CERTIFICATE OF SERVICE

I, Curry S. Richardson, certify that a true and correct copy of the above foregoing Motion for Rehearing was sent by U.S. Mail, postage pre paid, to:

Edward Larry Marshall, Asst. Attorney General
Office of the Attorney General
P.O.Box 12548
Austin, Texas 78711

/s/ Curry S. Richardson
Curry S. Richardson

CERTIFICATE OF COUNSEL

I, Curry S. Richardson, do hereby certify that I am a Pro se litigant and that this Motion is filed in accordance to Rule 44.2 of the Rules of The Supreme Court. This Motion is presented in good faith and not for delay.

/s/ Curry S. Richardson

Curry S. Richardson
T.D.C.J.-ID# 713015
A.B.Polunsky Unit
3872 FM 350 South
Livingston, Texas 77351

Petitioner, Pro Se

March 9, 2018

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

RE: Richardson v. Davis, Dir. TX DCJ
No. 17-6269

Dear Mr. Harris,

On March 8, 2018 my Motion for Rehearing was returned to me by your office due to it being postmarked on February 22, 2018, a day after such filing was required.

According to the Rules of the Supreme Court (Rule 29.2.) a document submitted by an inmate is considered to be filed upon being placed into the Unit's mail box.

I can be viewed on the Unit's serveillance cameras placing my documents into the mail box, from that point, out of my control.

Any operational deficiencies of the mailroom transferring mail to post offices is again, out of my control, however, all legal documents are to be logged in and out of the facility which could verify my timely filing 2 days ahead of the due date.

To my understanding, the postmark rule does not apply to those confined within an institution, but rather to those with access to a post office.

Furthermore, the post mark on the envelope is proof that I placed the document in the Unit's mailing system ahead of the due date, not withstanding the many channels mail must travel after leaving the penal facility.

My cover letter date was not the postmark date but the date of actual filing.

I ask that a resolution can be made concerning this matter in that I may be allowed to resubmit the filing of my Motion for Rehearing.

Your consideration is appreciated.

Sincerely,
Curry S. Richardson

Curry S. Richardson
713015 Polunsky Unit
3872 FM 350 South
Livingston, Texas 77351

RECEIVED
MAR 26 2018
OFFICE OF THE CLERK
SUPREME COURT, U.S.