

CERTIFICATE OF SERVICE

I declare under penalty of perjury that a true and accurate copy of the foregoing motion has been duly served upon the Supervising Deputy Attorney General by depositing an envelope containing the motion in the United States mail by giving it to the Custody Supervisor to give to the appropriate official to do so on this 7th day of December 2024 mailed to:

Tyler Banks
Supervising Deputy Attorney General
Indiana Government Center South 5th Floor
302 West Washington St.
Indianapolis, IN. 46204

Respectfully Submitted,
Durrell Crain
Durrell Crain
D.O.C. # 195228
December 7, 2024

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Durrell Crain - PETITIONER

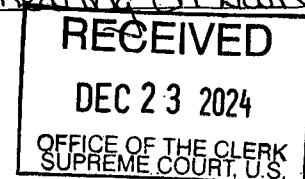
VS.

Warden - RESPONDENT

MOTION FOR COURT/CLERK TO TAKE NOTICE
OF FILING DATE

COMES NOW Petitioner, Durrell Crain, Prose,
and respectfully ask the Clerk/Court to take notice
of the filing date. To support this motion Petitioner
States:

1.) On 9-11-2024 the 7th Circuit denied
Petitioners petition for rehearing and rehearing en banc.



2.) Several times Petitioner has sent legal mail via mail to the law library Supervisor's to have copied and mail a copy to the Indiana Attorney General,

3.) On 12-3-2024 Petitioner submitted his petition for a Writ Of Certiorari via mail with a remittance for postage and copies to the law library Supervisor (See Exhibit Z attached) and informed the law library of his dead line date of 12-10-2024 (See Exhibit X attached).

4.) On 12-5-2024 Petitioner received a letter from the mail room stating the law library ask them to advise Petitioner he didn't send a addressed envelope and now all of sudden he has to go through a different process of mailing his legal mail (See Exhibit Y attached),

5.) On the night of 12-6-2024 Petitioner received his original petition, copies, and 2 blank yellow envelopes from the law library.

6.) On 12-7-2024 Petitioner changed the date on the petition, proof of service, and motion

for leave to proceed In Forma Pauperis to
12-7-2024 and submitted it to the Custody
Supervisor on 12-7-2024.

Pursuant to 28 U.S.C. § 1746, I declare under
penalty of perjury that the foregoing is true and
correct to the best of my knowledge and memory.

Dwight J. Lavin

D.O.C. #195228

December 7, 2024

Exhibit Y

Crain,

Law library asked me to advise you of the following

Mr. Crain #195228 has sent a stack of papers to Law Library to be copied and mailed. However, he did not send in an addressed envelope for the copies to be put in. I apologize, but Law Library does not provide secretarial services. I can make the copies and return them to him. But he has to follow the procedure for legal mail.

The process for Legal Mail at WCU is:

Mail is given to the Custody Supervisor (Sgt. or above) to inspect the contents and ensure it is, in fact, **legal mail**; the envelope is then sealed and forwarded to the Litigation Liaison.

If possible, would you please advise him of the correct procedure? I appreciate it. His copies will be returned to him via the prison mail system.



REQUEST FOR USE OF LAW LIBRARY

State Form 19704 (R3/6-96)

Exhibit X

Date of Request: (month, day, year)

12-3-2024

Each offender is responsible for his/her own legal work.
This request will be returned if not completed properly.

Reason for Request: (check one)

- ☐ Sentence Modification
- ☐ Jail Time Credit
- ☐ Guilty Plea Transcript
- ☐ Divorce ☐ Final Decree
- ☐ Trial Transcript
- ☐ Tort Claim
- ☐ U.H.B. Appeal
- ☐ Classification Appeal
- ☐ Post Conviction Relief

☐ Research

☒ Copying

☐ Typing

☐ Notary

☒ Deadline Date

December 10, 2024

☒ Other: (specify)

☐ Blank Forms: (specify)

☒ Supplies: (specify) Pen removed from shell

Name of Offender: (type or print)

mail original to "Clerk of the Court, United States Supreme Court, 1 First St., N.E., Washington, D.C. 20543 & mail copy (with double sided documents to remain double sided) to "Tyler Banks, Indiana Government Center South, 5th floor, 302 W. Washington St., Indianapolis, IN 46204"

Durrell Crain

Housing:

W.C.U. - A1-102

Work Assignment:

N/A

Offender's Number:

195228

Date to be Scheduled: (month, day, year)

N/A

Signature of Offender:

Durrell Crain

Date Signed: (month, day, year)

12-3-2024

Action:

Date Received: (month, day, year)

Date Scheduled: (month, day, year)

Signature of Approval:

Date Approved: (month, day, year)

Exhibit Z

To: Mr. Gill / Ms. Jones Office: Law Library Supervisor's

Date: 12-3-2024 Name: Dorell Crain

D.O.C. # 195228 Dorm: W.C.U. - A1-106

Can you please mail the original of the petition for writ of Certiorari, Exhibit's, Proof of Service, Motion for leave to proceed In Forma Pauperis, & Appendix's to "Clerk of the Court, United States Supreme Court, 1 First St., N.E., Washington, D.C. 20543 & Copies (with double sided document's to remain double sided) to "Tyler Banks, Supervising Deputy Attorney General, Indiana Government Center South, 5th Floor, 302 W. Washington St., Indianapolis, IN, 46204" (remittance attached ~~to~~ & request for law library attached)? Also there haven't been any pens for the case worker to ~~pass~~ pass out & I have several thing's in Court, with this pen running out, Can I please receive a pen removed from the shell? Can you please mail petition for writ of Certiorari in same order?

Legal mail is given to the Custody Supervisor. Law Library does not prepare envelopes for mailing. Your copies are enclosed.

Law Library

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Durell Crain — PETITIONER
(Your Name)

VS.

Warden — RESPONDENT(S)

PROOF OF SERVICE

I, Durell Crain, do swear or declare that on this date, December 7th, 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:

Tyler Banks, Supervising Deputy Attorney General,
Indiana Government Center South, 5th Floor, 302 West
Washington St., Indianapolis, IN. 46204

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

Executed on December 7th, 2024

Durell Crain
(Signature)