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IN THE

SUPREME COURT OF THE UNITED STATES

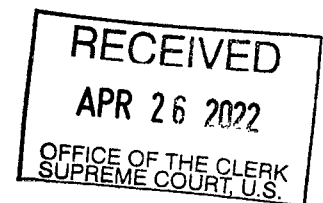
TREMAYNE A. POWELL, Petitioner

Vs.

BISCUITVILLE, Inc., Respondent

PETITIONERS MOTION TO DIRECT THE CLERK TO FILE A PETITION FOR A  
WRIT OF CERTIOARI

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## MOTION TO DIRECT

Petitioner Temayne A. Powell moves to direct the Clerk of this Court to file his petition for a Writ of Certiorari, which follows the United States Fourth Circuit Court of Appeals denial of his motion for reconsideration to file an untimely petition for rehearing. (see Appendix C – to petition for writ of certiorari),

Mr. Powell attempted to file a petition for rehearing within 45 days after the Fourth Circuit Court of Appeals entered an order on June 15, 2021 affirming the United States District Court for the Western District of Virginia opinion.

Although through the period of June 15, 2021 – August 16, 2021 Mr. Powell was indigent, unemployed, homeless, and experiencing extraordinary circumstances due to the Covid-19 pandemic, such as very limited use of local public library for computer access. Mr. Powell was experiencing extraordinary circumstances during the period of June 2019 – November 2021, circumstances that included, unemployment, eviction and homelessness. Mr. Powell's petition for rehearing was denied as untimely by the Fourth Circuit Court on August 4, 2021. Mr. Powell filed a motion for reconsideration of his untimely petition on August 16, 2021.

The Fourth Circuit did not decide on Mr. Powell's motion for reconsideration until January 12, 2022, 5 months after the Fourth Circuit filed his motion for reconsideration the day of August 16, 2021. The Fourth Circuit Court Clerk sent Mr. Powell by U.S. mail a copy of the January 12, 2022 order denying his motion for reconsideration of his untimely petition along with instructions on preparing a writ

of certiorari to this court. Moreover Mr. Powell whom is a Pro Se' counsel, assumed he had 90 days from January 12, 2022 and the writ of certiorari had to be received by this court on or before April 12, 2022. Mr. Powell asserts that he lives in Lynchburg, Va. Lynchburg Va. Absolutely does not assist any indigent or needy citizen with Legal Aid in the area of employment law. The EEOC Equal Employment Opportunity Commission failed to comply with an act of the United States congress for more than 180 days. Therefore, in its entirety Mr. Powell's petition for a writ of certiorari to this court was prepared by himself. Although Mr. Powell's writ of certiorari is statutorily prohibited, he is Pro Se' and his argument in attempt to avoid that prohibition is plainly meritorious.

Furthermore Mr. Powell's motion to direct establishes a constitutional precedent and is meritorious because he is an indigent Pro Se' litigant that has been denied a constitutional investigation that should have been conducted by the EEOC an investigation that was requested by Mr. Powell, because of his reasonable good faith belief that discriminatory adverse action was taken against him, because of his opposition to discrimination that he reasonably believed was occurring against him.

Mr. Powell's argument in support of his motion to direct this court's clerk to file his writ of certiorari as untimely is specific and applicable here, as well Mr. Powell expresses extraordinary circumstances. (see Appendix C to petition for a writ of certiorari). ' The Fourth Circuit court did not warn Mr. Powell during the period from June 15, 2021 – November 12, 2021 , that he may file a motion for reconsideration to file his petition for rehearing , although if such motion for

reconsideration would be granted only then would the period allowed to file a writ of certiorari begin from the entering of the order granting his motion. The Fourth Circuits original judgment as here in Mr. Powell's case was June 15, 2021. The writ of certiorari would have been due within 90 days thereafter or after a decision on a timely petition for rehearing or a successful motion for reconsideration.)” Mr. Powell respectively assumed that the Fourth Circuit was appropriately entertaining his motion for reconsideration of his untimely petition for rehearing during the 5-month period from August 16, 2021 – January 12, 2022 pursuant to Rule 13 ‘review on time for petitioning’ ( paragraph 3 ).

Mr. Powell's procedural position before this court as a Pro Se' litigant simply stated, that once he was notified by the Fourth Circuit on August 4, 2021 that his petition for rehearing was filed as untimely, he in turn filed a motion for reconsideration on August 16, 2021. Mr. Powell as a Pro Se' litigant logically considered that the Fourth Circuits judgement was not considered final until a order was entered regarding his motion which was filed on August 16, 2021 and pursuant to Local Rule 40 (c ). Mr. Powell assumed that while his motion for reconsideration to file his untimely petition was under review at the lower fourth Circuit Court, there was no judgement to be challenged in the United States Supreme Court by petition for writ of certiorari. Such bases for review are the prototypical bases for request by petition of certiorari and Habeas Corpus to this court and justifies this motion's request for the statutory prohibition to be effectively nullified

## CONCLUSION

Mr. Powell is a Pro Se' litigant, whom lives in Lynchburg, Va. a city within the United States that does not offer Legal Aid assistance for cases involving employment law to indigent parties.

Mr. Powell respectfully submits this argument by motion to direct the clerk to file his previously submitted untimely petition of certiorari pursuant to Rule 13 (paragraph 3 )