

No.

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In the Supreme Court of the United States of America

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Abdul Mohammed,

*Applicant*

v.

Prairie State Legal Services et.al,

*Respondents*

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MOTION TO FILE AN UNTIMELY  
PETITION FOR WRIT OF CERTIORARI

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To the Honorable Brett Kavanaugh  
Associate Justice of the United States Supreme Court and Circuit Justice for the 7<sup>th</sup> Circuit

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June 21, 2022

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## **MOTION TO FILE AN UNTIMELY PETITION FOR WRIT OF CERTIORARI**

Applicant filed the attached Petition for Writ of Certiorari (Exhibit-1) which was postmarked March 18, 2022 and was received by the court on March 22, 2022. At the end of 2021, the Applicant was informed by the Clerk at this court that there is an automatic 60-day extension due to the pandemic to file a Writ of Certiorari. On March 24, 2022, this court returned the Petition for Certiorari as untimely. On April 5, 2022 the Petitioner sent a Motion for Extension along with the Petition for Writ of Certiorari. On June 21, 2022 the Petitioner called the Clerk of this court to inquire about the April 5, 2022 Motion for Extension and Petition for Writ of Certiorari and he was informed by the Clerk of this court that his Motion for Extension and Petition for Writ of Certiorari were returned back to him on April 11, 2022 with a letter advising the Petitioner to file Motion for Filing an untimely Petition for Writ of Certiorari. Petitioner did not receive the April 11, 2022 letter from the Clerk and hence he is filing this Motion to File an Untimely Petition for Writ of Certiorari today. The Applicant is requesting that the court accept his Petition for Writ of Certiorari as timely, because the untimely filing of the Petition for Writ of Certiorari was not the fault of the Applicant, but it was the fault of the Clerk of this court.

### **JUDGMENT FOR WHICH REVIEW IS SOUGHT**

The judgment for which review is sought is attached in Exhibit 1.

### **JURISDICTION**

This Court has jurisdiction under 28 U.S.C. § 1254(1) to review the decision of the 7<sup>th</sup> Circuit of October 26, 2021.

### **REASONS JUSTIFYING AN EXTENSION OF TIME**

1. Applicant is the primary caregiver of his 3 minor children, and he is taking care of his 3 minor children, 223 days of the year.
2. Further, the Applicant is a person with disabilities within the meaning of the Americans with Disabilities Act, the Rehabilitation Act of 1973, Section 504, and the Federal Traumatic Brain Injury Reauthorization Act of 2014.


3. Applicant's Mental Disabilities hinder his ability to prepare his Petition for Writ of Certiorari, at a pace similar to people without disabilities and/or attorneys.
4. Due to his Mental Disabilities, the Applicant works very slowly, and he needs additional time to navigate through Legal Documents and Pleadings or to prepare Legal Documents and Pleadings.
5. Further, the Applicant is facing significant health issues due to the physical and mental injuries caused to him by the Respondents in this case, and the Applicant is taking 20 different medications every day due to the injuries caused to him.
6. Due to the injuries caused to the Applicant by the Respondents, in this case, the Applicant has been found disabled by Social Security Administration on October 22, 2019, retroactively from January 21, 2017. Social Security Administration specifically ruled that the Applicant has been disabled due to the injuries caused to him as described above. The findings by Social Security Administration in disability determinations are *prima facie* evidence in other court proceedings. In *Golian v. Golian*, 781 A. 2d 1112 – New Jersey Appellate Div. 2001, the Superior Court of New Jersey, Appellate Division, ruled, “No evidence has been presented to impugn the reasonableness of the SSA determination in plaintiff's case. Defendant assisted the plaintiff in obtaining the award. Pursuant to an order in these proceedings, the plaintiff signed an authorization giving the defendant access to her SSA file, thereby enabling him to scrutinize the basis for the award. In the circumstances of this case, we hold that the SSA adjudication of disability constitutes *prima facie* showing that the plaintiff is disabled, and therefore unable to be gainfully employed, and the burden shifts to the defendant to refute that presumption. Accordingly, we remand for further proceedings, in which the trial judge shall consider such additional evidence which defendant may present to attempt to overcome this presumption. Of course, the plaintiff may present rebuttal evidence. Such evidence may consist of lay testimony, expert testimony or medical records, consistent with the Rules of Evidence, as the trial court deems appropriate”.

## CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this court accept his Petition for Writ of Certiorari as timely. Further, the Applicant is requesting this court to direct the Clerk of the court to file the attached Petition for Writ of Certiorari (Exhibit-1) as if filed timely.

Date: June 21, 2022

Respectfully Submitted,



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