

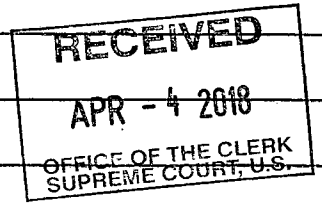
SUPREME COURT OF THE UNITED STATES

NO.

RUBIN RURIE WEEKS,
Petitioner,

VS.

JASON LEWIS, et al.,
Respondents.



PETITIONER'S MOTION FOR EXTENSION
OF TIME TO FILE PETITION FOR
WRIT OF CERTIORARI FROM THE
UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT AND THE
EASTERN DISTRICT OF MISSOURI
UNITED STATES DISTRICT COURT IN
CASE RUBIN RURIE WEEKS V. JASON
LEWIS. NO. 17-2061 DENIED JANUARY 4, 2018

COMES NOW, Petitioner Rubin Rurie Weeks, pro
se prisoner litigant, requests this
Honorable Court for extension of time
in order to have adequate access
to this court which to have meaningful
process to file the writ of certiorari
under petitioners hardship extraordinary
circumstances where petitioner imprisonment
in the Missouri state prison suffers from
the trial court void judgment of lack of
subject matter jurisdiction. Petitioner states:

LaF8

I

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

I, Rubin R. Weeks, under penalty of perjury do make the declaration as follows.

1. I am the petitioner in the above case.
2. I have been confined to the Missouri Department of Corrections for 26½ years under a void Judgment.
3. I suffer from physical spine, and, leg, brain injuries which has crippled me for life, caused from a police beating at the time of arrest for the Missouri rape crime. See Weeks v. Birch, et al. Case No. 1:17-CV-22-AGF United States District Court, Eastern District of Missouri 2017 Pending 1983 action which documents those severe injuries.
4. I receive approximate \$200 to \$300 in gifts from family members each month of the past 12 months, see certified DOC offender account statement attached Exhibit A.
5. I have no other source of income and do not own any cash, bank accounts, real estate, stocks, bonds, notes, automobiles, or other valuable property, other than a prison offender account.
6. I have on going court proceedings in Weeks v. Birch, et al. NO. 1:17-CV-22-AGF U.S. ED MO. 2017 1983 Action court appointed Counsel. And Weeks v. Lewis, et al. case

NO. 1:17-CV-225-ACL [U.S. District Court
E.D. MO. 2017] Federal Habeas Corpus Action
pending as pro se claim void judgment
illegal confined. And Weeks v. Fisher, et al.,
Case No. 3:17-CV-00842-DPJ-FKB [U.S.
District Court S.D. Miss. 2017] Pending
1983 Action pro se.

7. Prior Court history, Weeks v Bowersox,
119 F.3d 1342. [8th Cir 1997] Habeas Action,
and Weeks v. State, 140 S.W.3d 39. [MO
bank. 2004] DNA Motion.

Therefore, petitioner states because of his
poverty, ~~he~~ is unable to pay court cost
of said proceeding or pay the cost
for counsel to represent him before
this court in this factually complex
case.

Wherefore, petitioner prays for the reasons of
extraordinary circumstances of this
case, the court allow him to proceed
in forma pauperis and appoint counsel
thereof.

Rubin Rennie Weeks

II

MOTION FOR EXTENSION OF TIME

A.] Petitioner's writ of Certiorari petition
is due on or about April 4, 2018

B.] Petitioner's petition for writ of Certiorari is not yet complete due to that petitioner had under went his 3rd spine surgery on February 14, 2017 which had been delay by the Missouri DOC officials for 26 years, until, state and Federal court proceedings occurred, see Weeks v. Nixon et al case NO WD86233 [MO App. W.D. 2017] 1983 Act and Declaratory Judgment Action. Thereof, doc officers assaulted petitioner day after his 3rd spine surgery, causing physical injuries on February 15, 2017 and paralysis. Petitioner's court appointed Counsel is trying to obtained medical treatment for petitioner through the Federal Court in Weeks v. Birch, supra.

C.] Petitioner's claims present for Certiorari review have never been adjudicated on the merits by the lower state and Federal Courts: Void Judgment Claim, Brady v. Maryland Claims and 2004 DNA test tainted by Prosecutorial misconduct Claims. See state ex rel. Weeks v. Wallace, Case NO. SC95661 [Missouri Supreme Court May 24, 2016] Summary denial of state Habeas petition without prejudice.

III

Federal Court Rule 60(b)(4) & (6) Proceeding

D) Petitioner ask the United States District Court, Eastern District of Missouri to exercise its Authority under pursuant to Rule ~~60~~ (b)(4) and (6) of the Federal Rules of Civil Procedure, to reopen Weeks v. Bowersox, 119 F 3d 1342 [8th Cir. 1997] cert. denied, Weeks v. Bowersox 522 U.S. 1093 [1998] which the Judgment rest upon a void Judgment for lack of subject matter Jurisdiction, transpiring from the Cape Girardeau County Circuit Court lack of power to enter the conviction and impose the life sentence for the Bollinger county rape charge against petitioner. Thereof, no higher court state or federal, could not restore jurisdiction by any decision above. Moreover, petitioner argues the Weeks v. Bowersox, Supra Court deciding his prior Habeas petition without holding (and evidentiary hearing denied him due process and led the Court to reach the wrong result. In which in this case, the Court decision denying the writ of habeas corpus relief, "was based upon Prosecutorial Misconduct tainting the Court's Judgment" Weeks v. Lewis, 4:94-CV-1704-CAS Doc #83 Courts Judgment denying Rule 60(b)(4) (6) relief. See also 40F8

Weeks v. State, 140 S.W. 3d 39, 41-42 n.2 and 47 [Mo banc 2004]. Shows the Prosecutor was purposely ~~withholding~~ withholding the exculpatory evidence which ruled Weeks out as the rapist Id at 47 And the Prosecutor also lied about SEMO Lab employee C.R Longwell being trained by the F.B.I in DNA testing. Id at 48 n.10. During the trial court proceeding on February 13, 1992 and during the Federal Habeas proceeding in Weeks v. Bowersox, supra. When petitioner renewed his requests for the state to turn-over the exculpatory evidence and for the court to hold an evidentiary hearing, Weeks, 119 F. 3d at 1348. Thereby, of course, a mountain of clear evidence that the prosecutor in this case acted in bad faith and maliciously, in having achieved the plea agreement by fraud and torture; ~~shown~~ shown to the lower courts, but the courts turn an blind eye and dismiss these fundamental rights issues by an procedural bar rule. However, petitioner is confined in the Missouri state prison under a void judgment which keeps him from his liberty and medical care and treatment he needs to save his life.

IV

United States Supreme Court Authority
By Certiorari Review Or By Extraordinary
Writ Procedure Has The Power TO
Relieve Petitioner of The Void
Judgment restrained of his liberty
and to save Petitioner's life Being
taken By the Governments torture
arbitrary Actions affirmative wrong

This court affirm the lower courts
decision to restore the loss of
Jurisdiction and allow the Missouri Dept.
of corrections to hold petitioner under
a void Judgment and continue the
torture thats Killing petitioner daily in
pain. Weeks v. Bowersox, 522 U.S. 1093 [1998]
and Weeks v. Bowersox, 134 S. Ct. 1769
[U.S. Mo. 2014]

Therefore, the united states District
Court decision in Weeks v. Lewis supra.
Conflicts with other United States Court
of Appeals and this Courts decisions. See
DOC #78 Rule 60(b) Motion and DOC #83
U.S. Court Memorandum and order. Thereby,
as U.S. Eighth Circuit Judges M.S. Arnold,
R.S. Arnold and Gibson and McMillian
ruled in their dissenting opinion in
Weeks v. Bowersox, 119 F.3d at 1356-1358

"Mr. Weeks claims he pleaded guilty because he was beaten and tortured but that he is, in fact, actually innocent of the crimes to which he pled. The record in this case, as expressed in the dissent by Judge Morris Arnold, presents some doubts as to Mr. Weeks guilt. The Panel opinion in Weeks v. Bowersox, 106 F.3d 248, 250-251 [8th Cir 1997] remanded the case for an evidentiary hearing to resolve these doubts." As such, here today those doubts have never been resolved.

Wherefore, petitioner prays that this court allow him to proceed in forma pauperis and extend the time until June 1, 2018 in order to file the writ of Certiorari review, or in the alternative treat this motion as a request for writ of certiorari to issue or an extraordinary writ and grant appointment of counsel and allow counsel to brief these extraordinary issues before the court and any other relief the court deems just.

Respectfully Submitted This 28th day of March, 2018.

Rubin Rurie Weeks, Petitioner #184303
Southeast Correctional Center 6B-101
300 East Pedro Simmons Dr
Charleston MO 63834

Certificate of Service

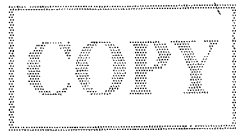
I Rubin Rurie Weeks declare under penalty of perjury that the foregoing documents facts are true and correct and placed in the Prison Mail Box this 28th day of March 2018 and by us mail served upon Respondents attorneys at the addresses below:

Joshua D Hawley
Missouri Attorney General
P.O. Box 899
Jefferson City MO 65102

United States Court of Appeals
For The Eighth Circuit
111 S. 10th Street
St. Louis MO 63102

Rubin Rurie Weeks

STATE OF MISSOURI 3
COUNTY OF MISSISSIPPI 3 S.S.



AFFIDAVIT OF RUBIN RURIE WEEKS

Personally appeared before said undersigned Notary Public officer, who is duly authorized by Law to administer oaths in the said State and County above, Rubin Rurie Weeks, offender confined in the Missouri Department of Correction. Who First being duly sworn states under oath and depose the facts contained in the Motion for Extension are true and correct to the best of Knowledge and belief of Rubin R. Weeks.

Subscribed and sworn to before said Notary Public this 31 day of January 2018

Sandra Hutcherson
Notary Public



SANDRIA HUTCHESON
My Commission Expires
January 7, 2019
Mississippi County
Commission #15394293

Rubin Rurie Weeks
Rubin Rurie Weeks

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