No. 23-6614

IN THE
SUPREME COURT OF THE UNITED STATES

Kathy R. Allen - *PETITIONER*
VS.

Arthur L. Allen [sic deceased]
Mary Flager Allen (ALA's wife)
Anthony A. Klish
State Employees Credit Union ("SECU") C/O Cathleen M. Plaut
Wake County Super. Ct. Guardian Ad Litem
C/O William D. Harazin, PLLC – *RESPONDENT(S)*

ON PETITION FOR WRIT OF CERTIORARI
To The Supreme Court Of North Carolina (NCSC) #161P23

Petitioner's Letter/Motion for Reconsideration (MFR)
Of Clerk's April 1, 2024 Letter Denying Informa Pauperis
and
New Request Rule 30 Motion for Extension to File Petition in SCR 33.1 or 33.2 Format

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Petitioner's Letter/Motion for Reconsideration (MFR)
Of Clerk's April 1, 2024 Letter Denying Informa Pauperis
and
New Request Rule 30 Motion for Extension to File Petition in SCR 33.1 or 33.2 Format

Why is Motion for Reconsideration to File Petition in 33.2 Instead of 33.1 Format

The Petitioner, Kathy R. Allen, who is having to file the Petition (Supreme Court "SCR") and motion reply *pro se* respectfully files this motion to request reconsideration (MFR) of the letter denying *informa pauperis* and allowed until April 22, 2024 to refile it in 33.1 format. On today April 10, 2024 the Petitioner called the clerk's office to discuss alternative means to re-file the Petition, but the phone disconnected several times, and I could not leave a message at the (202) 479-3011 number. I later called the (202) 479-3035 number and left a message asking for Scott Harris (the clerk or someone) to call back about my circumstances to refiling the Petition in 33.1 format and to request an extension for at least 45 days to June 7, 2024 or June 24, 2024 for any refiling the Petition in 33.1 format. As of this filing I did not get a call back, so I am filing it.

The letter did not indicate why the *informa pauperis* was denied, e.g. maybe the Court thought the Petitioner's monthly expenses and income were sufficient. So the Petitioner has no idea way it was denied. Being so the Petitioner is and has already been hard shipped and continues to be in her funds for the litigation already in the N.C. courts as was in the *inform pauperis* including paying approx.. $20,000.00 in lawyer fees between the timeline of those 2018 to 2024 and for filing the Petition and costs in the one sent as 33.2 to the Court on January 26, 2024.

In addition to those costs during that litigation 2018-2024 and since into 2024 the Petitioner also paid $1,031 monthly payments for her mother's home mortgage and costs of maintenance for it—thus more costs to the litigation and its timeline. The Petitioner now in 2024 has some home repairs for her own home and expects to have to pay in the next couple of months approx. $5,000.00 or more, for her own home maintenance. The Petitioner because of this litigation also

has other Petition with this Court—thus received letter for it requiring 33.1 reformatting, and doing so would be double the costs and time for her.

Petitioner is Hard shipped and Proposes Options Below Instead of 33.1 Reformatting

Reformatting the January 26, 2024 Petition filed in 33.2 format and the costs paid for it would be duplicate and excessively more than the costs already paid., and is a financial hardship to refile it. I am sure the Court prefers the merits of a case than to 33.1 v. 33.2 formatting without some precise reason for asking the Petitioner to refile it and when clearly it would burden the Petitioner to reformat the Petition filed January 26, 2024. By this motion the Petitioner proposes:

Option 1

(1) Petitioner would send and pay the $300.00 docketing fee for this #23-6614 Petition, and remains as the Petition and in the 33.2 format and 10 sent copies on January 26, 2024, and send the clerk the $300.00 docketing fee payment ASAP or NLT the April 22, 2024 date in the Court's letter.

(2) Any additional filings for the case would continue to be in 33.2 format and 10 copies or 40 copies. But because of the costs of 40 copies the Petitioner prefers that the Court grant filing 10 copies for the case instead of 40, but the Petitioner could file the 40 copies instead of 10 copies in 33.2 format going forward if the Court requests.

Option 2

(1) Petitioner would send and pay the $300.00 docketing fee for this #23-6614 Petition, and it remains as the Petition and in the 33.2 format. The Petitioner would send the Court 30 more copies of the January 26, 2024 Petition they already have, so they would then have 40 copies, and send the clerk the $300.00 docketing fee payment and the additional 30 copies ASAP or NLT the April 22, 2024 date in the court's letter.

(2) Any additional filings for the case would continue to be in 33.2 format and 10 copies or 40 copies. Because of the costs of 40 copies the Petitioner prefers that the Court grant filing 10 copies for it instead of 40, but the Petitioner could file 40 copies in 33.2 format going forward.

Motion for 45-60 Day Extension Until June 7, 2024 or June 24, 2024

If either Option 1 or Option 2 above are provided the Petitioner would not need an extension to reformat the Petitioner. If the Court denies these options to continue using 33.2 format the Petitioner asks for at least 45 days until June 7, 2024 or 60 days to June 24, 2024 to provide the January 26, 2024 Petition reformatted to 33.1—but to deny 33.2 format is drastically a hardship, and the Petitioner sees no reason for the Court to not allow the 33.1 format if the docketing fee and successive fees for filings are paid, and in 33.2 format and 10 or 40 copies are filed.

Although the Petitioner does not have time to view cases for the motion and prefers to use a civil case see a criminal case Smith v. Smith, 589 F.3d 736 (4th Cir. 2009). "....However, "[l]iberal construction of the pleadings is particularly appropriate where, as here, there is a pro se complaint raising civil rights issues.". See *Grant v. United States* (W.D.N.Y. Dec. 22, 2020) citing some Supreme Court discussions for waivers and procedural SCR deadlines " ....[a] clear, easily administered deadline...[the extent] an individual defendant[respondent] may be responsible (or to blame) for the termination of an appeal, the distinction between waiver and forfeiture, and the quality of legal advice that led to the decision...better serves the goal of judicial economy, while giving litigants the benefit of the doubt and avoiding the creation of a procedural trap for the unwary." But here judicial economy would be the Petitioner filing and reformatting and costs.

To save time the Petitioner asks the Court to send her the Order for this motion by E-mail if possible to have until the mail Order arrives.

Deny SECU or Their Attorney any Attorney Fees and/or Costs

The Petitioner asks this Court to deny any fees and costs for this Petition, motion or reply, because it is the Respondents' conduct that required the filing of the appeals and this Petition.

Respectfully submitted,
This 10th day of April 2024.

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