

No.

IN THE  
SUPREME COURT OF THE UNITED STATES

REGINALD JACKSON  
Petitioner  
v.  
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

USCA5 NO: 23-30337

vs.

Warden, E. DUSTIN BICKHAM, ET AL  
Respondents

FILED:

CLERK:

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

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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 mail box, 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.

The prisons' and courts' systems recognize the practicability 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"


7018 0680 0000 5084 8100

<b>U.S. Postal Service™</b>	
<b>CERTIFIED MAIL® RECEIPT</b>	
Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> ®	
REGISTRATION JACKSON 576746	
Certified Mail Fee	\$ 4.40
Extra Services & Fees (check box, add fees as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ 3.85
<input type="checkbox"/> Return Receipt (electronic)	
<input type="checkbox"/> Certified Mail Restricted Delivery	
<input type="checkbox"/> Adult Signature Required	
<input type="checkbox"/> Adult Signature Restricted Delivery	
Postage	\$ 75.75
Total Postage and Fees	\$ 29.60
Sent To	
Supreme Court of the US	
Street and Apt. No., or PO Box No.	
ONE 1st St. NE	
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		DOC NUMBER	NAME: LAST NAME, FIRST NAME, INITIAL	
73	<input type="checkbox"/> Offender club OFFICE OF THE CLERK SUPREME COURT OF THE UNITED STATES	764746	JACKSON, REGINALD	
74	<input type="checkbox"/> Outside purchase ONE 1ST ST. NE WASHINGTON, DC 20543	LIVING QUARTERS U-2/D-5	DATE OF REQUEST MO. DAY YEAR 05 31 2024	TOTAL AMOUNT \$
	<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.			
	<input checked="" type="checkbox"/> Other: LEGAL MAIL PLEASE MAIL CERTIFIED ONLY			
79	<input type="checkbox"/> Court Cost - Civil action number			
94	<input type="checkbox"/> Savings Bond			
CODE SAVINGS ACCOUNT		PAYEE:		
94	<input type="checkbox"/> Savings Bond	VENDOR NO.	OFFENDER MUST ATTACH A STAMPED, ADDRESSED ENVELOPE FOR ALL OUTSIDE MAIL	
79	<input type="checkbox"/> Court Cost - Civil action number	NAME DCI		
82	<input type="checkbox"/> Educational courses	ADDRESS 5568 HWY 68		
		CITY JACKSON	STATE LA	ZIP 70748
		OFFENDER SIGNATURE: Reginald Jackson		
		REQUEST DENIED. REASON:		
CODE TRANSFERS - No check will be produced		RIGHT THUMB PRINT	VERIFIED BY: Cadet	
68T	<input type="checkbox"/> Transfer from drawing account to savings.		TITLE: M. Green	
			APPROVED BY:	
		TITLE:		

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

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:

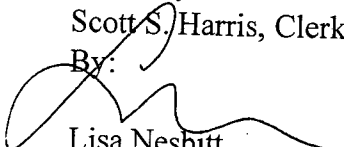
The above-entitled petition for a writ of certiorari was originally postmarked March 15, 2024 and received again on June 5, 2024. The papers are returned for the following reason(s):

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  
041M11120601

Document "C"

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

SHIP

REGINALD JACKSON

TO:

DIXON CORRECTIONAL INSTITUTION

P.O. BOX 788

#764746

JACKSON LA 70748

USPS TRACKING #



THIS MOTION IS IN REFERENCE

TO THE DOCKET NUMBERS

LISTED:

USCA5 NO. 23-30337

USDC NO. 3:22-cv-01037

MIDDLE 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 RE CONSIDER 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 M Sgt. 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 received 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: Sammy Reason  
Inmate's Signature


DC Number: NAME: DORM: From:

4746 JACKSON,REGINALD COURT APPEALS  
DORM 5 UNIT 2 NEW ORLEANS LA 70130 Reginald Jackson

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

EXHIBIT-B

LP

CODE    DRAWING ACCOUNT		DOC NUMBER	NAME: LAST NAME, FIRST NAME, INITIAL		
73	<input type="checkbox"/> Offender club	764-746	JACKSON, REGINALD		
74	<input type="checkbox"/> Outside purchase		LIVING QUARTERS	DATE OF REQUEST	TOTAL AMOUNT
	<input type="checkbox"/> Family member		U-2/D-5	MO.    DAY    YEAR	\$ 36.00
	<input type="checkbox"/> Educational courses			3    14    2024	
	<input type="checkbox"/> Outside bank savings acct # _____			<del>Twenty six dollars</del> No/ DOLLARS	
<input type="checkbox"/> Newspaper ad for clemency / pardon.		WRITTEN AMOUNT			
<input type="checkbox"/> Other: "LEGAL MAIL" 1-3 of 3 packets		<b>PAYEE:</b>			
79	<input type="checkbox"/> Court Cost - Civil action number _____	VENDOR NO.	OFFENDER MUST ATTACH A STAMPED, ADDRESSED ENVELOPE FOR ALL OUTSIDE MAIL		
94	<input type="checkbox"/> Savings Bond	NAME DCI			
		ADDRESS 5568 HWY 68			
		CITY JACKSON	STATE LA	ZIP 70748	
		OFFENDER SIGNATURE: <i>Reginald Jackson</i>			
		REQUEST DENIED. REASON:			
		RIGHT THUMB PRINT	VERIFIED BY: <i>Angel JACKSON</i>		
			TITLE: CDT		
			APPROVED BY: <i>3-15-2024</i>		
		TITLE: <i>ADT R. Jackson</i>			

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

**PROCESSED**

**MAR 19 2024**

DIXON CORRECTIONAL INSTITUTE  
**BUSINESS OFFICE**

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.

**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

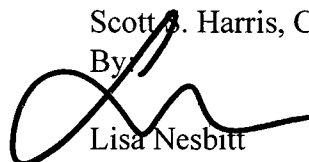
RE: Jackson v. Bickham, et al.  
USCA5 No. 23-30337

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 B. Harris, Clerk  
By



Lisa Nesbitt  
(202) 479-3038

Enclosures