

SUPREME COURT OF THE UNITED STATES

JOSEPH RANDOLEH MAYS, pro se

No. _____

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent(s).

Application: 23A594

MOTION TO FILE PETITION FOR WRIT
OF CERTIORARI OUT OF TIME

The Petitioner, Joseph R. Mays, a DC inmate incarcerated at FCI Victorville II, in Adelanto, California, comes before this Honorable Court to file his Petition for Writ of Certiorari Out of Time as directed by the Clerk of the Supreme Court of the United States in their letter dated March 20, 2024. See Exhibit A

The Petitioner received the Petition for a Writ of Certiorari (Application 23A594 (75 pages), dated March 6, 2024, that was returned, by the Office of the Clerk of the Supreme Court of the United States, on March 26, 2024.

The Petitioner is following the directions of the Clerk of Court and resubmitting his Petition via a/this Motion to File Petition Out of Time. The Petitioner's financial status was/is a critical point in this case and directly impacted - and CONTINUES to IMPACT- the Petitioner's ability to be able to mail (a) request(s) for an extension of time to file his case documents. See "Reasons for Granting Petition" Section 2.(a)(2) Page 29 of 39 (RE: Mays v. United States NDWV 5:22-cv-36 Doc. 16 Page 2 P3 ("plaintiff's low account balance.")). THAT was why the Petitioner called the Office of the Clerk DIRECTLY, but was unable to get through on the institution (FCI Victorville II) phone. The Petitioner had to ask his sister to call for him because he ONLY had enough stamps, which he obtained from the kindness of others (i.e. God). See Exhibits D, H. However, on the 12th of February, as the Petitioner was talking to his sister, the institution went on lockdown from February 12, 2024 to February 26, 2024, further hindering/delaying the Petitioner's completion of his Writ of Certiorari (Application 23A594). See Exhibits D, E, F, G, and H(1).

The Petitioner was finally able to copy the documentation on

February 26, 2024 - the majority of it - and completed and sent it out on March 6, 2024. See Exhibit E. The Petitioner was not able to obtain proof, from FBoP staff, of the lockdown, until March 26, 2024, which was AFTER the Petitioner had sent the Petition out. The Petitioner sent that documentation with the Petitioner's other Writ of Certiorari (Petition for); Application 23A421. See Exhibits E and F and H(3).

The Petitioner, respectfully, requests that this Honorable Court GRANT a review of this case/Petition to provide the Petitioner with EQUAL ACCESS to JUSTICE. He SHOULD NOT be deprived of an opportunity to have his case/Petition heard because of his Defendant-induced poverty. In other words, if it were not for the interference of employees of the Defendant at USP Lompoc, CA, in July 2022, when they failed to provide the Petitioner with the Defendant's Answer, but gave him the Roseboro Notice, his case may not have been dismissed due to a lack of funds to respond to TWO COURT CASES (2:22-cv-05524-SVW-PVC, Mays v. Birkholz 9th Cir. 2022; and 5:22-cv-36 NDWV Mays v. United States

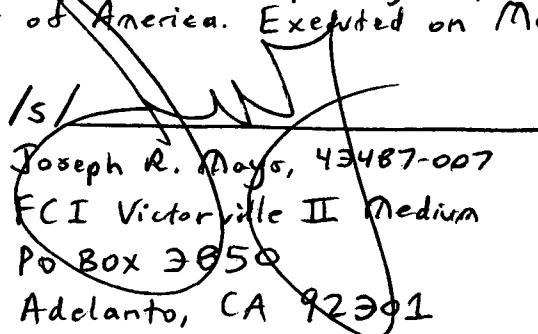
(4th Cir. 2022)) AT THE SAME TIME, but stamps for ONLY ONE. See

Presidential Memorandum of May 18, 2021, 86 Fed. Reg. 27793:

(... By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to increase meaningful access to our legal system and an array of Federal programs, it is hereby ordered as follows: "Section 1. Policy. This Nation was founded on the ideal of equal justice law. Everyone in this country should be able to vindicate their rights and avail themselves of the protections that our laws afford on equal footing. ... "But there is much more for the Federal Government to do. According to a 2017 study by the Legal Services Corporation, low-income Americans receive inadequate or no professional legal assistance with regard to over 80 percent of the civil legal problems they face in a given year. All too often, [as in the Petitioner's case], UNADDRESSED LEGAL ISSUES push PEOPLE into POVERTY. ... "Sec. 2. The Department of Justice's Access-to-Justice Function. (a)... The DOJ has a critical role to play in improving the justice delivery systems that serve PEOPLE who CANNOT AFFORD lawyers, [and I am committed to reinvigorating that work.].)

Therefore, for the foregoing reasons, this Motion to File My Petition for Writ of Certiorari Out of Time, for circumstances beyond the Petitioner's control and due to his poverty, should be GRANTED for: 1) the FAIR administration of justice; 2) the public's RIGHT to KNOW what their government is up to, including the inhumane treatment of prisoners and similarly situated petitioners (deprived of access to justice due to poverty); and 3) to PREVENT a gross miscarriage of justice.

I, Joseph R. Mays, declare, under 28 USC § 1746, that the foregoing is true and correct under penalty of perjury under the law of the United States of America. Executed on March 28, 2024.

/s/ 
Joseph R. Mays, 43487-007
FCI Victorville II Medium
Po Box 3050
Adelanto, CA 92301

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

Exhibit A

March 20, 2024

Joseph Mays
#43487-007
FCI Victorville Medium II
P.O. Box 3850
Adelanto, CA 92301

RE: Mays v. United States
USCA4 No. 22-7177
No: 23A594

Dear Mr. Mays:

The above-entitled petition for a writ of certiorari was postmarked March 6, 2024 and received March 19, 2024. The papers are returned for the following reason(s):

The petition is out-of-time. On January 2, 2024, the Chief Justice extended the time to file the petition until February 8, 2024. Therefore, the petition was due on or before February 8, 2024. Rules 13.1, 29.2 and 30.1. When the time to file a petition for a writ of certiorari in a civil case (habeas action included) has expired, the Court no longer has the power to review the petition.

If you are seeking to file the petition out-of-time, you must resubmit the petition with a motion to direct the Clerk to file the petition out-of-time.

Sincerely,
Scott S. Harris, Clerk
By:
Lisa Nesbitt
(202) 479-3038

Enclosures

RECEIVED FROM UNIT OFFICER
(D-LOWER), AT FCI VICTORVILLE II,
ON 3-26-2024, WITHOUT ITK
ENVELOPE (CONTINUING PRACTICE)
TO LEARN/KNOW WHEN IT WAS
SENT. JAM
DOES NOT APPLY
BOP CRITERIA OF
SPECIAL MAIL HANDLING

2-DL

SUPREME COURT OF THE UNITED STATES

Exhibit B

JOSEPH RANDOLPH MAYS, pro se

No. _____

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Application: 23A594

MOTION TO SUBMIT PETITION FOR WRIT OF CERTIORARI

The Petitioner, Joseph R. Mays, a DC inmate incarcerated at FCI Victorville II, in Adelanto, California, comes before this Honorable Court to submit his Petition for a Writ of Certiorari for Case No.: 22-7177 (Mays v. United States 4th Cir. 2023). He was not able to start on it ~~until~~ February 6, 2024 due to his workload. (Case No.: 23-7127 (Mays v. Saad 4th Cir. 2023 - Informal Brief - 1-2-2024); Case No.: 01:20-cv-02197-CKK (Mays v. Fed. Bureau of Prisons - Motion in Opposition to Motion (Renewed) for Summary Judgment - 1-10-2024); Cases No.: 2:22-cv-05524-SVW-EVC (Mays v. Birkholz, et al (4th Cir. 2023)) and 2:23-cv-03427-SVW-PVC (Mays v. Birkholz (4th Cir. 2023) completed 2-5-2024) which

No. _____

Exhibit C

IN THE
SUPREME COURT OF THE UNITED STATES

JOSEPH RANDOLPH MAYS — PETITIONER
(Your Name)

VS.

UNITED STATES OF AMERICA — RESPONDENT(S)

PROOF OF SERVICE

I, JOSEPH RANDOLPH MAYS, do swear or declare that on this date, February ^{March} 6, 2024, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Mrs. Elizabeth B. Prelogar ^{MM} Clerk of Court - US Court of Appeals - 4th Circuit
Solicitor General - US DoJ 1100 East Main Street Room 501
950 Pennsylvania Avenue NW
Washington, DC 20530-0001
Richmond, VA 23219

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February ^{March} 6, 2024

(Signature)

SUPREME COURT OF THE UNITED STATES
Application No.: 23A594 Petition for Writ of Certiorari

CERTIFICATE OF SERVICE

Exhibit D

I, Joseph R. Mays, do hereby certify, on this 6th day of February 2024, that a true and correct copy of my Petition for a Writ of Certiorari, dated 2-29-2024, (^④ Pages), Proof of Service, dated 3-6-2024 (1 Page), and this Certificate of Service (1 Page), for a total of (^④ Pages), was given to an FCI Victorville II staff member placed in the institution mailbox, with proper postage attached, and filed pursuant to the "prison mailbox rule" in Houston v. Lack, 487 U.S. 266 (1988) and sent, via Certified Mail (Receipt #: 9589 0710 5220 0170 6708 57) to the Clerk of Court of the United States Supreme Court at 1 First Street NE in Washington, DC 20543.

④ Motion for Leave to Proceed IFP + Affidavit (6 pgs), Motion to Submit Petition (9 pgs)

I, respectfully, request that the Clerk of Court electronically file a copy of the above-captioned filing with:

Mrs. Elizabeth B. Prelogar
Solicitor General
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

1/5
Joseph R. Mays, 43427-007, pro se
FCI Victorville II Medium
Po Box 3850
Adelanto, CA 92301

* See Motion to Submit (Case Manager gave me Exhibit F on 2-24-2024 at cell during lockdown. Stated that she would provide memo when we come off of lockdown.) She has not returned. Cannot wait any longer. Declare under 28 USC §1746

④ Unable to get through to Clerk's office on 2-9-2024. Had sister to call (202) 479-3011 on that day and again on 2-12-2024 to let Mr. Scott Harris know that I had just finished two cases on 2-5-2024 (2:22-cv-05524-SW-PVC (4th Cir. 2023) and 2:23-cv-03427-SW-PVC (4th Cir. 2023) (203 pages) - CMR # 9589 0710 5220 0170 6708 11 - See Page 21 of Petition (#27-029). And FCI Victorville II went on lockdown on 2-12-2024 to 2-25-2024. jpm

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SUPREME COURT OF THE UNITED STATES

JOSEPH RANDOLEH MAYS, pro se

Petitioner,

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UNITED STATES OF AMERICA,

Respondent(s).

Exhibit E

No. _____

Application: 23A594

MOTION TO SUBMIT DOCUMENTATION
VERIFYING DELAY IN SUBMISSION OF
PETITION FOR WRIT OF CERTIORARI

The Petitioner, Joseph R. Mays, a DC incarcerated at FCI Victorville II, in Adelanto, California, comes before this Honorable Court to submit his documentation from a Federal Bureau of Prisons staff member - his Care Manager - at FCI Victorville II to verify that the Petitioner was locked down from February 12, 2024 to February 25, 2024. The Petitioner WAS NOT able to copy the majority of the Petition, because he did not have access to the Inmate Copier, in the Education Department until February 26, 2024. The Petition was (75) Pages total and the Petitioner DID NOT have enough paper and time to duplicate it by hand. The Petitioner

Exhibit F

attempted to get a memo on the 24th of February after receiving Exhibit F (See Certificate of Service dated 3-6-2024) and again on March 8, 2024, during the SECOND LOCKDOWN that occurred from March 8, 2024 to March 10, 2024. The Petitioner was finally able to receive the memo/ documentation, on March 10, 2024, and provides it, along with his Motion for Reconsideration in Application 23A422, dated 3-22-2024, to keep his promise to the Court that he would send it, as soon as possible after receiving it, to verify, in writing, that the lockdown actually happened.

I, Joseph R. Mays, declare, under 28 USC § 1746, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Executed on March 24, 2024. jm

Respectfully submitted,

/s/ jm

Joseph R. Mays, 93407-007, pro se
FCI Victorville II Medium
PO Box 3850
Adelanto, CA 92301

Attachments:

- Certificate of Service (Application No.: 23A594) dated 3-6-2024 (1 Page)
- "Request to Staff" dated 3-15-2024 (RE: Request for Lockdown Memo) (1 Page)
- FBOp Staff Memo verifying Lockdown 2-12-2024 to 2-25-2024 (1 Page)
- Certificate of Service (Application No.: 23A594) for THIS MOTION 3-24-2024 (1 Page)

