Attention: Supreme Court Justice Clarence Thomas

No: 17-7123

IN THE SUPREME COURT OF THE UNITED STATES

"IN RE [LEE EAKINS]"

PETITIONER

V.

STATE OF ALABAMA DEPARTMENT OF HEALTH D/B/A JEFFERSON COUNTY,

WILSON, MARK E., JOHNSON DOLORES

RESPONDENTS

APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE UNITED STATES

RECEIVED
MAY 2 - 2018
OFFICE OF THE CLERK
SUPREME COURT, U.S.

I hereby request an extension of time to re-file my Petition for Writ of Certiorari, and to pay the required fee. On December 9, 2017, I filed my Petition, along with a Motion for Leave to Proceed in Forma Pauperis, and an Affidavit in Support. By a letter date February 20, 2018, the Court notified me that it has denied my Motion, and that I have until March 13, 2018 to file a booklet petition and pay the filing fee.

On March 2, 2018, this Honorable Court Granted Lee Eakins an extension of time within which to comply with the order of February 20, 2018 in the above-entitled case.

Eakins is requesting from this Honorable Court an addition extension or a Stay for this case for the reasons listed.

I have attached a copy of the letter granting the first extension.

- Defendants have illegally blocked my access to my retirement account through a Restraining Order, therefore I have to fight this issue in the Alabama Civil Court of Appeals. Those funds are needed for attorney fees and this filing. I am attaching an abbreviated brief to this letter for your examination (exhibit A).

- I will require more time to arrange the printing of my booklet petition

- Defendants have attempted to get me to illegally pay taxes on funds that I do not have and they have had in their possession for five plus years. (exhibit B)

- Defendants have tied associated issues in this case which Eakins has to resolve (exhibit C) immediately.

Lee Eakins
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RESTRAINING ORDER AGAINST PLAINTIFF

Defendants sought and received from Judge Carole Smitherman a restraining order (exhibit A) against Eakins. The restraining order cites an incident that the Judge has no first-hand knowledge of nor did she allow Plaintiff Eakins to offer an explanation or proof, therefore it is simply hearsay provided by the Defendants. In the incident cited and written by the Defendants they lie and mislead the court. Judge Smitherman cites and mischaracterizes a written statement (exhibit A) by the Plaintiff Eakins. Eakins statement was a critique of the court. Eakins said that the actions or inactions of the court were as if the court desired some street level response from plaintiff. In the very next sentence, Eakins boldly and plainly states that this is **NOT THE ANSWER.** Eakins further affirms that the court system is the only resolution for disagreements between parties. Eakins has not indicated in any way, form or fashion that he has any intentions now or in the future to harm physically any of the persons named in this restraining order. In fact, when the Defendants requested on August 24, 2012 that Eakins not return to the Building or premises of the Jefferson County Health Department, Eakins has without reservation abided by that request.

The Attorney, Minnie Turnstall who Wade Merritt indicates that Eakins assaulted wrote a letter (exhibit A) that refutes the claims of Merritt. But more importantly, Attorney Turnstall said two points to Eakins;

1. Merritt's assessment of the incident was a lie. Merritt perjured himself in his presentation of this information to the court

2. This incident did not happen in Judge Smitherman Courtroom. Judge Smitherman never contacted Attorney Turnstall for verification or a statement as it relates to this issue.

As a result of the **bogus Restraining Order** issued by Judge Carole Smitherman, it prevents Eakins from access to his retirement account. Eakins has as most employees of the Jefferson Department of Health have a 401b retirement account with **Nationwide Retirement Solutions.** In order to access the funds in this account, a former employee (as the Defendants have cited in numerous filings must contact the department, have them initiate a written document indicating that employee is no longer employed by the Department. Absence of this signed document, (exhibit A) then the employee cannot assess those funds. With the restraining order in place, then if Eakins contacts Defendants, he is in violation of this restraining order which may subject him to incarceration. Wade C. Merritt purposely initiated the Restraining Order with the specific intent of withholding those funds from Eakins. Wade C. Merritt has attempted on numerous occasions to get Eakins incarcerated. Merritt sent Eakins a threatening and false letter (exhibit A) which enforces that idea that his intentions are to deprive Eakins of his earned pension. Eakins believes that Merritt and James Ferguson goal from day one was to create a criminal record for Eakins. Their actions as representatives of the Department have reflected this intent.

TAX ISSUE-CV-2016-00191, CV-2016-000461

The Alabama State Department of Revenue audited Eakins in 2015 for the year 2012. In that audit, they attributed income to Eakins which was in dispute. The disputed income was reported to the Internal Revenue Service and the State Revenue Department by the Defendants as income for Eakins.

Defendants held this disputed income in their interest bearing account (exhibit B) from September 2012 until 2017. When Eakins legal representative requested an explanation and accounting for these electronic deposited funds into Eakins account in 2012, Defendants could not nor did they provide an explanation about these funds (exhibit B). Eakins instructed his bank to return those funds within the next business day (Eakins bank records indicate both transactions). While Defendants held these funds in their account, they wrote numerous checks (exhibit B) on the disputed funds. When they wrote several checks to Eakins, he returned the checks as the Internal Revenue Service had advised him with an explanation (exhibit B). With guidance and at the direction of the Internal Revenue Service, it was determined that Eakins did not have control of or had no input in or access to the disputed funds, therefore Eakins should **NOT** assume the tax liability until Eakins has taken possession of those funds (IRS Publication 17). As a result of the Internal Revenue Service findings they did the following;

1. Requested Defendants provide Eakins with a corrected W-2 form (exhibit B).

2. Requested that Eakins file a fraud complaint with the agency against Defendants (exhibit B) when Defendants refused to provide Eakins with said forms.

Eakins has appealed the audit findings from the year 2012. The Alabama Department of Revenue (Tax Tribunal) has held the audit findings in abeyance (exhibit B) until the Court issues/affirms what is undisputed law as it relates to taxation (IRS Publication 17).

Eakins filed two motions for clarification on this tax issue with the Judge of record Judge Vance. The initial motion received no response from Judge Vance. Eakins filed a second motion which the judge's response was to deny the motion of clarification. In Judge Vance's order (exhibit B) he indicates that he lacks jurisdiction and directed "Eakins not to file any more motions in this case."

Eakins, who is not a lawyer assumed it was a federal issue that needed to be resolved in federal court, therefore Eakins filed this motion of clarification in federal court. Federal Judge Proctor denied the motion (exhibit B). **WE DIRECT THE COURT TO TAKE SPECIAL NOTICE THAT IN JUDGE PROCTER'S ORDER, HE CLOSED THIS CASE WITHOUT PREJUDICE, THEREBY ALLOWING THIS ISSUE TO BE REVISITED AT A LATER DATE UNDER THE PROPER CIRCUMSTANCES BY THE FEDERAL JUDICIARY.**

Defendants Filed a Motion of Contempt against Eakins in Judge Vance's Court. Eakins was required to appear for this Contempt Motion. During the hearing, Judge Vance indicated in his oral arguments;

1. Eakins was not to file anything with any court in these proceedings. He said "leave Defendants alone"

2. Judge Vance indicated that Eakins was to assume total tax liability for $124,317.98 although much of those funds have been dispersed to the Defendants by Judge Vance. Judge Vance in previous hearings has indicated that these funds belong to Defendants and not Eakins, therefore they must be given back to the Defendants.

3. During the hearing, Judge Vance indicated and communicated to the Defendants with a **wink and a nod "that if they were to file for attorney fees in this filing, he is inclined to give them those fees."** Judge Vance provided fees in the amount of $8, 600.00 to the Defendants.

I hereby certify that I have on this the 27th day of February, 2018 served a copy of the foregoing document by depositing a copy of the same in the United States Mail, properly addressed with first-class postage prepaid thereon to:

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