

IN THE
SUPREME COURT OF THE UNITED STATES

JERRY MEANS,

PETITIONER

VS.

SECRETARY, Florida
DEPARTMENT OF CORRECTIONS

Legal Mail
Received

AUG 04 2021

Dade C.I.

jm

RESPONDENT.

MOTION TO DIRECT THE CLERK TO FILE A
PETITION FOR WRIT OF CERTIORARI OUT-OF-TIME

THE PETITIONER, IN ORDER TO COMPLY WITH
THIS COURT'S JULY 16, 2021, ORDER TO RESUBMIT HIS
PETITION FOR WRIT OF CERTIORARI ALONG WITH THIS
MOTION, ASKS LEAVE TO DIRECT THE CLERK TO FILE
THE ATTACHED PETITION FOR WRIT OF CERTIORARI
OUT-OF-TIME, UNDER RULE 30.2 RULES OF THE
SUPREME COURT AND ITS EXTRAORDINARY
CIRCUMSTANCES EXCEPTION. AS GROUNDS IN SUPPORT
OF THE MOTION THE PETITIONER WOULD SHOW THE
FOLLOWING:

(1) THE PETITIONER IS ACTUALLY INNOCENT, INNOCENT
AS A MATTER OF LAW, IN LIGHT OF THE NEW
EVIDENCE, NO REASONABLE JUROR, WOULD HAVE VOTED

RECEIVED

AUG 12 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

TO FIND HIM GUILTY BEYOND A REASONABLE DOUBT, THERE IS "CAUSE AND PREJUDICE" TO OVERCOME ANY PROCEDURAL DEFAULT; INCLUDING RULE 30.2 RULES OF THE SUPREME COURT AND AEDPA'S SECTION 2244(b)(3)(A), *McQuiggin v. Perkins*, 133 S. CT. 1924 (2014); (2) ON DECEMBER 2, 2020, PETITIONER SUSPECTING HIS COURT DOCUMENTS WERE BEING INTENTIONALLY DELAYED, FILED HIS MOTION FOR EXTENSION OF TIME IN THIS COURT, REQUESTING AN ADDITIONAL 60 DAYS, AND WELL IN ADVANCE OF THE TEN (10) DAY TIME LIMITATION OF RULE 30.2. EXHIBIT (B)

ON DECEMBER 29, 2020, THE APPLICATION WAS RETURNED WITH A COPY OF THIS COURT'S (ORDER LIST: 589 U.S.). EXHIBIT (C). THE APPLICATION WAS NEVER RULED ON;

(3) ON OR ABOUT APRIL 14, 2021, PETITIONER, AGAIN, MOVED THE COURT FOR AN EXTENSION OF TIME, BASED ON HIM HAVING JUST RECEIVED THE MODERNA VACCINATION FOR COVID-19, AND HAVING THE IMMEDIATE SIDE-EFFECTS OF PAIN AND HEADACHES.

THE PETITIONER REQUESTED AN ADDITIONAL 30 DAYS TO COMPLETE HIS PETITION FOR WRIT OF CERTIORARI. EXHIBIT (D).

ON MAY 5, 2021, PETITIONER FILED HIS COMPLETED PETITION FOR WRIT OF CERTIORARI TO THIS COURT. HOWEVER, ON MAY 14, 2021, THIS COURT, AGAIN, RETURNED PETITIONER'S PETITION AS BEING OUT-OF-TIME.

PETITIONER ASSERTS THAT HE HAS MET THE REQUIREMENTS OF RULE 30.2, BY FILING FOR AN

EXTENSION OF TIME ON April 14, 2021, BASED ON THE EXTRAORDINARY CIRCUMSTANCE OF RECEIVING A COVID-19 VACCINATION THAT HAD NO FDA APPROVAL AND NO IDEA OF WHAT SIDE-EFFECTS WOULD RESULT. EXHIBIT (E);

(4) PETITIONER IS ENTITLED TO IMMEDIATE UNCONDITIONAL RELEASE WITH PREJUDICE TO REPROSECUTION, BECAUSE HE WAS FOUND GUILTY IN THE ABSENCE OF ANY EVIDENCE TO SUPPORT ONE OF THE ESSENTIAL ELEMENT OF THE CRIME. SEE *BARTON V. STATE*, 704 So.2d 569 (Fla. 1st DCA 1997); *RICHARDS V. STATE*, 738 So.2d 415 (Fla. 2d DCA 1999); *STATE V. CONTRERAS*, 979 So.2d 896 (Fla. 2008); (5)

PETITIONER'S November 17, 2000, FINAL ORDERS HAVE BEEN SUSPENDED SINCE JULY 23, 2000, WHEN HE FILED HIS AUTHORIZED AND TIMELY "MOTIONS FOR RECONSIDERATION" UNDER FLORIDA STATUTE 38.07, WHICH DESTROYED THE NOVEMBER 29, 2000, NOTICE OF APPEAL. (SWORN AFFIDAVIT).

EXECUTED ON 8/3/21.

Respectfully Submitted

Jerry Means

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

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

November 19, 2020

Clerk - Middle District of Florida
U.S. District Court
300 N HOGAN ST
JACKSONVILLE, FL 32202

Appeal Number: 20-12135-G
Case Style: Jerry Means v. Secretary, Department of Corr., et al
District Court Docket No: 3:20-cv-00431-TJC-JRK

The enclosed copy of the Clerk's Entry of Dismissal for failure to prosecute in the above referenced appeal is issued as the mandate of this court. See 11th Cir. R. 41-4.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Lee Aaron, G
Phone #: 404-335-6172

Enclosure(s)

DIS-2 Letter and Entry of Dismissal

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 20-12135-G

JERRY MEANS,

Petitioner - Appellant,

versus

SECRETARY, DEPARTMENT OF CORRECTIONS,
FLORIDA ATTORNEY GENERAL,

Respondents - Appellees.

Appeal from the United States District Court
for the Middle District of Florida

ENTRY OF DISMISSAL: Pursuant to the 11th Cir.R.42-1(b), this appeal is DISMISSED for want of prosecution because the appellant Jerry Means has failed to pay the filing and docketing fees to the district court within the time fixed by the rules., effective November 19, 2020.

DAVID J. SMITH
Clerk of Court of the United States Court
of Appeals for the Eleventh Circuit

by: Lee Aaron, G, Deputy Clerk

FOR THE COURT - BY DIRECTION

**Additional material
from this filing is
available in the
Clerk's Office.**