

No. 2021-0533

IN THE SUPREME COURT OF THE UNITED STATES

IN RE JH., ET AL. A MINOR CHILD

(APPEAL BY A.H. MOTHER)-PETITIONER

VS.

S.W. – RESPONDENT

MOTION TO DIRECT THE CLERK TO FILE THE PETITION OUT OF TIME

I had filed the original Application for Extension of Time to File a Petition For a Writ of Certiorari was postmarked October 20th 2022, and received October 26th 2022. I received a letter with my Application for Extension of Time returned stating that the lower court opinion must be appended to the application. (Rule 13.5). It is impossible to determine the timeliness of your application for an extension of time without the lower court opinion. A copy of the corrected application must be served on opposing counsel.

I redid my Application for Extension of Time to File a Petition For a Writ of Certiorari, and I was sent out a letter stating the Application for an extension of time within which to file a petition for A Writ of Certiorari was postmarked November 18th 2022, and received November 29th 2022. The application was returned for the following reasons: The application is out-of-time. The date of the lower court judgment or order denying a timely petition for rehearing was August 2nd 2022. Therefore the application for an extension of time was due on or before October 31st 2022. (Rules 13.1, 30.1 and 30.2) When the time to file a Petition for a Writ of Certiorari in a civil case has expired (including any habeas action), the court no longer has the power to review the petition or to consider an application for an extension of time to file a petition.

I contacted the Clerks Office, and I brought it to their attention about the two conflicting letters. I was asked to resend the application along with the 2nd letter that stated my application was out of time.

