

No. _____

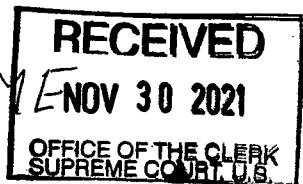
IN THE
SUPREME COURT OF THE UNITED STATES

Thomas Creighton Shrader - Petitioner

VS.

United States Of America - Respondent

MOTION TO FILE OUT OF TIME



Comes now Thomas Creighton Shrader, Petitioner and respectfully moves this Honorable Court and the Clerk of this court to allow Petitioner to file the enclosed Writ of Certiorari Out-Of-Time due to the following reason that was beyond Petitioner's control.

Attached to this Motion and marked as Exhibit "AA" is a request to "Mr. Britanica" in Education which is self explanatory for affirmation of fact to the truth dated November 03, 2021 which is the date I received the return of my Writ of Certiorari back from this Court for being mailed five (5) days late on October 12, 2021 instead of October 7th, 2021 deadline.

Yesterday, Mr. Britanica, on November 10, 2021 informed me

in person, (instead of a written response to my written request) informed me that his boss told him he could not provide me with the supportive statement. I was advised to file a BP-8 to his bosses denial to provide me an official documented statement of the truth and facts.

Which I've attached as Exhibit "BB" and will take a minimum of ten-fourteen (10-14) days to be answered, and I wanted to get this Writ of Certiorari re-submitted A.S.A.P..

My Writ of Certiorari was completed by September 27, 2021. However when our Unit was finally scheduled to go to education and I did get over there the inmate (pay per copy) xerox machine was out of toner and I could not get the copies made I need for the "Appendix-Exhibits" I need to include, a full copy of everything to send to the Solicitor General. I was also informed that the educations copy machine was unavailable, it either needed service, or was out of toner also, due to either end of the budget and had no money or the supply chain disrupted delivery of the toner cartridge delivery. There I request my Writ of Certiorari be allowed to be filed out of time.

Dated: 11/11/2021

Respectfully Submitted,

Thomas Creighton Shrader

Thomas Creighton Shrader

Reg. No. 08691
Fed. Correctional Institution
P.O. Box 9
Mendota, California 93640

TRULINCS 08691088 - SHRADER, THOMAS CREIGHTO - Unit: MEN-A-A

FROM: 08691088
TO: Education
SUBJECT: ***Request to Staff*** SHRADER, THOMAS, Reg# 08691088, MEN-A-A
DATE: 11/03/2021 07:57:38 PM

To: Mr. Britanica
Inmate Work Assignment: unassigned

RE: Where I missed my October 7th deadline to the Supreme Court of the United States because the copier was out of toner for a couple of weeks at the end of September and beginning of October and I could not get the Exhibits copied that I needed to mail with the Writ of Certiorari and missed my deadline by 5 days and the Court returned my Writ to me unless I can show "cause" why it was late - then I can file a Motion to file out of time. A letter by an official in education of the copier being out of service, due to lack of a replacement toner cartridge would be accepted by the court. Thank you.

Exhibit "AA"

BP-A148.055
SEP 98

U.S. DEPARTMENT OF JUSTICE

INMATE REQUEST TO STAFF CDFRM

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) Ms. G. - Supervisor of Education	DATE: November 12, 2012
FROM: Shrader, Thomas	REGISTER NO.: 08691-088
WORK ASSIGNMENT: Unassigned	UNIT: A1

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

On Nov. 3rd I received back from the Supreme Ct. of The U.S. my submitted Writ of Certiorari, because I missed the filing date by five (5) days. The reason I was late was because I could not get copies of the Exhibits I needed to send copied or a copy of the Writ itself for the Solicitor General or myself due to the copier being out of toner in the last 7-10 days of September and 2 or 3 days of October. I was also informed that educations copier was not working either. I do not know if it needed maintenance or whether it was dry on toner due to the end of the budget and your dept. was broke or whether it was a supply chain issue and the toner was on back order. Your log books should reflect that both copiers were down. Could you please provide me with a statement to the truth of these facts? Thank you. (Statement to support my reason to the court). (Do not write below this line)

DISPOSITION:

Note. Please see next page where this was answered on

Nov. 17, 2021. However, as you can see, "Ms. G." circumvented the issue so no accountability is reflected on her or her dept., clearly as stated, I did ask education to make copies for me on what Ms. G. secondary machine and was told it was "out of service". So even if I submitted a payment voucher (BP-179) to pay for the copies it would not have "cleared" in time and was useless since the copier was not working.

Signature Staff Member

Date

Record Copy - File; Copy - Inmate
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86
and BP-S148.070 APR 94

FILE IN SECTION 6 UNLESS APPROPRIATE FOR PRIVACY FOLDER

SECTION 6

Exhibit "BB"

TO: (Name and Title of Staff Member) Ms. G. - Supervisor of Education	DATE: November 12, 2012
FROM: Shrader, Thomas	REGISTER NO.: 08691-088
WORK ASSIGNMENT: Unsigned	UNIT: A1

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.

On Nov. 3rd I received back from the Supreme Ct. of the U.S. my submitted Writ of Certiorari, because I missed the filing date by five (5) days. The reason I was late was because I could not get copies of the Exhibits I needed to send copied or a copy of the Writ itself for the Solicitor General or myself due to the copier being out of toner in the last 7-10 days of September and 2 or 3 days of October. I was also informed that educations copier was not working either. I do not know if it needed maintenance or whether it was dry on toner due to the end of the budget and your dept. was broke or whether it was a supply chain issue and the toner was on back order. Your log books should reflect that both copiers were down. Could you please provide me with a statement to the truth of these facts? Thank you. (Statement to support my reason to the court). (Do not write below this line)

DISPOSITION:

Although our inmate copy machine occasionally is out of service, you did not request through Education staff to have copies made on our secondary machine (BP-199). Additionally, you may request legal copies through unit team in the event of impending court deadlines.

Signature Staff Member

Date

11-17-2012

Record Copy - File; Copy - Inmate
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86
and BP-S148.070 APR 94

FILED: May 10, 2021

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-7305
(1:09-cr-00270-1)
(1:16-cv-05559)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

THOMAS CREIGHTON SHRADER

Defendant - Appellant

O R D E R

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Wilkinson, Judge Motz, and Senior Judge Shedd.

For the Court

/s/ Patricia S. Connor, Clerk

UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 19-7305

UNITED STATES OF AMERICA,**Plaintiff - Appellee,****v.****THOMAS CREIGHTON SHRADER,****Defendant - Appellant.**

**Appeal from the United States District Court for the Southern District of West Virginia, at
Bluefield. Irene C. Berger, District Judge. (1:09-cr-00270-1; 1:16-cv-05559)**

Submitted: February 26, 2021

Decided: March 9, 2021

Before WILKINSON and MOTZ, Circuit Judges, and SHEDD, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

**Thomas Creighton Shrader, Appellant Pro Se. John Lanier File, Assistant United States
Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Beckley, West Virginia, for
Appellee.**

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Thomas Creighton Shrader seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on Shrader's authorized, successive 28 U.S.C. § 2255 motion. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(B). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists could find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 137 S. Ct. 759, 773-74 (2017). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable and that the motion states a debatable claim of the denial of a constitutional right. *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

We have independently reviewed the record and conclude that Shrader has not made the requisite showing. Accordingly, we deny Shrader's motion for appointment of counsel, deny his motion for a certificate of appealability, and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED

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