

No. _____

In the

Supreme Court of the United States

LARRY MICHAEL BOLLINGER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

**MOTION TO ACCEPT LATE-FILED PAPER
COPIES OF PETITION FOR WRIT OF CERTIORARI**

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MOTION TO ACCEPT LATE-FILED PAPER
COPIES OF PETITION FOR WRIT OF CERTIORARI

Petitioner Larry Michael Bollinger, by and through his Counsel, respectfully moves that the Court accept for filing ten (10) paper copies of Petitioner's *Petition for Writ of Certiorari* and ten (10) copies of his *Motion to Proceed In Forma Pauperis*.

Petitioner timely filed his *Petition for Writ of Certiorari* and *Motion to Proceed In Forma Pauperis* on October 15, 2021. At that time, Counsel – who is representing Petitioner without charge – detailed an assistant to print and mail paper copies to the Court. His assistant reports that he did so, and photocopier logs show the printing of 740 copies at that time, but the Court reports that the paper copies have not been received.

Counsel is familiar with the filing procedure for petitions for writs of *certiorari* for non-indigent clients, for which he employs a commercial document preparation service, but he and his staff are much less familiar with the filing procedures for an indigent client represented by counsel on a *pro bono* basis.

The *Petition* was timely filed, as evidenced by the Court's electronic filing system. Grant of this *Motion* will not materially delay consideration of the issues raised in the *Petition* and will neither prejudice the Solicitor General nor waste the resources of the Court.

WHEREFORE, this *Motion* should be granted, and the paper copies of the *Motion to Proceed In Forma Pauperis* and *Petition for Writ of Certiorari* – being shipped to the Court by next-day delivery today – should be accepted.

November 16, 2021

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**SUPPLEMENT TO MOTION TO ACCEPT LATE-FILED
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SUPPLEMENT TO MOTION TO ACCEPT LATE-FILED
PAPER COPIES OF PETITION FOR WRIT OF CERTIORARI

Petitioner Larry Michael Bollinger, by and through his Counsel, respectfully supplements his pending *Motion to Accept Late-Filed Paper Copies of Petition for Writ of Certiorari*.

Petitioner attaches as *Attachment A* a declaration from counsel's assistant as to prior filing. This declaration is being filed in response to communication between the Office of Supreme Court Clerk and undersigned counsel.

WHEREFORE, this *Motion to Accept Late-Filed Paper Copies of Petition for Writ of Certiorari* should be granted, and the paper copies of the *Motion to Proceed In Forma Pauperis* and *Petition for Writ of Certiorari* – being shipped to the Court by next-day delivery today – should be accepted.

November 22, 2021



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ATTACHMENT 1

DECLARATION

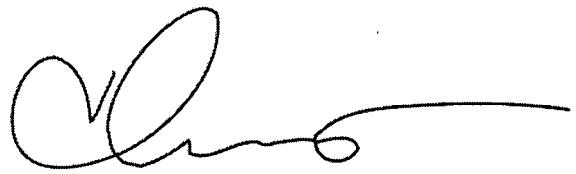
My name is Thomas Root. I am legal assistant to Matthew Gilmartin, Attorney.

On October 15, 2021, Mr. Gilmartin electronically filed a petition with the Supreme Court for the United States for writ of certiorari in the case of Bollinger v. United States. The next day, he informed me that the office was required to provide a paper copy of the petition to the Court as well, and he directed me to send a copy to the Court. He told me the rules required that it be sent within three calendar days.

On Friday, October 17, 2021, I printed copies of the petition. Due to copier problems, I did not have them assembled until after 5 pm. I placed the copies in a large Tyvek shipping envelope, affixed 30 \$1.00 stamps to the package, and deposited it in a U.S. Postal Service blue collection box. Because of the 3-day requirement in the rules, I did not want to delay sending the copies until Monday.

The foregoing statement is true, under penalty of perjury.

Executed November 22, 2021

A handwritten signature in black ink, appearing to read "Thomas Root", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'T' and 'R'.

Thomas Root

SUPPLEMENTAL DECLARATION

My name is Thomas Root. I am legal assistant to Matthew Gilmartin, Attorney.

At Mr. Gilmartin's request, I prepared a Declaration, a copy of which is attached. In that *Declaration*, I made reference to having printed copies of the writ of certiorari in *Bollinger v. United States* on "Friday, October 17, 2021."

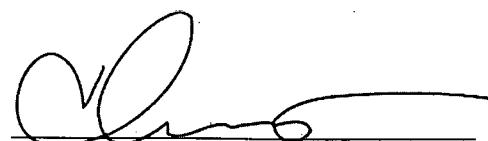
That date is, of course, in error. There was no Friday, October 17, 2021. Rather, October 17, 2021, was a Sunday. I intended to refer to that day and date, which is clear enough in my explanation that I deposited them in a mailbox because "I did not want to delay sending the copies until Monday."

I apologize for the error.

I have also been asked to be more specific about the collection box into which I deposited the printed copies of the petitions for writ of *certiorari*. I deposited them, all in a single Tyvek envelope, in a blue United States Postal Service mailbox located on Linwood Avenue in a drive-through deposit area behind the United States Post Office in Norwalk, Ohio. Two blue boxes stand next to each other, one for metered mail and the other for mail with stamped postage. I deposited the mailing in the box intended for stamped postage.

The foregoing statement is true, under penalty of perjury.

Executed December 17, 2021



Thomas Root