

No. _____

In The
Supreme Court Of The United States.

TONIA SCOTT - PETITIONER

VS.

COMMONWEALTH OF PENNSYLVANIA, et al. - RESPONDENTS

PETITIONER'S APPLICATION FOR EXTENSION OF
TIME TO FILE PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT (SUPREME COURT RULE 13.5)

Now Comes, Petitioner Tonia Scott, Petitioner respectfully request a 60-day extension of time until February 26, 2025, in which to file a "Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit"; the United States Court of Appeals for the Third Circuit had issued its opinion on September 27, 2024. See Exhibit. C

1. This Court has jurisdiction under 28 USC (1254 (1)).

2. Absent AN extension, Petitioner's "Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit" will be due on December 26, 2024. This application is being filed more than (10) days in advance of December 26, 2024 AND NO prior application has been made in this case, pursuant to Rule 13.5.
3. Petitioner will be petitioning for a "Writ of Certiorari," relating to her denial of a "Certificate of Appealability." See Scott v. Commonwealth of Pennsylvania, No. 24-1465, U.S. Court of Appeals for the Third Circuit. Judgment entered June 25, 2024. Petitioner's request for a certificate of appealability is based upon the Court denying Petitioner's relief for a "Writ of Habeas Corpus," due to her failure to exhaust state remedy." See Scott v. Commonwealth of Pennsylvania, No. 24-CV-0041, U.S. District Court for the Middle District of Pennsylvania. Judgment entered February 29, 2024. In addition, Petitioner petitioned for a "Petition for Rehearing," relating to her certificate of appealability, in which she was denied relief. See Scott v. Commonwealth of Pennsylvania, No. 24-1465, U.S. Court of Appeals for the Third Circuit. Judgment entered September 27, 2024. See Exhibit A, Exhibit B and Exhibit C.
4. Petitioner was tried, convicted AND sentenced based upon the below Pennsylvania criminal offenses, in the Common Court of Pleas of Pike County, before the President Judge Gregory H. Chelak. Petitioner was convicted on May 19, 2023

AND ON June 27, 2023, she was sentenced to 44-94 years of incarceration at SCI Muncy, located at 6454 Route 405, Muncy, PA 17756; in the illegal custody of Respondent Superintendent Wendy Nicholas. Petitioner was charged, convicted and sentenced for conduct that "allegedly" occurred on the SCPREC Reservation. (See Scott v. Commonwealth of Pennsylvania, No. 24-1465, U.S. Court of Appeals for the Third Circuit, Filing, "Motion to File Exhibits to the Petition for Rehearing," Exhibit 1 and Exhibit 2)

A. At docket No. CR-096-2020, Defiant Trespass;

B. At docket No. CR-687-2019, Count 1, Terrorism; Count 2, Criminal Conspiracy to Commit Terrorism; Count 3, Kidnapping; Count 4, Kidnapping; Count 5, Criminal Conspiracy to Commit Kidnapping; Count 6, False Imprisonment; Count 7, Unlawful Restraint; Count 8, Robbery; Count 9, Robbery; Count 10, Robbery; Count 11, Robbery; Count 12, Robbery; Count 13, Robbery; Count 14, Robbery; Count 15, Robbery of a Motor Vehicle; Count 16, Robbery of a Motor Vehicle; Count 17, Criminal Conspiracy to Commit Robbery; Count 18, Theft by Unlawful Taking or Disposition; Count 19, Criminal Attempt to Commit Theft by Unlawful Taking; Count 20, Criminal Conspiracy to Commit Theft by Unlawful Taking; Count 21, Burglary; Count 22, Criminal Conspiracy to Commit Burglary; Count 23, Criminal Trespass; Count 24, Criminal Mischief; Count 25, Terroristic Threats; Count 26, Terroristic Threats; Count 27, Terroristic Threats; Count 28, Aggravated Assault; Count

29, simple ASSAULT; count 30, simple ASSAULT; count 31, simple ASSAULT; count 32, recklessly ENDANGERING ANOTHER PERSON; count 33, recklessly ENDANGERING ANOTHER PERSON.

5. Petitioner's conviction AND sentence is CONTRARY TO AND/OR INVOLVED AN UNREASONABLE APPLICATION OF CLEARLY ESTABLISHED FEDERAL LAW AND THE FEDERAL CONSTITUTION, AS Petitioner stated in her "Application for Writ of Habeas Corpus," in *Scott v. Commonwealth of Pennsylvania*, No. 24-CV-0041, U.S. District Court for the Middle District of Pennsylvania. Petitioner has always indicated that "extraordinary circumstances," "28 USC § 2254 (B)(1)(B)" AND A "FUNDAMENTAL MISARRIAGE OF JUSTICE," APPLIES TO HER MATTER AS A REMEDY TO Petitioner's "failure to exhaust State remedy." Stated as follows:

I. Federal Constitutional Violations

A. On November 18, 2019, the Pennsylvania State Police UNLAWFULLY AND ILLEGALLY SEIZED (KIDNAPPED) Petitioner (who is a Tribal member AND official of a Pennsylvania, New York State AND Federally recognized American Indian Tribe, known as the Saw Creek AND Pine Ridge Indian Communities), while Petitioner was supervising AN EJECTMENT OF A NON-INDIAN TRESPASSER ON THE SCTRIC Reservation (Tribal lands), which is A VIOLATION OF THE 4th Amendment.

B. Petitioner was charged, convicted AND sentenced with

Pennsylvania criminal offenses for "Alleged" conduct on the SEPRIC Reservation. The SEPRIC Tribal Government has NO contract with the Commonwealth of Pennsylvania for assumption of civil and/or criminal jurisdiction relating to conduct on the SEPRIC Reservation by the SEPRIC Tribal members, as required by 25 USC 1321 and 1322. In addition, the SEPRIC Tribal members NEVER had a special election for the Commonwealth of Pennsylvania to assume civil and/or criminal jurisdiction, relating to the SEPRIC Tribal members conduct on the SEPRIC Reservation, in pursuant to 25 USC 1326. As such, Petitioner's conviction is contrary to Art. 3/2, cl 3 and the 6th Amendment because NO "Alleged" crime occurred in the Commonwealth of Pennsylvania's jurisdiction. Therefore, the accusation instruments (informations) issued by Respondent Raymond Tonkin (by way as Pike County District Attorney) and Respondent Michelle Henry (by way as the Pennsylvania Attorney General and Supervisor of Respondent Tonkin) is void and invalid, (infringement of Art. 6/2 "Supremacy clause").

C. Petitioner was denied a right to assistance of counsel by 122 Pennsylvania licensed attorneys, law firms and legal organizations, due to the fact that there were NEVER any laws and/or statutes legislated by the Pennsylvania Assembly that could remedy Petitioner's matter, related to

the SCPRIC Tribal members AND/OR the SCPRIC Reservation,
AS required in 25 USC 1324 (6th Amendment violation).

D. Due to the absence of the Commonwealth of Pennsylvania's jurisdiction to Petitioner's "Alleged" acts on the SCPRIC Reservation. The prosecution suppressed vital evidence to the jury during her trial, relating to Petitioner, such as her Tribal official status AND the "Alleged" acts occurred on the SCPRIC Reservation, thus, committing Brady violations, which is a breach of the 5th AND 14th Amendments. Furthermore, Petitioner's trial was invalid because she was tried AND convicted in a district AND/OR State, where the "Alleged" crime had NOT occurred, as required by Art. 372, c13 AND the 6th Amendment. As such, Petitioner is innocent of the Commonwealth of Pennsylvania's criminal allegations, as stated in her informations (by way of Respondent Tonkin AND Respondent Henry). Thus, constituting Petitioner's trial, conviction AND sentence "null AND void"; AND Petitioner's detention in SCI Muncy an illegal AND unlawful confinement; in the custody of Respondent Wendy Nicholas.

E. Respondent Tonkin also breached the 14th Amendment's "Immunity Clause" because Petitioner was entitled to "Tribal Immunity," due to the fact that Petitioner was

Acting ~~ASKING~~ in her official capacity AS A representative of the SCPRIC Tribal Government at the time of her ARREST. See Kiowa Tribe v. Manufacturing Technologies, 523 U.S. 757 (1998); C.S.H. Enterprise v. Citizen Band Potawatomi Tribe, 532 U.S. 411 (2001).

F. As such, Petitioner's right to "liberty" of the 5th and 14th Amendments are being restrained AND violated by the gatekeeper of SCI Muncy, Respondent Wendy Nicholas, due to an UNCONSTITUTIONAL conviction AND judgment order by a court that was absent of jurisdiction, relating to Petitioner AND/OR the SCPRIC Reservation.

G. The Tenth Amendment is reserved to States OR people, those powers NOT delegated to the U.S. Constitution, AND if power is delegated to Congress in the Constitution, the Tenth Amendment expressly disclaims any reservation of that power to the States. As such, the Commonwealth of Pennsylvania (by way of Respondents Tonkin AND Henry) have breached Art. I § 8, cl. 3 (INDIAN Commerce Clause) because the power to regulate INDIAN Affairs is conferred on Congress. AND Congress WAS NOT legislated the SCPRIC into the jurisdiction of the Commonwealth of Pennsylvania, relating to civil AND/OR criminal offenses ON the SCPRIC Reservation AND/OR conduct by the

SCPRIIC Tribal members ON the SCPRIIC Reservation.

In essence, based upon the above averments the Petitioner has a few "substantial showing(s) of the denial of... constitutional right(s)". See Miller-El v. Cockrell, 537 US 322, 336 (2003). See Scott v. Commonwealth of Pennsylvania, No. 24-1465, U.S. Court of Appeals for the Third Circuit, Filing, "Motion to File Exhibits to the Petition for Rehearing," Exhibit 1, Exhibit 2, Exhibit 3, Exhibit 6, Exhibit 7, Exhibit 8, Exhibit 9, Exhibit 15, Exhibit 21, Exhibit 24, Exhibit 27 AND Exhibit 29, as well as letter for assistance of counsel by the SCPRIIC Tribal Council.

II. Exhaustion, "Fundamental Miscarriage of Justice"

A. Petitioner pleads to the Court to apply the "Absence of Available State Corrective Process Rule, 28 USC § 2254(b)(1)(B), exception," to her matter because presently the Commonwealth of Pennsylvania's statutes AND/OR laws have NO available state procedure by which can secure review of Petitioner's relevant claim. As such, the "No Corrective Process Exception," allows the federal courts to adjudicate claims not raised in a state court. "28 USC § 2254(b)(1)(B) of the Judicial Code excuses a Petitioner from exhaustion if "there is an absence of available State Corrective Process". See Duckworth v. Serrano, 454 US 1, 3 n. 2 (1981).

B. Petitioner's matter is a "fundamental miscarriage of justice" with a "colorable showing of factual innocence". See McCleskey v. Zant, 499 US 467, 495, 111 S. Ct 1454, 113 L. Ed. 517 (1991) (citing Kuhlmann v. Wilson, 477 US 436, 454, 106 S. Ct. 2066, 91 L. Ed. 364 (1986)). As such, Petitioner pleads to the Court to excuse any procedurally defaulted claims, "reaffirming that the 'fundamental miscarriage of justice' exception applies to procedurally defaulted claims." See Coleran v. Thompson, 581 US 722, 750, 111 S. Ct. 2546, 2565, 115 L. Ed. 2d 640, 669 (1990).

"Fundamental 'miscarriage of justice' basis on which to allow federal court to consider challenge to conviction that cannot be presented to state courts is intended for truly extraordinary case in which there is showing of 'actual innocence' by Petitioner, ie that absent alleged constitutional error, it was more likely than not that no reasonable juror would have convicted him/her". See Bastien v. Dragovich, 128 F. Supp. 2d 204 (M.D. Pa. 2000).

III Exhaustion, "Exceptional Circumstances"

A. According to 18 Pa.C.S. 102 (Territorial Applicability), the SCPREC Reservation is not in the jurisdiction of the Commonwealth of Pennsylvania. Therefore, Petitioner was charged, tried, convicted and sentenced with unindictable offenses because no overt acts or failure to act,

which was charged on Petitioner's informations occurred in Pike County (the County that ordered Petitioner's injustice), due to the fact that the trial judge had NO jurisdiction to adjudicate Petitioner's conduct on the SEPRIC Reservation. There are NO statutes in the PENNSYLVANIA Crime Codes AND/OR the PENNSYLVANIA Rules of Civil Procedures AND/OR the PENNSYLVANIA Rules of Criminal Procedures relating to Petitioner's matter. As such, "since state statutes does not allow Petitioner to raise the issue, there is NO state remedy; state remedies are unavailable." See Stem v. Turner, 370 F. 2d. 895, 897-898 (4th Cir. 1996).

B. This Court has supplemental jurisdiction to Petitioner's matter, in pursuant to 28 USCS § 1367. According to Pa. R. Civ. P. 133; 42 Pa. C.S. § 1722(a)(1); Art. V, 10(c) of the Pennsylvania Constitution AND Section 1722(a)(1) of the Judicial Code, "Rules inconsistent with laws," "All laws shall be suspended to the extent that they are inconsistent with rules prescribed under the Constitution of 1968". AND pursuant to Pa. R. Civ. P. 130, "Rules in derogation of common law," "the principle that laws in derogation of the common law are to be strictly construed, shall have NO application to the rules promulgated by the Supreme Court".

C. Based upon Art. V, 10(c) of the Pennsylvania Constitution AND

PA. R. Civ. P. 130, Petitioner's conviction will find NO remedy in ANY PENNSYLVANIA COURT because there ARE NO rules, laws OR statutes in the PENNSYLVANIA Crime Codes OR PA. R. Cr. P. OR the PA. R. Civ. P., in which Petitioner CAN apply AS A remedy. Presently, Petitioner's option for relief in the courts of PENNSYLVANIA ARE NON-existent, while the laws in PENNSYLVANIA ARE SUSPENDED, in terms of relief for Petitioner, her 5th AND 14th Amendment(s) rights to "liberty" in the federal constitution is in conflict with the PENNSYLVANIA Constitution, Arts 5, 10(C). As such, the Commonwealth of PENNSYLVANIA (by way AS Respondents Tonkin AND Henry) have defaulted in "State Exhaustion Remedies" because there ARE NO remedies for Petitioner, in terms of relief in the PENNSYLVANIA laws AND/OR rules AND/OR statutes.

D. The U.S. Supreme Court has recognized nonstatutory exception to the exhaustion requirement in "Special Circumstances". In Frisbie v. Collins, 342 US 519, 522 (1952), "Nonexhaustion properly overlooked because "special circumstances" required prompt federal intervention". "State default of exhaustion defense, special circumstances" required "prompt federal intervention". See Frisbie v. Collins, 342 US at 521-22.

E. Petitioner pleads to the Court that her matter relates to

"exceptional circumstances of peculiar urgency sufficient to require prompt federal action." Petitioner affirms that she is entitled to a hearing upon the merits of her "Petition for Writ of Habeas Corpus" without having exhausted her State Court remedies because of "exceptional circumstances." See *Ex parte Henry Hawk*, 321 US 114, 88 L. Ed. 572, 64 S. Ct. 448 (1944). Petitioner declares that her trial and conviction under such circumstances is in violation of the "Due Process Clause" of the 5th and 14th Amendments, as well as breach of the 6th Amendment and Art. 3/2, ch. 3 because NO crime by Petitioner occurred in the jurisdiction of the Commonwealth of Pennsylvania. As such, Petitioner's conviction is a nullity "special circumstances," which requires prompt federal intervention.

F. Petitioner avows that the Pennsylvania courts have NO remedy to afford her relief and if the federal courts denies Petitioner's petition/application, it would be a manifest injustice. "In an exceptional case the doctrine that habeas corpus Applicant exhaust his (her) State Court remedies need not be rigidly followed to the point of inflicting manifest injustice." See *United States ex Rel. Gockley v. Myers*, 411 F. 2d 216 (3d Cir.), cert. denied, 396 US 847, 90 S. Ct. 96, 24 L. Ed. 2d 96 (1969). "Thus, invocation of 'extraordinary circumstances' exception must bring into play the suggestion of an inability of the State forum to afford an adequate remedy at law." See

Helfant v. Kugler, 500 F.2d. 1188, 1192-93 (3d. Cir), cert. granted, 419 U.S. 1019, 95 S.Ct. 492, 42 L.Ed. 2d. 292 (1974).

IV. Exhaustion, Adjudication

A. On September 26, 2019, two (2) months before Petitioner's arrest on November 18, 2019, Principal Chief Tonia Scott contacted Lt. Floyd Bowen of the Pennsylvania State Police, requesting assistance in the ejection of a few Non-Indian trespassers from the SCPRIC Reservation (as directed to her by Department of Justice, Tribal Justice, Counselor Bob Bullock). In a reply letter, dated October 9, 2019, pertaining to the ejection, P.C. Tonia Scott was informed that "After careful review, it does not appear to be a matter in which our agency can become involved," by Assistant Counsel, John J. Herman (from the Pennsylvania Governor's Office of the General Counsel). Afterwards, P.C. Tonia Scott contacted Mr. Bullock and he directed her to proceed in ejecting the Non-Indian trespassers from the SCPRIC Reservation. It was with the John J. Herman letter, in which all (1) SCPRIC Tribal officials, including Petitioner viewed and agreed that without the assistance of the PSP that the ejection must be executed. See 71 Pa. C.S. 732-301.

B. According to the laws of Pennsylvania, the letter issued from Assistant Counsel John J. Herman is a (No Action) final decision letter that warrants federal intervention,

in terms of a "State Exhaustion Remedy". Assistant Counsel Hernan's letter to Principal Chief Tonia Scott is a final agency decision subject to judicial review and adjudication, in accordance to 2 PA. Cons. Stat. 101.

C. "UNDER 2 PA. Cons. Stat. 101, when an agency's decision or refusal to act leaves a complainant with no other forum, in which to assert his rights, privileges or immunities, the agency's act is an adjudication." See *O'Brien v. Township of Ralpho*, 166 PA. Commonw. 337, 646 A.2d 663, 1994 PA. Commonw. 440 (PA. Commonw. Ct. 1994). "A letter from an agency may qualify as an adjudication so long as the letter is the agency's final order, decree, decision, determination or ruling and such decision impacts on a person's personal or property rights, privileges, immunities, duties, liabilities or obligations." See *Boyertown Area Sch. Dist. v. Dept. of Educ.*, 797 A.2d 421, 2002 PA. Commonw. 266 (PA. Commonw. Ct. 2002). "Protected liberty interest guaranteed by the 5th and 14th Amendments of the United States Constitution, under circumstances that implicate a liberty interest satisfies the definition of a final adjudication under 2 PA.C.S. 101, thereby making the decision subject to judicial review." See *Denko v. Luzerne County Community College*, 113 F. Supp. 2d 722, US Dist. (M.D. PA 2000). See *Scott v. Commonwealth of Pennsylvania*, No. 24-1465, U.S. Court of Appeals for the Third Circuit. Filing, "Motion to File

Exhibits to the Petition for Rehearing, Exhibit 7 AND Exhibit 8.

6. This is an exceptionally important opportunity to set precedent, thus in an effort to prevent future American Indian Tribes in the Commonwealth of Pennsylvania from experiencing the oppression from the Commonwealth that Petitioner's Tribe, the Saw Creek AND Pine Ridge Indian Communities are enduring, due to the Commonwealth not implementing Federal Law, in relations to Indian Tribes. Currently, the SEPRIC is the first Commonwealth of Pennsylvania (State) AND Federally recognized American Indian Tribe, since William Penn AND the Delaware Indians of 1682. As such, there are NO Pennsylvania laws AND/OR Statutes, which have been legislated relating to Indians by the Pennsylvania Assembly, including the SEPRIC Tribal Government. Therefore, Petitioner pleads to the Court to provide precedent with Petitioner's matter as a guide for the Commonwealth of Pennsylvania to enforce Federal Law to/for future American Indian Tribes in the Commonwealth of Pennsylvania's regional courts. "Special AND important reasons" which would justify grant of writ of certiorari by Supreme Court under predecessor to Rule 10 implied a problem beyond academic or episodic; this was especially true where issue involved reached constitutional dimensions, for then there came into play regard for Court's duty to

Avoid decision of Constitutional issues unless avoidance became evasion." See Rice v. Sioux City Memorial Park Cemetery, Inc. 349 US 70, 75 S.Ct. 614, 99 L.Ed. 897, 1955 US LEXIS 863 (1955).

7. Petitioner respectfully submits that she needs additional time, in which to research and draft a "Petition for Writ of Certiorari" raising these issues and ask for an extension of 60 days. In addition, Petitioner is presently incarcerated at SCI Muncy, in the past (3) months due to more frequent lockdowns than usual and dramatic under staffing, Petitioner's ability to research, prepare and work on her case has been greatly hindered, due to the frequent closings of the law library and under staffing. In conjunction, to the institution's staffers repeatedly (3x) returning my request of the "Supreme Court of the United States Rules and Guidelines to File a Petition for Writ of Certiorari," book back to the sender (the Supreme Court of the United States). Based upon these challenges, Petitioner request an extension of time, of 60 days. See Exhibit F.

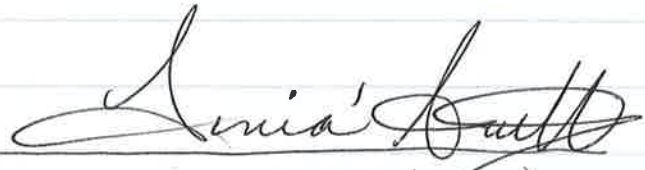
8. Petitioner declares that the enclosed application/petition was given to SCI Muncy staffers for mailing on 12-4-24. If this application/petition is tardy or late, Petitioner pleads to the Court to file "Petitioner's Application for Extension of Time to File Petition for Writ of Certiorari to the United States

Court of Appeals for the Third Circuit," in accordance to Supreme Court Rule 13.5; for an extension of time, due to extraordinary circumstances. Presently, Petitioner is incarcerated at SCI Muncy, as such, Petitioner has NO control of when mail is actually taken to the United States Post Office.

Wherefore, Petitioner respectfully request that an order be entered extending the time to file a "Petition for Writ of Certiorara to the United States Court of Appeals for the Third Circuit," to February 26, 2025 (excluding holidays) or February 24, 2025 (including holidays).

Respectfully Submitted,

12/4/24
Date


Tonia Scott (Petitioner)
SCI Muncy
6454 Route 405
P.O. Box 180
Muncy, PA 17756
ID # PE26818

No. _____

In The
Supreme Court Of The United States

Tonia Scott - Petitioner

VS.

Commonwealth of Pennsylvania, et al. - Respondents

Proof of Service

I, Tonia Scott, do swear or declare that on this date, 12-4-24, as required by Supreme Court Rule 29 I have served the enclosed "Motion for Leave to Proceed In Forma Pauperis," "Petitioner's Application for Extension of Time to File Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit" AND "Petitioner's Application for Relief or Bail to be Reviewed by Justice Samuel A. Alito, Jr," on each party to the above proceeding OR that party's counsel, AND ON every other

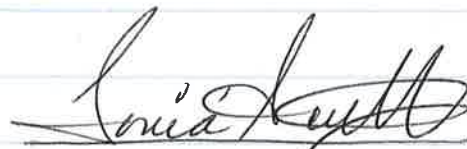
PERSON required to be served, by depositing AN envelope containing the above documents in the United States MAIL properly addressed to each of them AND with first class postage prepaid, OR by delivery to A third-party commercial carrier for delivery within 3 calendar days.

The NAMES AND Addresses of those served ARE AS follows:

1. Raymond Tonkin, 506 Broad Street, Milford, PA 18337
2. Michelle Henry, 14th Floor, Strawberry Square, Harrisburg, PA 17120
3. Wendy Nicholas, 6454 Route 405, Muncy, PA 17756

I declare under penalty of perjury that the foregoing is true AND correct.

Executed on 12-04-, 2024


(SIGNATURE) (Petitioner)

SCI Muncy, 6454 Route 405,
P.O. Box 180, Muncy, PA 17756
ID# PE6818

CLD-138

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 24-1465

TONIA SCOTT, Appellant

VS.

COMMONWEALTH OF PENNSYLVANIA

(M.D. Pa. Civ. No. 1-24-cv-00041)

Present: KRAUSE, FREEMAN, and SCIRICA, Circuit Judges

Submitted are:

- (1) Appellant's Application for a Certificate of Appealability;
- (2) Appellant's Petition to Join Petitions and Retention of Jurisdiction;
and
- (3) Keeba Harris's Petition to Join Petitions and Retention of
Jurisdiction

in the above-captioned case.

Respectfully,

Clerk

ORDER

The application for a certificate of appealability is denied. Appellant has not made a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Reasonable jurists could not debate the accuracy of the District Court's conclusion regarding Appellant's failure to exhaust her state court remedies. See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003) (internal quotation marks omitted) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)). Likewise, we deny Appellant's motion to consolidate her appeal with that of Keeba Harris, an appellant pursuing her case in a separate proceeding, No. 24-1557.

By the Court,

s/Anthony J. Scirica
Circuit Judge

Dated: June 25, 2024
PDB/JK/cc: Tonia Scott
All Counsel of Record



A True Copy:

Patricia S. Dodszeit

Patricia S. Dodszeit, Clerk
Certified Order Issued in Lieu of Mandate

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-1465

TONIA SCOTT,
Appellant

v.

COMMONWEALTH OF PENNSYLVANIA

(D.C. Civ. No. 1-24-cv-00041)

SUR PETITION FOR REHEARING

Present: CHAGARES, Chief Judge, JORDAN, HARDIMAN, SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-REEVES, CHUNG, and SCIRICA*, Circuit Judges

The petition for rehearing filed by Appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the

*As to panel rehearing only.

circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/Anthony J. Scirica
Circuit Judge

Dated: September 27, 2024
JK/cc: All Counsel of Record
Tonia Scott