

No. 21-132

In the Supreme Court of the United States

ROBERT PILCHMAN,

Petitioner,

v.

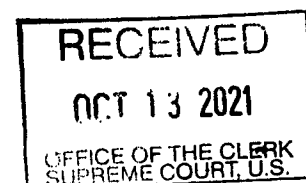
NATIONAL LABOR RELATIONS BOARD, ET AL.,

Respondents.

*ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SECOND CIRCUIT
FOR THE SECOND CIRCUIT*

MEMORANDUM AND MOTION FOR PETITIONER FOR CORRECTIVE ACTION

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Dear Justices of the Supreme Court of the United States:

SUBJECT: DETRIMENTAL PERFORMANCE OF THE OFFICE OF THE CLERK
AND MY REQUEST FOR CORRECTIVE ACTION.

I received a letter (dated September 28, 2021) addressed to me from Donald Baker
(Office of the Clerk) that states

“Your supplemental brief received September 20, 2021, and is herewith
returned for the following reason:(s).

By order dated July 19, 2021, the Court rescinded the April 15, 2020, order
for the submission of documents to the Court, a copy of the the
modification to paper filing requirements is enclosed.

Your motion to waive your deficiencies of your supplemental brief or else
extend your time to file. Mailed to the Justices Chambers received in the
Clerk’s Office September 27, 2021, is herewith returned as there are no
provisions in the Court Rules for that request. ”

[Sic]

The letter from the Clerk’s Office gives the egregious distortion that it was not until –
September 27, 2021 when - it received my courtesy copies addressed to the Justices that
it had a clue about my Motion requesting reasonable accommodation.

These are the facts:

I composed a Supplemental Brief in accordance with instructions of Lisa Nesbitt (Clerk's Office); it was not until Wednesday September 15, 2021, on the eve of Yom Kippur, on the day I was mailing out my Supplemental Brief, that I was told by Donald Baker (on the phone), that the Court had changed its rules ... Indeed, on September 15, 2021, in my telephone conversation, with Donald Baker, I requested reasonable accommodation explaining that I am only a pro se who is mentally disabled and about my religious observance of the Jewish holidays and Sabbath. With my Supplemental Brief that I mailed (addressed to the Office of the Clerk to the attention of Donald Baker), I also included a handwritten note (for the Clerk) requesting reasonable accommodation.

According to USPS tracking (

<https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=3&text28777=&tLabels=9505513895871258301380%2CEI027086950US%2C&tABt=false>), my

supplemental brief (with the note) was received by the Court on Friday September 17, 2021("Your item was delivered at 11:07 am on September 17, 2021 in WASHINGTON, DC 20543.").

In addition, on Friday September 17, 2021, I mailed a Motion addressed to the Clerk's Office (to the attention of Donald Baker) "requesting that the Court please provide reasonable accommodation. ... requesting that the Court please waive the deficiencies of my Supplemental Brief or else to please extend the time for me to submit a corrected Supplemental Brief (Note: The conference is scheduled for 9/27/21)". Indeed, on [or around] Friday morning (September 17, 2021), I left a voicemail for Donald Baker advising about my Motion for reasonable accommodation ... According to USPS tracking

(<https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=2&text28777=&tLabels=EI027086950US%2C>) my Motion for reasonable accommodation "was delivered at 10:48 am on September 20, 2021 in WASHINGTON, DC 20543 to SUPREME COURT 20543. The item was signed for by L JOHNSON". This means that the Office of the Clerk ignored my Motion for reasonable accommodation.

I subsequently left a voicemail for Donald Baker regarding my Supplemental Brief and my Motion - requesting reasonable accommodation - on Sept 19 on or around 7:57 pm. According to my voicemail, Donald Baker left a message for me on Tuesday Sept 21 on or around 12:12pm (on the first day of Succos) that he received my Supplemental Brief "today" [i.e. Tuesday Sept 21] and that as of September 1, 2021 the Court has rescinded that order of allowing parties in paid cases to submit their briefs on 8 and half by 11 paper and that I will need to resubmit my supplemental brief in the booklet format;

however, Donald Baker said NOTHING about my motion for reasonable accommodation. I subsequently left voicemails for Donald Baker regarding my Motion - requesting reasonable accommodation - on Sept 22 on or around 11:24 pm, and on Sept 23 on or around 6:11 am; however, I received NO response until his letter dated September 28, 2021 (i.e. after my courtesy copy mailed via USPS to each Justice) – after the conference.

Furthermore, in my original Petition for Writ of Certiorari I had requested that my filing fee be waived (and hence the exhibit regarding my income), but Lisa Nesbitt of the Clerk's Office made me 'correct' my original petition and remove the request and thus the censored preface of my 'corrected' Petition for Writ of Certiorari. Indeed, if my fee had been waived then it seems that my Supplemental brief would not have been unreasonably rejected. In addition, the Office of the Clerk refused to post the Appendix that I actually submitted – even though I offered to also provide an electronic copy.

On October 5, 2021, my Petition for Writ of Certiorari was denied, prior to receiving any Corrective Action from the Court

Thus, I am hereby requesting the following corrective action:

(1) According to <https://www.supremecourt.gov/ctrules/2019RulesoftheCourt.pdf> the word limit is 3,000 words for a Supplemental Brief and 3,000 words for a Petition for Rehearing; thus I am requesting that for my Petition for Rehearing word limit be 6,000 words (Note: Donald Baker of the Clerk's Office on or around September 15, 2021 (eve of Yom Kippur) – even prior to my petition being distributed for conference – in refusing to provide reasonable accommodation for my Supplemental Brief - said that I could submit a petition for rehearing meaning that my petition for rehearing would serve as both a Supplemental Brief and a Petition for Rehearing.).

(2) According to <https://www.supremecourt.gov/ctrules/2019RulesoftheCourt.pdf> “Any petition for the rehearing of an order denying a petition for a writ of certiorari or extraordinary writ shall be filed within 25 days after the date of the order of denial”; thus, I am requesting 50 days after the date of the order of denial for me to submit to my Petition for the Rehearing.

(3) I am requesting that I be allowed to submit my Petition for Rehearing on single sided 8 ½ x 11 paper.

Sincerely,

Robert Pilchman

October 6, 2021