

NO:

IN THE SUPREME COURT OF THE UNITED STATES

EUGENIE HENNING, PETITIONER

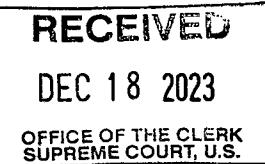
v

CITY OF JACKSON, TN, RESPONDENT

*ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT*

**MOTION TO LEAVE TO FILE AN OUT-OF-TIME PETITION FOR
WRIT OF CERTIORARI**

EUGENIE HENNING
12 BRUSHWOOD COVE
JACKSON, TN 38305
T: (731) 394 - 2201
PRO SE



**MOTION TO LEAVE TO FILE AN OUT-OF-TIME
PETITION FOR WRIT OF CERTIORARI**

Plaintiff, Eugenie Henning (E. Henning), a pro se in this case hereby requests that the Supreme Court have mercy on her unmistakable misfiling of her writ of certiorari. E. Henning missed the deadline to file a writ of certiorari with due cause. Per Supreme Court Rule 30, E. Henning submitted a second application for a motion for an extension for an additional three days to file a petition for the writ of certiorari on November 10, 2023, to the Supreme Court of the United States. November 10, 2023, is the date that E. Henning's first approved extension to file a writ of certiorari was due. September 11, 2023, was the official day to file the writ of certiorari. E. Henning submitted her first sixty-day extension of time for filing a petition for a writ of certiorari including the official day to extend to November 10, 2023. The second motion requested a three-day extension to this Court to file the petition to extend to November 13, 2023. E. Henning realized that the second application for extension was not filed at least 10 days before the specified final filing date due to an unknown problem E. Henning inquired.

The cause for the delay in filing the writ of certiorari on time is due to a computer monitor malfunction due to no fault of her own. E. Henning's monitor ceased to work without any warning. This unknowing monitor failure resulted in no display of any information on her computer screen. E. Henning was incapable of viewing and printing her writ of certiorari and needed time to access another monitor to gain access to her writ of certiorari and other documents needed to file.

On November 10, 2023, E. Henning mailed Per Supreme Court Rule 29, a second request for an extension of time to file a petition of writ of certiorari to the Clerk of the Supreme Court and the respondent's counsel. E. Henning made an unmistakable error by mailing her second request for an extension to:

Clerk
United States Court of Appeals for the Sixth Circuit
540 Potter Stewart U. S. Courthouse
100 East Fifth Street
Cincinnati, OH 45202-3988

This is the incorrect address for the Supreme Court. The Sixth Circuit Court of Appeals called E. Henning on November 14, 2023, informing her that her second request for an extension of time addressed to the Supreme Court was received by their office on November 13, 2023. E. Henning has enclosed the stamped and dated envelope, E. Henning's second motion for an extension that was also stamped and dated from the Sixth Circuit Court, and the receipt from the United States Postal Service dated November 10, 2023, as proof that her statement is true.

On November 13, 2023, Per Supreme Court Rule 29, E. Henning mailed one original and ten copies of her writ of certiorari along with other required documents to the Supreme Court Clerk and mailed copies of her writ of certiorari to the respondent's counsel; John Burleson and Matthew Courtner attorneys with Rainey, Kizer, Reviere & Bell. Here again, E. Henning again unmistakably mailed her writ of certiorari to the same address as above.

The Records Department of the Court of Appeals called E. Henning on November 16, 2023, informing her that her package of the writ of certiorari to the

Supreme Court was received by their office. E. Henning requested the caller from the Records Department of the Court of Appeals for the package to be returned to her. E. Henning has not received the package of the writ of certiorari as of December 6, 2023. She called the Sixth Circuit Court of Appeals to receive an update on the return of the package ensuring that the package was mailed back to E. Henning. If this court grants this motion of leave, E. Henning will submit the writ of certiorari along with the required documents to this court when she receives it from the Court of Appeal proving that she made an error submitting the filing to the incorrect court address. Receiving the writ of certiorari from the Court of Appeal will levitate any extra printing expenses that E. Henning will encounter for filing the petition.

If a party misses a deadline without requesting an extension, the Court may only extend such deadline and accept the late filing if the party shows that the delay was caused by “excusable neglect,” Fed. R. Civ. P. 6(b)(1)(B). Whether excusable neglect exists is a determination made at the “Supreme Court’s” discretion. *Ford v. New York City Transit Auth.*, 43 F. App’x 445, 449 (2^d Cir. 2002) (cited: *Holloway v. Dollar Tree Distribution, Inc.*, 3:14-cv-1661 (VAB)).

E. Henning asked this Supreme Court to accept her request for the unmistakable misfiling of her second application for an extension of time to file the writ of certiorari and its submission. E. Henning had the great intention of filing the writ of certiorari on time and to the correct court. This motion is made in good faith and a just pleading to this court

A copy of this motion along with supporting proof of E. Henning's error has been served on the City of Jackson's counsels per Rule 29.

Respectfully submitted on December 7, 2023,

A handwritten signature in black ink, appearing to read "Eugenie Henning". The signature is fluid and cursive, with "Eugenie" on the top line and "Henning" on the bottom line, slightly overlapping.

Eugenie Henning
12 Brushwood Cove
Jackson, TN 38305
(731) 394-2201
geniehenning16@gmail.com
Pro Se

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
501 POTTER STEWART U.S. COURTHOUSE
100 EAST FIFTH STREET
CINCINNATI, OHIO 45202-3988

Kelly L. Stephens
Clerk

513-564-7000

December 27, 2023

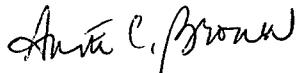
Ms. Eugenie Henning
12 Brushwood Cove
Jackson, TN 38305

Dear Ms. Henning:

Per your request, I am confirming that this court received a pleading titled to the Supreme Court of the United States as a Second Motion for Extension of Time to File Brief in Opposition To Petition for Writ of Certiorari, on November 13, 2023. This pleading was returned to the filer on November 14, 2023.

Further, on November 16, 2023, this office received a box sent from the USPS which contained pleadings to the Supreme Court of the United States. This box was returned to sender through the USPS.

Sincerely,



Anne C. Brown
Operations Manager

