

No.

IN THE  
SUPREME COURT OF THE UNITED STATES

REGINALD JACKSON

v.

Petitioner

WARDEN E. DUSTIN BICKHAM, ET AL  
Respondents

ON PETITION FOR A MOTION SEEKING AN OUT-OF-TIME  
APPEAL FOR A WRIT OF CERTIORARI

PETITION FOR AN OUT-OF-TIME APPEAL

REGINALD JACKSON  
PRO SE

DIXON CORRECTIONAL INSTITUTE

UNIT-2/DORM-5

P.O. BOX 788

JACKSON, LA. 70748-0788

PHONE: (225) 634-1200

REGINALD JACKSON  
Petitioner

vs.

USCA5 NO: 23-30337

Warden, E. DUSTIN BICKHAM, ET AL  
Respondents

FILED:

CLERK:

---

MOTION SEEKING AN OUT-OF-TIME APPEAL FOR A WRIT OF  
CERTIORARI

---

NOW INTO THIS HONORABLE UNITED STATES SUPREME COURT comes petitioner, Reginald Jackson #764746, pro se, via a motion seeking an out-of-time appeal for a writ of certiorari.

Petitioner was issued a Final Judgement Order, December 11, 2023, and he received the order through DCI's mailing system, via Legal Mail Callout, on December 15, 2023, and he provided proof, in response to the returned writ accompanied with a letter dated, March 29, 2024, via a Motion To Reconsider.

(See: Writ of Certiorari; Exhibit 13; Final Order (5<sup>th</sup> Cir.)

This letter stated that the petition for a writ of certiorari is out-of-time,

and it is being returned from the United States Supreme Court-Clerk of Court (USSC-COC).

(See: Motion To Reconsider (MTR), Exhibit C; Letter Dated March 29, 2024)

Petitioner submitted a Motion To Reconsider, on April 07, 2024 and, enclosed with this motion were 3 attachments (Exhibits A, B, C).

(See: Motion To Reconsider (MTR); Executed On April 07, 2024)

(See: MTR-Exhibit A; Privileged/Certified Correspondence; Official DOC Form; Date And Signature Receipt

(See: MTR-Exhibit B; Official DOC Form For Payment(s) and Mailing of Petition For Writ of Certiorari, March 14, 2024

(See: MTR-Exhibit C; Letter Dated March 29, 2024;  
The Petition is out-of-time

The motion to reconsider was received by the USSC-COC, on April 16, 2024, and the attachments enclosed with the motion provided proof, of the date petitioner received final order and, of the mailing date petitioner filed the petition for writ of certiorari, which places the petition within the time allotted by this.

(See: Document A; Letter From USSC-COC Dated May 02, 2024,  
Acknowledging Receipt of Motion To Reconsider)

Honorable Court, instead of the due date, March 10, 2024, and it is legal mail according to the "Mailbox Rule."

The Supreme Court, in *Houston v. Lack*, 487 U.S. 266, 270-71, 108 S.Ct. 2379, 2382, 101 L.Ed. 2d 245 (1988), noted the "unique circumstances" of the pro se inmate, finding that unlike other litigants, "the pro se prisoner has no choice but to entrust the forwarding of his notice of appeal to prison authorities whom he cannot control or supervise." As such, for the purpose of determining timeliness, the actual date of filing for pleadings filed by inmates

is the date the pleading is delivered to the prison authorities. (See: *Houston v. Lack*, *supra*; *State ex rel. Johnson v. Whitley*, 92-2689 (La. 1/6/95), 648 So. 2d 909; *(State v. Cepriano*, 22-77 (La. App. 5 Cir. 3/30/22), 337 So. 3d 999, 1002 n. 3.)

Petitioner is layman to law and, in good faith, believed that by submitting a Motion to Reconsider along with official documents supporting his claim, to be in-time for filing a writ of certiorari, would suffice this Honorable Court for a review of his appeal. The writ, motion and their respective contents were returned to the petitioner accompanied by a letter dated, May 02, 2024, (see: Document A) and petitioner re-submitted the entire package, along with an "On Petition For A Motion To Proceed Without Payment Based On Veteran Status To The United States Supreme Court", on May 31, 2024.

(see: Document B; United States Postal Services Receipt (certified) To The USSC-COC, May 31, 2024);

(see Contents: Writ of Certiorari; Motion To Reconsider;  
(see Contents Also: Motion To Proceed Without Payment Based On Veteran Status

In a letter petitioner received June 12, 2024, from the USSC-COC that is dated June 05, 2024, the clerk notified the petitioner to file a motion seeking an out-of-time appeal, for the Writ of Certiorari that was initially placed

(see: Document C; Petitioner To Submit A Motion Seeking An Out-Of-Time Appeal)

in DCI's mailbox, on March 14, 2024, to be mailed to the USSC-COC.

## CONCLUSION

Petitioner, Reginald Jackson, states that the idea of the prison "Mailbox Rule" was and is to incorporate fairness to and for incarcerated prisoners who have limited to no control over mailed or received mail while incarcerated. Whereas free citizens can simply drop mail into a mailbox, and it be picked and delivered by the post office. Prisoners' mail is not so simple and, at times, down right complicated.

(See: Rule 13.1; Review on Certiorari: Time for Petitioning)

Prison institutions have posted procedures and mandated policy that prevent prisoner's mail from being directly mailed out of the prison or being directly given to prisoners; once received by prison officials, such as, but not limited to mail only being processed 3 out of 5 days weekly; security inspections of all mail; classify and/or certify the legitimacy of all incoming/outgoing mail; periodically scheduled times to pick up mail; cancellation of those scheduled pick up or delivery times due to security lockdowns, etc.... These are to name just a few of the circumstances that dictate and delay the timing of when a prisoner actually receives mail.

Petitioner goes on to state the below as an example:

If the Court makes a ruling on a given case and said case ruling requires that petitioner has 30 days from the date of the ruling to respond, at this point, common sense would allow that the date of the ruling is excluded and the date, in which the time period begins, must start from the day the prisoner signs and receives the order. ~~In other words, the time period begins on the day the prisoner signs and receives the order.~~

The prisons' and courts' systems recognize the practability and importance of the implementation of requiring signed documentation being generated to confirm a prisoner's notice and awareness of any given order and its time limitations. In essence, just because court mail has been delivered to a prison on a certain date, it does not imply that the prisoner has been served the mail (as seen by the Prison Mailbox Rule, allowing time periods to start, on the date prisoners sign legal mail forms, upon reception of any and all legal mail).

#### PRAYER

WHEREFORE, due to the reasons and impediments stated above, Reginald Jackson humbly comes before this Honorable Court and prays that it will reinstate his appellate rights.

AFFIDAVIT OF VERIFICATION

I, Reginald Jackson #764746, have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief and, as to those, I believe them to be true. Therefore, I certify under penalty of perjury that the foregoing is true and correct.

THUS DONE AND EXECUTED on this 3<sup>RD</sup> day of JULY, 2024, at Dixon Correctional Institute, in Jackson, Louisiana

Reginald Jackson  
Reginald Jackson #764746

5 Document "B"

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

Received in Jackson, MS 72174-0000  
Certified Mail Fee **4.40** JACKSON, MS OFFICE  
\$ **3.80** JACKSON, MS 72148  
Extra Services & Fees (check box if add fees are appropriate)  
 Return Receipt (hardcopy) \$ **3.80**  
 Return Receipt (electronic) \$ **3.80**  
 Certified Mail Restricted Delivery \$ **3.80**  
 Adult Signature Required \$ **3.80**  
 Adult Signature Restricted Delivery \$ **3.80**  
Postage **.75** **USPS**  
\$ **8.29**  
Total Postage and Fees **\$29.00**  
\$ **8.29**

Postmarked **MAY 31 2024** Post office **Here**

2018 Sent To **Supreme Court of the US**  
Street and Apt. No. or PO Box No. **One**  
City, State, ZIP+4 **Washington DC 20543**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Document "B"

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS  
CORRECTIONS SERVICES  
OFFENDER FUNDS WITHDRAWAL REQUEST

CODE DRAWING ACCOUNT

73	<input type="checkbox"/> Offender club	OFFICE OF THE CLERK
74	<input type="checkbox"/> Outside purchase	SUPREME COURT OF THE UNITED STATES
	<input type="checkbox"/> Family member	ONE 1ST ST. NE
	<input type="checkbox"/> Educational courses	WASHINGTON, DC 20543
	<input type="checkbox"/> Outside bank savings acct #	
	<input type="checkbox"/> Newspaper ad for clemency / pardon.	
	<input checked="" type="checkbox"/> Other: <u>"LEGAL MAIL" PLEASE MAIL CERTIFIED ONLY</u>	
79	<input type="checkbox"/> Court Cost - Civil action number	
94	<input type="checkbox"/> Savings Bond	

CODE SAVINGS ACCOUNT

94	<input type="checkbox"/> Savings Bond
79	<input type="checkbox"/> Court Cost - Civil action number
82	<input type="checkbox"/> Educational courses

CODE TRANSFERS: No check will be produced

68T	<input type="checkbox"/> Transfer from drawing account to savings.
-----	--

Note: Print name and address in the payee section to the right. Attach necessary documents including a stamped, self-addressed envelope for all outside mail.

DOC NUMBER	NAME: LAST NAME, FIRST NAME, INITIAL		
764746	JACKSON, REGINALD		
LIVING QUARTERS	DATE OF REQUEST	TOTAL AMOUNT	
U-2/D-5	MO. 05 DAY 31 YEAR 2024	\$	
DOLLARS			
WRITTEN AMOUNT			
PAYEE:			
VENDOR NO.	OFFENDER MUST ATTACH A STAMPED, ADDRESSED ENVELOPE FOR ALL OUTSIDE MAIL		
NAME	DCI		
ADDRESS	5568 HWY 68		
CITY	JACKSON	STATE	LA ZIP 70748
OFFENDER SIGNATURE: <u>Reginald Jackson</u>			
REQUEST DENIED. REASON:			
RIGHT THUMB PRINT	VERIFIED BY: <u>Corlett</u>		
	TITLE: <u>M. Grech</u>		
APPROVED BY:			
TITLE:			

3 Document "C"

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

June 5, 2024

Reginald Jackson  
#764746  
Dixon Correctional Institution  
P.O. Box 788  
Jackson, LA 70748

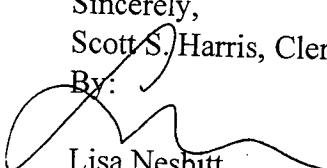
RE: Jackson v. Bickham, et al.  
USCA5 No. 23-30337

Dear Mr. Jackson:

The above-entitled petition for a writ of certiorari was originally postmarked March 15, 2024 and received again on June 5, 2024. The papers are returned for the following reason(s):

The petition is out-of-time. The date of the lower court judgment or order denying a timely petition for rehearing was December 11, 2023. Therefore, the petition was due on or before March 10, 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 your petition for a writ of certiorari out of time, you must file 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 IN: JUNE 12, 2024

JUN/26/2024 03:01 PM\_236597\_0300247000\_91242

NEOPOST

06/05/2024

US POSTAGE

\$016.00<sup>0</sup>

PRIORITY MAIL

ComBasPrice

US OFFICIAL MAIL

\$300 Penalty

For Private Use

ZIP 20543

041M11120621

Document "C"

11

RECEIVED IN JUNE 12, 2024

P

COMMERCIAL BASE PRICING

RECEIVED IN JUNE 12, 2024

USPS PRIORITY MAIL®

OFFICE OF THE CLERK  
SUPREME COURT OF THE UNITED STATES  
1 1ST ST NE  
WASHINGTON DC 20543

764746-5  
764746-6  
764746-7

SHIP REGINALD JACKSON  
TO: DIXON CORRECTIONAL INSITUTION  
P.O. BOX 788  
#764746

JACKSON LA 70748

USPS TRACKING #



DOX 1

THIS MOTION IS IN REFERENCE  
TO THE DOCKET NUMBERS  
LISTED:

USCA5 NO. 23-30337

USDC NO. 3:22-cv-01037  
MIDNE DISTRICT  
LOUISIANA

RECEIVED

JUN - 5 2024

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

RECEIVED

APR 16 2024

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

No:

IN THE

SUPREME COURT OF THE UNITED STATES

REGINALD K. JACKSON

Petitioner

VS.

WARDEN, E. DUSTIN BICKHAM, et al

MOTION TO RECONSIDER WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS - FIFTH  
CIRCUIT

PETITION FOR WRIT OF CERTIORARI

REGINALD K. JACKSON

DIXON CORRECTIONAL INSTITUTE

P.O. BOX 788 / UNIT-2: DORM-5

JACKSON, LOUISIANA 70748-0788

PHONE # 225-634-1200

MAY IT PLEASES THIS HONORABLE SUPREME COURT OF THE  
UNITED STATES

NOW INTO COURT COMES, Reginald K. Jackson #764746, who  
requests consideration from This Honorable United States  
Supreme Courts denial of his petition as untimely for the  
following extensive reasons to wit:

(1)

Petitioner received a 'Final Order of Dismissal' from the  
Fifth (5<sup>TH</sup>) Circuit Court of Appeals, on the 15<sup>TH</sup> day of December, 2023,  
which was dated the 11<sup>TH</sup> day of December, 2023, thereby making his  
appeal deadline to the United States Supreme Court by the 14<sup>TH</sup> day  
of March 2024. (see EXHIBIT "A" - Dixon Correctional Institute,  
Privileged/Certified Correspondence)

(2)

However, contrary to Scott S. Harris' (Clerk, U.S. Supreme Court)

response correspondence that stated verbatim, "The above entitled petition for a Writ of Certiorari was postmarked the 15<sup>TH</sup> day of March 2024 and received on the 29<sup>TH</sup> day of March 2024. The petition is out-of-time. The date of the lower court judgement or order denying a timely petition for rehearing was the 11<sup>TH</sup> day of December 2023. Therefore, the petition was due on or before the 10<sup>TH</sup> day of March 2024."

(3)

Petitioner signed his petition on the 14<sup>TH</sup> day of March 2024 and deposited in Dixon Correctional Institute's internal mail box on this same day. (see EXHIBIT "B" - Offender's Funds Withdrawal Request) that was approved by M3gt. Reasons and addressed to the United States Supreme Court with the appropriate address.

(4)

The U.S. Supreme Court's Clerk, Scott S. Harris, blatantly admits in his response correspondence that the petition was post-marked, on the 15<sup>th</sup> day of March 2024, and he received it on the 29<sup>th</sup> day of March 2024. It was fourteen (14) days that had passed before the U.S. Supreme Court's receipt of Writ of Certiorari, which shows a ~~flaw~~ flaw in the prison mailing system itself. (See EXHIBIT "C"- dated March 29, 2024; RE: Jackson v. Bickham, et al)

(5)

However, contrary to the Clerk's decision that the petition was due on or before the 10<sup>th</sup> day of March 2024. This is not the out-of-time deadline, since petitioner received the Final Judgment, via prison mailing system, on the 15<sup>th</sup> of December, 2023.

In conclusion, petitioner, Reginald K. Jackson's petition would

have been due to be filed, on or before the 14<sup>TH</sup> day of March 2024, as petitioner did so.

In Houston v. Lack, 487 U.S. 266, 275, 108 S.Ct. 2379, 101 L.Ed. 2d 245 (1988) which ruled that a petitioner's notice of appeal is considered to be filed on the date that the prisoner delivers the notice to prison authorities for mailing. This is known as the "Mailbox Rule."

WHEREFORE, for good cause shown, the petitioner requests reconsideration in this matter, and render judgement that his petition for rehearing was in fact timely.

#### AFFIDAVIT OF VERIFICATION

I, Reginald Jackson #764746, have read the Complaint and verify that the matters alleged therein are true, except as to matters alleged on information and belief, and as to those, I believe them to be true. Therefore, I certify under penalty of perjury that the foregoing is true and correct.

THUS DONE and EXECUTED on the 7<sup>TH</sup> day of APRIL, 2024, at Dixon  
Correctional Institute in Jackson, Louisiana

Reginald Jackson  
Reginald Jackson #764746

CERTIFICATE OF SERVICE

I, Reginald Jackson #764746, hereby certify that I have served a copy  
of the above and foregoing Motion to Reconsider on the respondent, E.  
Dustin Bickham at Dixon Correctional Institute, by placing the same  
in the United States Mail, properly addressed and postage prepaid on  
the 7<sup>TH</sup> day of APRIL, 2024, from Jackson, Louisiana at Dixon  
Correctional Institute.

Reginald Jackson  
Reginald Jackson #764746

*EXHIBIT-A*

**DIXON CORRECTIONAL INSTITUTE**  
**PRIVILEGED/CERTIFIED CORRESPONDENCE**

Compound: 2A

Date: 12/15/2023

The below listed inmates received Privileged/Certified Correspondence. The inmates must sign for it in order to receive their mail. NOTE: This form must be returned to the mailroom daily after ALL inmates' and delivering officer's signatures are completed.

Receiving Officer's Signature:

DC Number: NAME: DORM: From:

Inmate's Signature

4746

JACKSON,REGINALD

DORM 5 UNIT 2

COURT APPEALS

NEW ORLEANS LA 70130

*Reginald Jackson*

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS  
CORRECTIONS SERVICES  
OFFENDER FUNDS WITHDRAWAL REQUEST

EXHIBIT - "B"

LP

CODE	DRAWING ACCOUNT
73	<input type="checkbox"/> Offender club <b>UNITED STATES SUPREME COURT 1 FIRST ST. NE 3x WASHINGTON, D.C.</b>
74	<input type="checkbox"/> Outside purchase <input type="checkbox"/> Family member <input type="checkbox"/> Educational courses <input type="checkbox"/> Outside bank savings acct # <input type="checkbox"/> Newspaper ad for clemency / pardon. Other: <u>"LEGAL MAIL"</u> 1-3 of 3 packets
79	<input type="checkbox"/> Court Cost - Civil action number _____
94	<input type="checkbox"/> Savings Bond
CODE	SAVINGS ACCOUNT
94	<input type="checkbox"/> Savings Bond
79	<input type="checkbox"/> Court Cost - Civil action number
82	<input type="checkbox"/> Educational courses
CODE	TRANSFERS - No check will be produced
68T	<input type="checkbox"/> Transfer from drawing account to savings.
<p>Note: Print name and address in the payee section to the right. Attach necessary documents including a stamped, self-addressed envelope for all outside mail.</p>	

DOC NUMBER	NAME: LAST NAME, FIRST NAME, INITIAL		
<b>764-746</b>	<b>JACKSON, REGINALD</b>		
LIVING QUARTERS	DATE OF REQUEST	TOTAL AMOUNT	
<b>4-2/D-5</b>	MO. <b>3</b> DAY <b>14</b> YEAR <b>2024</b>	\$ <b>36.00</b>	
<b>Dixy, six dollars &amp; no cents</b>			
WRITTEN AMOUNT			
<b>PAYEE:</b>			
VENDOR NO.	OFFENDER MUST ATTACH A STAMPED, ADDRESSED ENVELOPE FOR ALL OUTSIDE MAIL		
NAME	<b>DCT</b>		
ADDRESS	<b>5568 HWY 68</b>		
CITY	STATE	ZIP	
<b>JACKSON</b>	<b>LA.</b>	<b>70748</b>	
OFFENDER SIGNATURE: <b>Reginald Jackson</b>			
REQUEST DENIED. REASON:			
RIGHT THUMB PRINT	VERIFIED BY: <b>Angel JACKSON</b>		
	TITLE: <b>CDT</b>		
APPROVED BY: <b>3-15-2024</b>			
TITLE: <b>Angel Jackson</b>			

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

March 29, 2024

Reginald Jackson  
#764746  
Dixon Correctional Institution  
P.O. Box 788  
Jackson, LA 70748

RE: Jackson v. Bickham, et al.  
USCA5 No. 23-30337

Dear Mr. Jackson:

The above-entitled petition for a writ of certiorari was postmarked March 15, 2024 and received March 29, 2024. The papers are returned for the following reason(s):

The petition is out-of-time. The date of the lower court judgment or order denying a timely petition for rehearing was December 11, 2023. Therefore, the petition was due on or before March 10, 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.

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

Enclosures