowa - Central
(4:21-cv-00354-RGE)

JUDGMENT

Before COLLOTON, GRUENDER, and SHEPHERD, Circuit Judges.

The motion to proceed on appeal in forma pauperis has been considered and is granted. The full \$505 appellate and docketing fees are assessed against the appellant. Appellant will be permitted to pay the fee by installment method contained in 28 U.S.C. sec. 1915(b)(2). The court remands the calculation of the installments and the collection of the fees to the district court. This court has reviewed the original file of the United States District Court. It is ordered by the court that the judgment of the district court is summarily affirmed. See Eighth Circuit Rule 47A(a). The motion for appointment of counsel is denied as moot.

February 02, 2022

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 21-3907

Chad M. Vice

Appellant

v.

City of Fort Madison, Iowa, et al.

Appellees

Appeal from U.S. District Court for the Southern District of Iowa - Central
(4:21-cv-00354-RGE)

ORDER

The petition for rehearing by the panel is denied.

March 16, 2022

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans