

No. 23-6970

IN THE  
SUPREME COURT OF THE UNITED STATES

Kathy R. Allen, Jay K. Allen - *Petitioner(s)*

VS.

L3Harris Technologies, Inc. - *Respondent(s)*.

On Petition for Writ of Certiorari  
To The United States Court of Appeals for the Fourth Circuit  
No. 22-1528

Petitioner's Letter/Motion for Extension to File Petition in SCR 33.1 or 33.2 and Request for  
Partial *Informa Pauperis*

and

Motion for Reconsideration (MFR) by SCR 30  
Of Clerk's May 13, 2024 Letter Denying Informa Pauperis and a 'Writ' to Jay K. Allen



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Petitioner 2



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

The Petitioners, Kathy R. Allen and Jay K. Allen who are having to file the Petition (by 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 June 3, 2024, 2024 to refile it in 33.1 format. The letter did not indicate why the *informa pauperis* was denied, e.g. maybe the Court thought the Petitioners' monthly expenses and income were sufficient. So the Petitioner has no idea way it was denied. Being so the Petitioners have already been hard shipped and continue to be in their 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 for their mother's estate matters and to this 'writ' for the employer ERISA benefit for her life insurance policy and for filing the Petition and costs in the one filed as 33.2 to the Court on March 1, 2024.

Petitioner 1 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 and Petitioner 2 is also hard-shipped as in the *informa pauperis* to his monthly obligations. The Petitioners because of this litigation also has other Petitions with this Court, because it as an estate matter—thus received letter for it requiring 33.1 reformatting, and doing so would be now double the costs and time for the Petitioners to file it by SCR 33.1

**Petitioners are Hard shipped and Proposes the Options Below Instead of 33.1 Reformatting**

Reformatting the March 1, 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. The Petitioners are sure the Court prefers the merits of a case than to SCR 33.1 v. 33.2 formatting without some precise reason for asking the Petitioners to refile it and when clearly it would burden the Petitioners. By this motion the Petitioners propose:

Option 1

(1) Petitioners would send pay the \$300.00 docketing fee for this case #23-6970 and do so NLT the June 3, 2024 as in the May 13, 2024. This means just to 33.2 format copies would remain and partial *informa pauperis* granted. The Petitioners would the same and pay the filing fee for any motions and filings for the case going forward.

Option 2

(1) Petitioners ask the court to provide some variation of Option 1 to include filing in SCR 33.2 format and paying the filing fees for motions, replies, etc and preferably would be just 10 copies.

**Motion for 45-60 Day Extension Until July 19, 2024 or August 2, 2024**

**And to Include Jay K. Allen in the Petition**

The May 13, 2024 letter denies a 'writ' for Jay K. Allen, but he is a party and filed his *informa pauperis* with the March 1, 2024. It seems the clerk's May 13, 2024 letter means his *informa pauperis* is denied (and would include him as a Petitioner in all of the filings for this case) instead of denying him opportunity to be included on the 'writ', because both Petitioners are parties to the Petition and filing it.

Being so if either Option 1 or Option 2 for SCR 33.2 above are granted the Petitioners would not need an extension to reformat the Petition just pay the docketing fee for t Marc 1, 2024 'writ'. If the Court denies these options to continue using 33.2 format the Petitioners ask for at least 45 days until July 19, 2024 or 60 days to August 2, 2024 to provide the March 1, 2024 'writ' for the

#23-6970 Petition reformatted to 33.1. But to deny 33.2 format is drastically a hardship, and the Petitioners see no reason for the Court to not allow the 33.2 format if the docketing fee and successive fees for filings are paid, and in 33.2 format and just 10 copies or less than 40 copies.

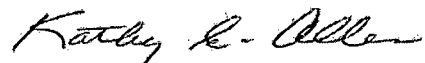
Although the Petitioners does not have time to view cases for the motion and prefers to use a civil case see a criminal case *Smith v. Smith*, 589 F.3d 736 (4th Cir. 2009). "...However, "[l]iberal construction of the pleadings is particularly appropriate where, as here, there is a pro se complaint raising 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 Petitioners filing and reformatting and costs.

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

Deny L3/Harris or Their Attorney any Attorney Fees and/or Costs

The Petitioners ask this Court to deny any fees and costs for this Petition, motion or reply, because it is the Respondent's conduct that required the filing of the appeals and this Petition.

Respectfully submitted,  
This 17th day of May 2024.




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CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rules 21(2)(c), Rule 30(4), 33.2 and 34 for the word count and the motion has a 956 word count, I certify that letter/motion contains the allowed 5 pages, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d). I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 17, 2024.

Respectfully submitted,



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