

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES
SHEL BEN TERRELL CURTIS — PETITIONER

VS.

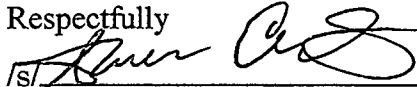
RON NEAL, WARDEN OF THE INDIANA STATE PRISON
— RESPONDENT(S)

PROOF OF SERVICE

I, Shelben Terrell Curtis, do swear or declare that on this **December 30, 2024**, as required by Supreme Court Rule 29, I have served the enclosed letter: Motion for Extension of Time to File Petition Writ of Certiorari, Corrected Petition for Writ of Certiorari, Appendix, Vol. of I. Motion to Proceed *in forma Pauperis*, and Notarized Declaration of Shelben Terrell Curtis 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 (via Remittance Slip), or by delivery to a third-party commercial carrier for delivery within 3 calendar days. The above-mentioned documents Shelben Terrell Curtis was handed to prison officials to be mail through the institutional mailings system on **December 30, 2024**. The names and addresses of those served are as follows: Todd Rokita, Attorney General of Indiana, I.G.C.S., 5th Floor, 302 West Washington Street, Indianapolis, IN 46204.

Executed on this **December 30, 2024**.

Respectfully



Shelben Terrell Curtis

No. _____

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SUPREME COURT OF THE UNITED STATES
SHEL BEN TERRELL CURTIS — PETITIONER

VS.

RON NEAL, WARDEN OF THE INDIANA STATE PRISON

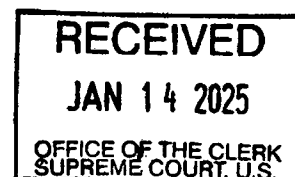
— RESPONDENT(S)

STATE OF INDIANA)
)
)
COUNTY OF LA PORTE)
)

NOTARIZED DECLARATION OF SHEL BEN
TERRELL CURTIS

I, Shelben Terrell Curtis, declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct, pursuant to 28 U.S.C 1746, and in support, the I will show the following:

1. On **December 30, 2024**, I handed prison officials a corrected Petition for Writ of Certiorari with accompanying documents listed in the Proof of Service to be deposited in the institutional mailing system in which first class postage has been prepaid via a Request for Remittance, State Form 35720 to be sent to the Clerk through the united States postal service by first class mail by placing the above-mentioned documents in the hands of prison officials to mail to be mailed to the clerk.
2. I am an American citizen, over the age of twenty-one, and I am not under any legal disability or infirmity which would render me incompetent to testify as to any matter set forth herein.
3. I reside at the Indiana State Prison, 1 Park Row, Michigan City, IN 46360, and my be contacted at this address for notice that my appearance is necessary to appear and/or testify at any hearing or trial at which any matter set forth herein my be material and/or relevant.
4. I provide this Notarized Declaration freely and voluntarily, without coercion of any kind, as my affirmance to appear and testify at any hearing or trial.
5. On July 1, 2022, the petitioner filed a petition for Habeas Corpus Relief.



6. On April 12, 2023, the Northern District Court of Indiana denied the petitioner's Amended Habeas Corpus and denied certificate of appealability.
7. On May 3, 2023, the petitioner filed a timely Notice of Appeal.
8. On February 12, 2024, the petitioner's Motion for Issuance of Certificate of Appealability was submitted to the United States Court of Appeals for the Seventh Circuit for review.
9. On April 16, 2024, the United States Court of Appeals for the Seventh Circuit denied the petitioner's application for certificate of appealability.
10. The petitioner filed a timely Petition for a Writ of Certiorari from the date of the entry of the final judgment in the United States Court of Appeals for the Seventh Circuit. The petitioner had until July 15, 2024 to file a timely Petition for Writ of Certiorari.
11. On July 2, 2024, the petitioner handed prison officials his Petition for Writ of Certiorari with a remittance slip for certified mail and postage, which included a remittance slip for \$300.00 dollars to pay the docketing fee. See **(Exhibit- A, B, and C)**.
12. The petitioner handed prison officials a copy of the Petition for Writ of Certiorari and a remittance slip for certified mail with Return Receipt and postage to be mailed to Theodore Rokita, (Indiana Attorney General) **(Exhibit A)**. The petitioner also handed prison officials the original Petition for Writ of Certiorari and a remittance slip for certified mail with return receipt, and postage, to be mailed to Scott S. Harris, Supreme Court of the United States, Office of the Clerk, Washington, D.C. 20543-0001, along with a Remittance slip to remit \$300.00 dollars for the docketing fee **(Exhibit C)**.
13. On July 5, 2024, the ISP Mailroom received the Certified Mail Receipt and prepaid postage for Theodore Rokita on July 5, 2024 **(Exhibit-D)**. However, the Mailroom did not mail the Petition for Writ of Certiorari or process the check for the docketing fee until July 31, 2024, **(Exhibit-E)** even though the petitioner handed his pleadings to the prison officials on July 2, 2024. See **Exhibit B, C, and F**
14. On August 7, 2024, the Office of the Clerk for the United Supreme Court informed the petitioner that the Petition for Writ of Certiorari and docketing fee check number 11995 was being returned because the petitioner's Petition for Writ of Certiorari was untimely. **(Exhibit E)**.
15. On August 12, 2024, the petitioner informed Pam James, (Unit Manager) that his Petition for Writ of Certiorari was deemed untimely because prison officials did not mail his pleadings or process the institutional check for the docketing fee until July 31, 2024.
16. On August 14, 2024, Pam Bane (Unit Manager) provided the petitioner with a letter explaining to the Court that the late filing was not the fault of the petitioner and that the petitioner handed the pleadings to prison officials on July 2, 2024. See **(Exhibit H)**.

17. On August 15, 2024, the petitioner filed a Motion for Extension of Time to File Petition for Writ of Certiorari and Declaration of Shelben T. Curtis (**Exhibit I**). The Motion for Extension of Time to File Petition for Writ of Certiorari and Declaration of Shelben T. Curtis was mailed from the Mailroom on August 19, 2024.
18. On August 28, 2024, the Court construed the petitioner's Motion for Extension of Time (Declaration of Timely Filing), USAP7 23-1858 as a declaration of timely filing and instructed the petitioner to resubmit the petition (**Exhibit K**).
19. On September 6, 2024, the petitioner handed prison officials a Request for Remittance for prepaid postage to mail the resubmitted the petition for writ of certiorari and appendix, to include a Request for Remittance in the amount of \$300.00 for the docketing fees (**Exhibit L, M**). The petitioner also served a copy upon the Theodore (Todd) Rokita, Attorney General for the State of Indiana. The petitioner handed the Petition for Writ of Certiorari to prison officials to be mail (**Exhibit N**). State Form 35720 (5-91), "Request for Remittance" is the only method available to inmates use to mail documents to the court, which is the same method that is used to inform prison officials that prisoner wishes to send pleadings by certified mail.
20. On October 9, 2024, the Clerk of the Court informed the petitioner "[t]he above-entitled petition for writ of certiorari and docketing fee were originally postmark July 31, 2014 and received again on October 8, 2024. The papers are returned for the following reasons:

The petition is out of time. The date of the lower court judgment or order denying a timely petition for rehearing was April 16, 2024. Therefore, the petition was due on or before July 15, 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 include) has expired, the Court no longer has power to review the petition (**Exhibit O**).
21. On October 28, 2024, the petitioner filed an "Application for the Honorable Justice Brett M. Kavanaugh of The Seventh Circuit to Review Whether the Petitioner's Petition for Writ of Certiorari Was Timely Filed," which the Court received on November 5, 2024. (**Exhibit-P**)
22. On November 7, 2024, the Court informed the petitioner "based upon your notarized declaration setting forth the date of deposit in the institution's internal system, it appear the submission was indeed timely. The clerk informed the petitioner to resubmit the petition for writ of certiorari to this Court. (**Exhibit-Q**)
23. On November 18, 2024, the petitioner resubmitted the petition for writ of certiorari and served the appropriate parties (**Exhibit R, S, and T**).
24. On December 3, 2024, the petitioner's petition for writ of certiorari was returned again because a notarized statement did not accompany the petition. (**Exhibit U**). The Clerk informed the petitioner "[u]nless the petition is submitted to this Office in corrected form within 60 days of the date of this letter, the petition will not be filed.

25. I, Shelben Terrell Curtis, declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct, pursuant to 28 U.S.C 1746 that the above Motion for Extension of Time to File Petition Writ of Certiorari, Corrected Petition for Writ of Certiorari, Appendix, Vol. of I., Motion to Proceed *in forma Pauperis*, and Notarized Declaration of Shelben Terrell Curtis was handed to prison officials on **December 30, 2024** to be mailed through the institutional mailings system with postage prepaid via Remittance Slip 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: Todd Rokita, Attorney General of Indiana, I.G.C.S., 5th Floor, 302 West Washington Street, Indianapolis, IN 46204.

Respectfully

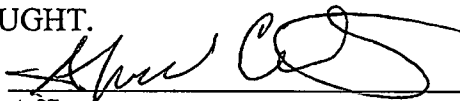
/s/

Shelben Terrell Curtis

Date: **December 30, 2024**

I, Shelben Terrell Curtis the undersigned, swear under penalties for perjury that all of the foregoing statements are true and correct.

FURTHER, THIS AFFIANT SAYETH NAUGHT.

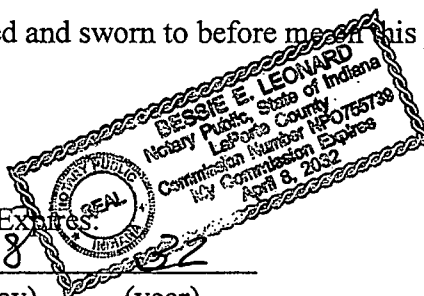

Affiant

Before me, the undersigned Notary Public in and for said State of Indiana and County of La Porte, this 30th day of DEC., 20 24, personally appeared Shelben Terrell Curtis, the Affiant named above, and who being first duly sworn upon his oath did then and there acknowledge the execution of this Affidavit/Declaration to be the voluntary act and deed of said Affiant for the uses and purposes therein stated.

Subscribed and sworn to before me on this 30th day of DEC., 20 24

My commission Expires

4 (month) 8 (day) 22 (year)




Notary Public Signature

BESSIE E. LEONARD
Notary Name Printed

LA PORTE
County of Residence

**Additional material
from this filing is
available in the
Clerk's Office.**