

No. 24A222

In the United States Supreme Court

OSCAR STILLEY,
Petitioner,

v.

JOHN THURSTON, IN HIS OFFICIAL CAPACITY AS ARKANSAS SECRETARY OF
STATE; ARKANSANS FOR LIMITED GOVERNMENT,
Respondents.

**ON PETITION FOR WRIT OF CERTIORARI
TO THE ARKANSAS SUPREME COURT**

**PETITIONER STILLEY'S APPLICATION TO EXTEND
THE TIME FOR FILING PETITION FOR CERTIORARI**

By: Oscar Stilley
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oscarstilley@gmail.com

Comes now Petitioner Oscar Stilley (Stilley) and for his Application to Justice Kavanaugh for Extension of Time to File Petition for Certiorari and states:

1. Stilley on July 16, 2024 filed Arkansas Supreme Court case number CV-24-453, an original action petition, seeking to compel the Arkansas Secretary of State to count the signatures on a contested initiative petition, for a proposed amendment to the Arkansas Constitution.
2. The Arkansas Supreme Court has original and exclusive jurisdiction over any cause to determine the sufficiency of an initiative petition. Ark. Const. Art. 5, §1.
3. Stilley's standing as a legal registered voter was challenged in a motion to dismiss filed by Respondent John Thurston, Secretary of State.
4. Stilley's petition was dismissed on grounds of standing, on 9-5-2024, with the mandate to issue immediately.
5. Stilley on 9-23-2024 filed a timely motion to recall the mandate and at the same time tendered a timely petition for rehearing.
6. The motion to recall the mandate was denied 10-24-2024. Thus Stilley's timely petition for rehearing was not considered on the merits.
7. It appears from the rules of this Court that Stilley's petition for certiorari would be due 90 days from 9-5-2024.
8. Stilley most respectfully requests that the time for Stilley's petition for certiorari be extended to 1-22-2025, same being 90 days from the 10-24-2024 denial of the motion to recall the mandate and consider Stilley's petition for rehearing.

9. The requested extension provides the same timeframe for filing a petition for certiorari that would be allowed if the Arkansas Supreme Court had denied Stilley's petition for rehearing on the merits.

WHEREFORE, Stilley requests an order extending the time for filing his petition for certiorari up through and including 1-22-2025; and such other and further relief as may be appropriate whether or not specifically requested.

VERIFICATION

Petitioner Oscar Stilley by his signature below declares under penalty of perjury pursuant to 28 USC 1746 that the facts set forth herein are true and correct to the best of his knowledge and belief.

Respectfully submitted.



By: /s/ Oscar Stilley
Oscar Stilley
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November 11, 2024

Oscar Stilley

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November 11, 2024

Scott S. Harris, Clerk
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

Re: *Oscar Stilley v. John Thurston, et al*
US Supreme Court # 24A222
Arkansas Supreme Court Original Action # CV-24-453
Application to extension of time to petition for certiorari

CERTIFICATE OF SERVICE

This service relates to the renewal of an application for extension of the time to petition for certiorari.

Petitioner Oscar Stilley by his signature below certifies that his Application to Justice Kavanaugh for Extension of Time to Petition for Certiorari will be served by email this November 11, 2024, to:

Dylan Jacobs dylan.jacobs@arkansasag.gov,
Nicholas Bronni nicholas.bronni@arkansasag.gov,
Beth Buckley (Paralegal) [<bbuckley@shultslaw.com>](mailto:bbuckley@shultslaw.com),
Steven Shults sshults@shultslaw.com,
Amanda Orcutt aorcutt@shultslaw.com,
Peter Shults pshults@shultslaw.com,
Justin Brascher justin.brascher@arkansasag.gov,
Christine Cryer christine.cryer@arkansasag.gov.
Asher Steinberg asher.steinberg@arkansasag.gov

And also will this day be served by placing three copies in US First Class mail to:

For Lauren Cowles and Arkansans for Limited Government:

Peter Shults, Attorney
Shults Law Firm LLP
200 West Capitol Avenue Suite 1600

Little Rock, AR 72201-3621
501-375-2301 phone

For John Thurston, in his official capacity as Secretary of State of the State of Arkansas, by three copies to:

Justin Brascher, Assistant Attorney General
Arkansas Attorney General
323 Center Street, Suite 200
Little Rock, Arkansas 72201
(501) 682-2007 phone

VERIFICATION

Petitioner Oscar Stilley by his signature below declares under penalty of perjury pursuant to 28 USC 1746 that the facts set forth herein are true and correct to the best of his knowledge and belief.

Respectfully submitted,



By: /s/ Oscar Stilley
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November 11, 2024

SUPREME COURT OF ARKANSAS

No. CV-24-453

OSCAR STILLEY

PETITIONER

V.

JOHN THURSTON, IN HIS OFFICIAL
CAPACITY AS ARKANSAS
SECRETARY OF STATE; AND
ARKANSANS FOR LIMITED
GOVERNMENT

RESPONDENTS

Opinion Delivered: September 5, 2024

AN ORIGINAL ACTION

MOTION TO DISMISS GRANTED.

PER CURIAM

Oscar Stilley filed this original action under article 5, section 1 of the Arkansas Constitution and Arkansas Code Annotated section 7-9-112 (Supp. 2023). At issue is Arkansas Secretary of State John Thurston's (Secretary's) decision rejecting certification of the Arkansas Abortion Amendment of 2024 to the November ballot. Stilley's complaint contains four counts: (1) the Secretary is obligated to count all signatures submitted by Arkansans for Limited Government (AFLG) in support of the abortion amendment and determine whether a cure period is required; (2) Act 236 of 2023 is unconstitutional, and the Secretary should be enjoined from enforcing it; (3) Act 1413 of 2013 is unconstitutional, and the Secretary should be enjoined from enforcing it; and (4) AFLG complied with the provisions of Act 1413 of 2013.

his supervised release and committed for a term of three months' imprisonment and a term of thirty-three months' supervision. The term of supervised release commenced August 10, 2022. The special master found that, at all times since April 23, 2010, Stilley has either been imprisoned or subject to supervised release, has not been pardoned, and currently remains on supervised release. On his July 2024 Arkansas Voter Registration Application, Stilley attested that he had never been convicted of a felony without the sentence being discharged or pardoned.² The Crawford County Clerk accepted the application, and a voter registration card was prepared for Stilley. The special master found that Stilley's appeals have been denied and that all judgments are final.

Under our standard of review, we will accept the special master's findings of fact unless they are clearly erroneous. *Roberts v. Priest*, 334 Ark. 503, 975 S.W.2d 850 (1998). A finding of fact is clearly erroneous, even if there is evidence to support it, when, based on the entire evidence, the court is left with the definite and firm conviction that the special master has made a mistake. *Id.* Finding no error in the special master's report, we hereby adopt his findings of fact.³

II. *Counts I and IV*

We have jurisdiction over Counts I and IV as they relate to the Secretary's actions and decisions in his sufficiency determination of the initiated ballot petitions. See Ark. Const. art. 5, § 1. Because Counts I and IV pertain to the Secretary's sufficiency

²Stilley wrote the following statement on his application: "I have not been lawfully convicted of a felony by a lawful court."

³Stilley filed an objection to the special master's report; however, we are unpersuaded by his assertions therein.

unconstitutional and enjoin its further application. However, in *Reynolds v. Thurston*, we noted that actions for declaratory judgment originate in the circuit court, including challenges similar to the ones Stilley now asserts. 2024 Ark. 97, at 10–12, 689 S.W.3d 48, 53–55. Accordingly, Counts II and III fall outside our original jurisdiction, and we dismiss.

IV. *Conclusion*

In conclusion, we grant the State’s motion to dismiss. Counts I and IV are dismissed because Stilley lacked standing to file this petition. Counts II and III are dismissed because we lack original jurisdiction to declare Act 236 of 2023 and Act 1413 of 2013 unconstitutional. Additionally, we refer the special master’s report to the Crawford County Clerk and the prosecuting attorney for the Twenty-First Judicial District.

Motion to dismiss granted.

Mandate to issue immediately.

BAKER, J., not participating.