

LAW FIRM OF FERNANDEZ & ALCARAZ, P.S.C.
Attorneys at Law

December 5, 2017

BY EXPRESS MAIL

The Honorable Scott S. Harris
Clerk of the Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543
Attn: Michael Duggan

Re: Daviel Salinas-Acevedo v. Unites States, U.S. Case No. ____ - _____,USCA 1
13-2072

Dear Mr. Harris:

On November 13, 2017 I filed via United States mail, pursuant to Rules 13.5, 22.2, 29 and 33.2, one original and two(2) copies of a *Motion to Proceed in Forma Pauperis*, one original and two (2) copies on *an Application for Extension of Time in Which to File Petition for Writ of Certiorari*, and one original and two (2) copies of the *Certificate of Service* in the above referenced case.

My filing was rejected by the Clerk's office for two reasons: (1) Application should have been filed electronically; and, (2) "[i]n order to represent a party other than oneself, counsel must be a member of the Bar of this Court." (See copy of letter attached.)

I will address each item in reverse order. As I explained in my *Motion to Proceed in Forma Pauperis*, I was appellate counsel to the respondent and was appointed pursuant to the Criminal Justice Act of 1964, 18 U.S.C. §3006A. Accordingly, "admission to the Bar of this Court is not required for an attorney appointed under the Criminal Justice Act..." See: Rule 6 of the Rules of the Supreme Court of he United States.

Second, as I also explained in my *Application*, I requested an extension of time to file the Petition for Writ of Certiorari because "Puerto Rico is still in a state of emergency after hurricanes Irma and, more dramatically, Maria. This honorable Court recognized the devastation wreaked by Maria and *sua sponte* issued an Order automatically extending

the time to file a petition for a writ of certiorari to [November] 20, 2017. As of today more than half the island is without power or internet access. Communications remain fragile and unreliable. Undersigned counsel still does not have internet access nor electric power.” (Emphasis added.)

The *Application* was not filed electronically because I, as well as most of Puerto Rico, did not have internet access.

I re-opened my office yesterday for the first time since the passing of hurricane Maria, only to find that my *Application* was rejected for filing.

The deadline to file my *Application* was November 20, 2017. For the reasons set forth above, I respectfully request that my *Application* be docketed and considered timely filed as of November 13, 2017; its original filing date. I am attaching a copy of the Clerk’s Office letter dated November 17, 2017 for your reference.

If you or your staff have any questions about this submission, please do not hesitate to contact me.

Cordially,

Ignacio Fernández de Lahongrais

Enclosures

cc: Office of the Solicitor General
United States Attorney for the District of Puerto Rico