

DOCKET NO.: 23A234

IN THE SUPREME COURT  
OF THE UNITED STATES OF AMERICA

Jerry Laza,  
Petitioner,

v.

City of Palestine, Texas,  
Respondents

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT  
OF APPEALS FOR THE TEXAS SUPREME COURT

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PETITIONER'S MOTION FOR LEAVE TO FILE PAPER COPIES FOR  
PETITION FOR WRIT OF CERTIORARI

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PETITIONER'S MOTION FOR LEAVE TO FILE PAPER COPIES FOR  
PETITION FOR WRIT OF CERTIORARI

To the Honorable Samuel Alito, Associate Justice of the United States  
Supreme Court and Circuit Justice for the Fifth Circuit

Previously, Petitioner Jerry Laza, requested an extension of time to file his Petition for Certiorari to the Texas Supreme Court. Justice Alito granted the Application for an extension due to counsel's house burning down, loss of his support animal, and national shortages on certain ADHD drugs counsel relies on. The deadline was set for October 16, 2023. The Petition was filed electronically on October 16, 2023, pursuant to Rule 29. However, the printing of the books ran into issues which resulted in them not being shipped until October 31, 2023. Counsel recognizes the application of Rule 29.2 however, he apparently erroneously, though honestly, believed that the electronic copy would satisfy the filing deadline. As a practitioner of appellate law, this is the first-time counsel has ever ran into a deadline for filing error. The error stems from the application of the Federal filing rules in every other court of appeals requiring the electronic filing to be made first, then once the filing is accepted, the paper copies are prepared on the accepted electronic filing. Unfortunately, between dyslexia and ADHD, counsel mis-interpreted Rule 29.2.

The Clerk of this Court shipped the paper copies back to counsel after stamping them with the received date, however no explanation was made for their return and despite requesting a copy of any transmittal letter explaining the return of the paper copies, counsel has received no such letter. These copies were received

back at Counsel's office on November 8, 2023. The only explanation for the return was received on a phone call to the clerk's office. Counsel throws himself at the mercy of the Court, and requests that the original mailing and receipt of the paper copies, combined with the timely electronic filing of the petition for certiorari be deemed timely filed. The paper copies of the petition for review will accompany the paper copies of this motion being sent to the Clerk of the Court, today, November 9, 2023 in hopes that this Court will accept the late filing of the paper copies in light of the timely filing of the electronic copies.

### CONCLUSION

Petitioner and his counsel request the October 16, 2023 electronic filing of the Petition and the October 31, 2023 filing of the paper copies of the Petition for Certiorari be deemed timely due to counsel's honest dyslexic error in interpretation of the rule. Counsel apologizes to the Court for this error and it has now been engrained in his mind such that it will never happen again.

Respectfully submitted,



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**Certificate of Service**

I, Nicholas D. Mosser, certify that today, November 9, 2023, a copy of Petitioner's Petition for Certiorari was served upon via e-mail.

  
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Nicholas D. Mosser

### **Certificate of Compliance**

I certify that this petition was prepared using Microsoft Word 2023, in Century Schoolbook 12 point font and contains 6,090 words including all sections required to be counted and excluding all sections permissible under the Rules of this Court.

  
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Nicholas D. Mosser