

NO.

IN THE SUPREME COURT OF THE UNITED STATES

SHANNON COPELAND,
Petitioner

v.

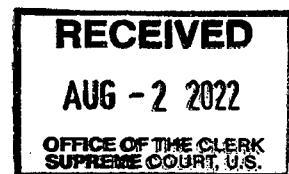
SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,
ATTORNEY GENERAL, STATE OF FLORIDA.
Respondent.

On Petition For a Writ of Certiorari to the Eleventh Circuit
Court of Appeals

Motion to Direct Clerk to File Petition Out of Time

Pursuant to Rule 13, counsel for Petitioner, SHANNON COPELAND, asks this Court to accept the *Petition for Writ of Certiorari* and *Motion to Proceed In Forma Pauperis* as timely filed and states as follows:

1. The undersigned counsel timely e-filed the petition and supporting documents on June 9, 2022.
2. Unlike the e-portal for the circuit courts of appeal, there is none of the following reminders, alerts, or warnings when e-filing through the Supreme Court portal:
 - a. No warning, reminder, or alert that documents are not considered filed until the paper copies are received;
 - b. No warning, reminder, or alert that paper copies are required despite the fact that the Supreme Court requires electronic filing;



- c. No warning, reminder, or alert that the case will be dismissed unless the paper copies of the filings are received within the time period for filing the certiorari petition.
3. Because there were none of the aforementioned warnings, reminders, or alerts, the undersigned counsel misunderstood that this Court still requires submission of paper copies of the already e-filed documents.
4. The question presented in this Petition for Writ of Certiorari is: After a criminal defendant is adjudicated incompetent, does the Due Process Clause of the Fifth Amendment require a continuing presumption of incompetency until the court makes an express finding of competency, or can a prior incompetency ruling can be simply cast aside without any further action by the court.
5. In the proceedings below, Petitioner, SHANNON COPELAND, was declared incompetent by a state court. But the same state court never adjudicated her competent before accepting her guilty plea and sentencing her to imprisonment.
6. Ms. Copeland will suffer irreparable harm if this Court dismisses the instant appeal: this Petition arises from a Section 2254 proceeding, leaving Ms. Copeland without any further remedies.

WHEREFORE, Petitioner requests that this Court accept the petition, motions, and appendix as timely filed, permit Petitioner an additional 10 days to

submit the paper filings to this Court, and award Petitioner and all further relief to which she is entitled.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Assistant Attorney General Bryan Jordan, Attorney for Appellees, Office of the Attorney General, 107 W. Gaines Street, Tallahassee, FL, 32399, by e-mail delivery on this 28th day of July 2022.



Valarie Linnen, Esq.*
841 Prudential Drive
12th Floor
Jacksonville, FL 32207
888.608.8814 Tel
vlinnen@live.com
Attorney for Petitioner
*Counsel of Record, Member of the Supreme
Court Bar