

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Melanie A. Ogle,
Appellant-Petitioner,

v.

State of Ohio,
Appellee-Respondent.

On Petition for Writ of Certiorari
to the U.S. Court of Appeals for the Sixth Circuit

**APPLICATION OF EXTENSION OF TIME TO FILE A
PETITION FOR WRIT OF CERTIORARI**

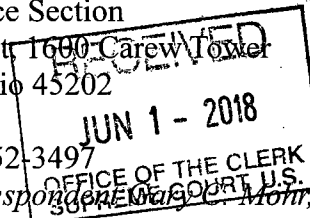
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pro se Petitioner

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Melanie A. Ogle, moves for an extension of time to file a petition for a writ of certiorari,
for the following reasons:

1. On March 9, 2018, she timely mailed to the U.S. Court of Appeals for the Sixth Circuit
MOTION FOR EXTENSION OF TIME TO RESPOND IN RE: FEBRUARY 27, 2018
DECISION in Case No. 17-3701, for the reason that she telephoned the clerk's office on that
date inquiring of the status of her appeal after finding that her case number was not on the
Sixth Circuit pending report or opinions, and was told by Amy that a decision had been
made on February 27th and that it was mailed to Appellant's address. Amy told Appellant

that she would mail out a copy immediately to Appellant's address. Appellant asked Amy if she could email her a copy and was told that she could not. On March 12, 2018, Appellant received a copy of the February 27, 2018 decision with a postmark date of March 9, 2018. Appellant's motion for extension was unopposed. On March 19, 2018, she received a copy of a March 16, 2018 ORDER, stating in its totality, "Upon consideration, appellant's motion to extend time to file a petition for rehearing is DENIED." (Appellant never did receive a copy of the February 27, 2018 decision to which Amy referred was mailed on February 27, 2018.)

2. On March 29, 2018, Appellant timely mailed the following:

- MOTION FOR RECONSIDERATION OF MOTION FOR EXTENSION OF TIME TO RESPOND IN RE: FEBRUARY 27, 2018 DECISION; OR FOR LEAVE TO FILE OUT OF TIME PETITION FOR REHEARING EN BANC
- PETITION FOR HEARING EN BANC AND ORAL HEARING REQUESTED IN RE: ORDER (DOC. 6-2)
- MOTION FOR PERMISSION TO EXCEED WORD AND PAGE LIMITS IN RE: PETITION FOR REHEARING EN BANC

3. On April 9, 2018, Appellant received back her originals and copies of her motions (listed under "2." above), as "unfiled", with a letter from the en banc coordinator stating that the case was closed.

4. On April 17, 2018, Appellant mailed a MOTION FOR RECONSIDERATION IN RE: DETERMINATION OF EN BANC COORDINATOR, in addition to all of her

previous originals and copies referred to in “2.” and “3.” above. Appellant then received back a single copy of each stamped April 2, 2018.

5. On the morning of May 25, 2018, Appellant called the clerk's office to inquire as to the status of her motions and was transferred to Michele, who transferred her to Beverly Harris, the en banc coordinator who had returned Appellant's documents previously, and she stated that the case was closed. Beverly told Appellant that because case was closed that her motions referred to in “4.” above had not been made available to the court for rulings. Appellant questioned why they had not been and Beverly continued to say that it was because Appellant's original motion for extension was denied and therefore, the case was closed.
6. So, Appellant learned that her motions had never been filed on the morning of May 25, 2018. Appellant was then transferred to Susan Rogers. Susan Rogers told Appellant that she would look through everything and that Appellant would receive notification only by mail of any corrective action taken and that nothing would be done before the following business day.

Wherefore, Appellant understands that pursuant to FRAP 27(b), the U.S. Court of Appeals for the Sixth Circuit must retain jurisdiction over Case 17-3701 until the foregoing matters are resolved, and in the alternative, a motion for extension of time to file a petition for a writ of certiorari in this Court should be granted, awaiting notification of corrective action by the clerk, in regard to the filing of her afore-referenced motions.


Melanie A. Ogle

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