

NO.

IN THE SUPREME COURT OF THE UNITED STATES

TYRE GABLE, PETITIONER

vs.

SUPERINTENDENT SCI FRACKVILLE, ET AL, RESPONDENT

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

**MOTION TO DIRECT THE CLERK TO FILE A PETITION FOR A
WRIT OF CERTIORARI OUT OF TIME**

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Attorney for Petitioner, Tyre Gamble

IN THE
SUPREME COURT OF THE UNITED STATES
MOTION TO DIRECT THE CLERK TO FILE PETITION FOR A
WRIT OF CERTIORARI OUT OF TIME

1. Petitioner, Tyre Gamble was convicted of murder and sentenced to life imprisonment following an admittedly defective jury instruction.

2. On or about July 11, 2023, the United States Court of Appeals for the Third Circuit refused to grant Petitioner a Certificate of Appealability.

3. Petitioner requested rehearing *en banc* which was denied on October 5, 2023.

4. Petitioner had until January 3, 2024 to file a Petition for Writ of Certiorari.

5. Counsel for Petitioner attempted to file the Petition for Writ of Certiorari electronically on January 1, 2024, however, it does not appear that the Petition was successfully accepted.

6. However, counsel for Petitioner did mail a check in the amount of \$300.00 representing the filing fee.

7. Counsel for Petitioner did not mail hard copies of the Petition as required by Rule.

8. On January 11, 2024, the Clerk's office notified counsel they could not find the Petition filed electronically nor were hard copies provided and the date of mailing the hard copies is the actual date of filing.

9. Due to counsel's oversight, the Petition was not considered timely filed.

10. Accordingly, counsel is requesting leave of court to allow the filing of the Petition for Writ of Certiorari out of time.

11. No one will be prejudiced by the relief requested in this Motion.

12. The issue is of significant importance and has not, heretofore, been addressed by this Honorable Court.

13. A copy of the "proposed" Petition for Writ of Certiorari, is attached hereto.

WHEREFORE, for all of the reasons set forth above, Petitioner, Tyre Gamble respectfully requests that Your Honorable Court grant his Motion for Leave to File Petition for a Writ Of Certiorari out of Time

Respectfully submitted,

s/Jonathan J. Sobel, Esquire
Jonathan J. Sobel, Esquire,
Attorney for Tyre Gamble