

22-5325

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

JUL 22 2022

OFFICE OF THE CLERK

MALCOLM BERNARD BENSON — PETITIONER
(Your Name)

vs.

RANDEE REWERTS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

POTTER STEWART

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MALCOLM BERNARD BENSON

(Your Name)

10274 BOYER RD.

(Address)

CARSON CITY, MI 48811

(City, State, Zip Code)

NONE

(Phone Number)

QUESTION(S) PRESENTED

Did appellant fail to satisfy his notice of appeal obligation on time, when it was deposited in the institution's internal mail system before the last day for filing.

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

I dont know of Any, and Im not skilled in the law.

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CASES

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STATUTES AND RULES

OTHER *article, RULES OF THE*
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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☒ reported at BERNARD BENSON V. RANDEE REWERTS, 22-1398; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☒ reported at BERNARD BENSON V. RANDEE REWERTS, 2:21-cv-10818; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 2/5/22.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 3/2/2021.
A copy of that decision appears at Appendix C.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATEMENT OF THE CASE

I RECEIVED a MAY 4, 2022, letter from THE 6th CIR. ADVISING me my NOTICE OF APPEAL WAS RECEIVED IN THE DIST. CT. WITHOUT my SIGNATURE. PLEASE SIGN & RETURN TO THIS COURT, THE ENCLOSED COPY OF YOUR NOTICE OF APPEAL. THE DEADLINE FOR RETURNING THIS DOCUMENT TO THE ABOVE ADDRESS IS JUNE 3, 2022.

I RETURNED THIS NOTICE OF APPEAL, BEFORE JUNE 3, 2022, BY PLACING IN THE INSTITUTIONS INTERNAL MAIL SYSTEM ON MAY 15, 2022, BY PRISONER EXPEDITED LEGAL MAIL FORM CSJ-318. WHICH WAS PLACED IN THE OUT-GOING MAIL USPS BAG ON MAY 16, 2022, BEFORE THE LAST DAY FOR FILING.

BUT THE POTTER STEWART COURT HOUSE SAID IN APPENDIX (A) ON JULY 5, 2022, I DID NOT SATISFY THIS CERTAIN SPECIFIED OBLIGATION.

REASONS FOR GRANTING THE PETITION

A petition for a writ of cert. will be granted only for compelling reasons, indicating this Honorable Court's character which calls for your exercise of supervisory power because under rule 10, para. (c) of ~~this~~ supreme court rule book, the 6th cir. of Appeals court the potter Stewart court house has decided an important federal question in a way that conflicts with your relevant decision of this court rule 29, para. (2) which say?

rule 29. 2. A document is timely filed if it is received by the clerk in paper form within the time specified for filing; or if it is sent to the clerk through the United States postal service by first-class mail, if submitted by an inmate confined in an institution, a document is timely filed if it is deposited in the institution's internal mail system on or before the last day for filing and is accompanied by a notarized statement or declaration in compliance with 28 U.S.C. § 1746 setting out the date of deposit and stating that first-class postage has been prepaid.

I follow all the character of this court's rule above 29, para. (2) when I mail the 1pg. motion for pauper status, and 1pg. financial affidavit, by (mDOC) prepaid first-class postage by prisoner expedited legal mail, in a seal envelope. which cost me 53¢, & another 53¢ obligation to send the same process to opposing counsel.