

IN THE SUPREME COURT OF THE UNITED STATES

SHARIFF BUTLER and JEREMEY MELVIN
Petitioners

V.

JOHN E. WETZEL, et al.,
Respondents

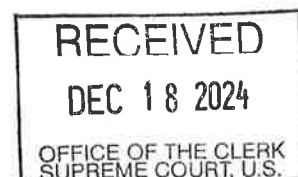
CASE NO. 24A137
(U.S. Court of Appeals No. 23-1761)

MOTION FOR AN APPLICATION TO EXCEED PAGE LIMIT
FOR A PETITION FOR WRIT OF CERTIORARI FOR GOOD CAUSE
SHOWN PURSUANT TO SUPREME COURT RULE
("S.C.R.") 22 & 33.1(d)

AND NOW, Petitioners, Shariff Butler and Jeremey Melvin, ("Petitioners" hereinafter) on behalf of themselves, pro se, move to file this Motion For an Application to Exceed the Page Limit for a Petition For Writ of Certiorari For Good Cause Show Pursuant To Supreme Court Rule ("S.C.R.") 22 & 33.1(d) in the above captioned case.

Petitioners are requesting the permission from This Court to file this motion due to extraordinary circumstances and Petitioners can show that a unique set of circumstances existed to warrant a good cause and plausible explanation for the Court or Justice to grant leave to file Petitioner's writ of certiorari in excess of the page limits as well as to excuse the timing of this said motion. Good cause for all the above are as follows:

On August 7, 2024 This Court by way of the individual justice Samuel A. Alito granted Petitioner Butler, one of a joinder party, an extension of time to file a writ of certiorari for Petitioner Butler had been placed on a temporary transfer from his designated prison of SCI-Huntingdon to SCI-Phoenix in order to attend a scheduled court hearing for his criminal case, thereby, hamstringing Butler's ability to compose a writ of certiorari appealing the U.S. Court of Appeals decision with his Co-Plaintiff/Petitioner Jeremey Melvin who is also housed at SCI-



Huntingdon. Justice Alito extended the time of Petitioner's deadline to September 26, 2024. See Supreme Court of the United States Correspondence as Exhibit-A hereto.

Based on Petitioner Butler's transfer and upon receiving This Court's said correspondence (Ex.A), Butler still had not been transferred back to his designated facility (SCI-Huntingdon) until his return arrival on September 13, 2024 in which left him and his joinder Co-Petitioner Melvin "13 days" to compose their said petition hereto after Butler being on said ATA transfer for well over two months. See Inmate Property Inventory Sheet Disclosing Butler's Re-Arrival Date at SCI-Huntingdon as Exhibit-B hereto.

Even within the 13 day time allotment remaining, other unforeseen circumstances occurred to deter said Petitioners' ability to convene by attending a scheduled Monday afternoon law library session that said Petitioners share together due to a facility-wide lockdown on September 23, 2024 reducing Petitioners' completion time to 12 days with no "make-up" days available in the law library or to converse with one another in any justifiable timeframe. See Request To Staff Response Confirming The Lockdown and Addressing Petitioners' Deadline as Exhibit-C.

The 12 day remainder of time is less than the allotted time given to comply with Rule 22 in order for the clerk to receive a page extension, for a receipt of such an application must be done within 15 days before the filing date of the document in question per Rule 33.1(d). Had Petitioners submitted an application for page extension on the date of Petitioner Butler's return to SCI-Huntingdon it would have still been less than the time given to do so.

Additional good cause can be shown by Petitioners having to file a writ of certiorari presenting twelve claims amongst multiple petitioners and it is due to these set of circumstances that all previous lower courts have granted Petitioners leave for page extensions. See U.S. District Court and Court of Appeals Docket Sheets Disclosing Word & Page Extension Grants as Exhibit-D (U.S.D.C.Dkt. 170 & 173) & E (C.A.Dkt.31, 32, 44 & 45).

Again, Petitioners are imprisoned pro se litigants who are unable to control certain circumstances in receiving rights to an equitable appellate process. Petitioners humbly request the precedence of McNeil v. United States, 508 U.S. 106,

113 (1993), in support of the frustrating obstacles they must go through. (Id. asserting in part; "...procedural rules must give way because of the unique circumstances of incarceration.")

These were the issues prior to Petitioners' initial filing and the reasons expressed above of there being multiple parties in joinder presenting multiple claims still remains a factor that Petitioners ask to be taken into consideration.

WHEREFORE, for the aforementioned reasons, Petitioner prays that this humble request by way of an application to exceed the page limit permit Petitioners' writ of certiorari to exceed the 40 page limit to 44 pages total is granted by the Justice of This Court in the interest of justice.

DATE: 12 / 11 / 2024



Shariff Butler
FM4733
1100 Pike Street
Huntingdon, PA 16654-1112

Respectfully Submitted,



Jeremy Melvin
GB7532
1100 Pike Street
Huntingdon, PA 16654-1112

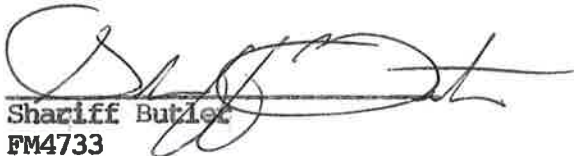
V E R I F I C A T I O N


Petitioner hereby certifies that the following information is true and correct pursuant to 28 U.S.C. §1746 to the best of my knowledge and belief.

Petitioner understands that any false statement answer to any question in this verified statement will subject me to penalties provided by misdemeanor.

DATE: 12 / 11 / 2024

Respectfully Submitted,


Shariff Butler
FM4733
1100 Pike Street
Huntingdon, PA 16654-1112


Jeremy Melvin
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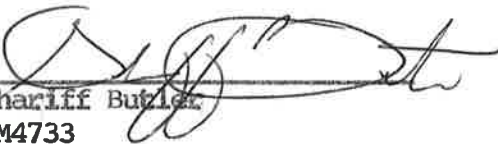
PROOF OF SERVICE

Petitioners hereby certifies that on this 11th day of December, 2024, that
Petitioners caused the foregoing Motion For An Application to Exceed Page Limit For
a Petition For A Writ of Certiorari For Good Cause Shown Pursuant to Supreme Court
Rule 22 & 33.1(d) to be served on all parties of record indicated as follows:

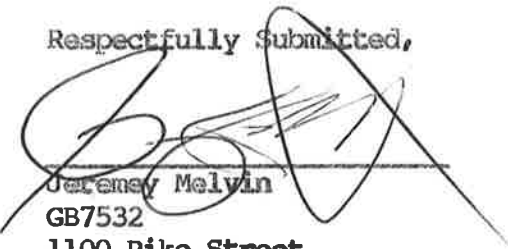
Justice Samuel A. Alito
Office of the Clerk
Supreme Court of the United States
Washington, D.C. 20543

Sean A. Kirkpatrick
Office of Attorney General
Appellate Litigation Section
15th Floor, Strawberry Square
Harrisburg, PA 17120

DATE: 12 / 11 / 2024


Shariff Butler
FM4733
1100 Pike Street
Huntingdon, PA 16654-1112

Respectfully Submitted,


Jeremy Melvin
GB7532
1100 Pike Street
Huntingdon, PA 16654-1112

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

August 7, 2024

Mr. Shariff Butler
Prisoner ID #FM-4733
SCI - Phoenix
1200 Mokychie Drive
Collegeville, PA 19426-0244

Exhibit-A (1 of 2)

Re: Shariff Butler, et al.
v. Laurel Harry, Secretary, Pennsylvania Department of
Corrections, et al.
Application No. 24A137

Dear Mr. Butler:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to Justice Alito, who on August 7, 2024, extended the time to and including September 26, 2024.

This letter has been sent to those designated on the attached notification list.

Sincerely,

Scott S. Harris, Clerk

by

Susan Frimpong
Case Analyst

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

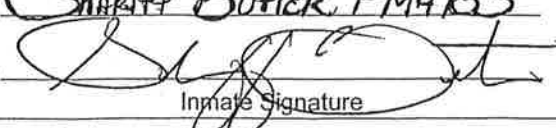
Scott S. Harris
Clerk of the Court
(202) 479-3011

NOTIFICATION LIST

Mr. Shariff Butler
Prisoner ID #FM-4733
1200 Mokyctic Drive
Collegeville, PA 19426

Ex-A (2 of 2)

Clerk
United States Court of Appeals for the Third Circuit
601 Market Street, Room 21400
Philadelphia, PA 19106

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER	Commonwealth of Pennsylvania Department of Corrections INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.
1. To: (Name and Title of Officer) Chamberlain - Unit Manager (CA-Unit)	2. Date: 9/23/2024
3. By: (Print Inmate Name and Number) Shariff Butler FM4733  Inmate Signature	4. Counselor's Name: Young
6. Work Assignment: Refrigeration	5. Unit Manager's Name: Chamberlain 7. Housing Assignment: CA-Unit/Cell 4006
8. Subject: State your request completely but briefly. Give details.	
<p>I Am writing in regards to needing confirmation that the entire prison was placed on a facility-wide lockdown today (9/23/2024) for reasons unbeknownst to myself and I am unaware, as to how long said lockdown is scheduled to last. This requested confirmation is needed as my law library session for 1pm today was cancelled for this reason and I have a scheduled deadline to respond to the Supreme Court of the United States under case name & number; Shariff Butler, et al. v. Laurel Harry, Secretary, Pennsylvania Department of Corrections, et al., case no. 24A137 in which the deadline is set for September 26, 2024 and I ^{have} no way of knowing whether I'll be able to make it to the law library to finish composing and copying my brief. So please give a response as to the existence of said lockdown. I also ask can you make a copy of the response once given. Cash slip is attached for copying fee. Thank you!</p>	
CC: Shariff Butler FM4733	
9. Response: (This Section for Staff Response Only)	
<p>Mr. Butler, SCI HUN was on lockdown status from 8AM through the entire day on 9/23/24.</p>	
<input type="checkbox"/> To DC-14 CAR only	<input type="checkbox"/> To DC-14 CAR and DC-15 IRS

STAFF MEMBER NAME P. Chamberle PJM DATE 9/23/24
 Print Signature

		Signed by Chief Judge Matthew W. Brann on 03/22/2023. (ea) (Entered: 03/22/2023)
03/22/2023	<u>161</u>	CLERK'S JUDGMENT in favor of J. Reed, Kevin Kauffman, T. Emigh and against Shariff Butler. Signed by Chief Judge Matthew W. Brann on 03/22/2023. (ea) (Entered: 03/22/2023)
04/03/2023	<u>162</u>	Document filed entitled "Petition for Leave to Withdraw <u>158</u> Petition for Writ of Mandamus" intended for Court of Appeals by Shariff Butler, Jeremey Melvin. (nr) (Entered: 04/03/2023)
04/12/2023	<u>163</u>	MOTION For Application to Remove Seal from the Record or Permit Reference in Briefs to Sealed Material by Shariff Butler, Jeremey Melvin. (ea) (Entered: 04/12/2023)
04/19/2023	<u>164</u>	Document filed entitled "Exhibit B" Affidavit of Elizabeth Butler by Shariff Butler. (nr) (Entered: 04/19/2023)
04/20/2023	<u>165</u>	Supplement by Shariff Butler to <u>164</u> Document Filed entitled "Exhibit B". (nr) (Entered: 04/20/2023)
04/21/2023	<u>166</u>	NOTICE OF APPEAL in PRISONER Case as to <u>160</u> Order by Shariff Butler, Jeremey Melvin. Filing Fee and Docket Fee NOT PAID. Filing fee \$ 505 The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (ea) (Additional attachment(s) added on 4/21/2023: # <u>1</u> Transmittal Letter # <u>2</u> Application to Proceed In Forma Pauperis on Appeal for Shariff Butler and Jeremy Melvin) (ea) (ea). (Entered: 04/21/2023)
04/21/2023	<u>167</u>	MOTION for Application to Remove Seal from the Record or Permit Reference in Briefs to Sealed Material by Shariff Butler, and Jeremey Melvin. (ea) (Entered: 04/21/2023)
04/21/2023	<u>168</u>	MOTION to Alter or Amend Judgment by Shariff Butler, and Jeremey Melvin. (ea) (Entered: 04/21/2023)
04/21/2023	<u>169</u>	BRIEF IN SUPPORT of <u>168</u> MOTION to Alter Judgment filed by Shariff Butler, and Jeremey Melvin. (Attachments: # <u>1</u> Exhibit A - Mail Tracking, # <u>2</u> Exhibit C - Article on Judgment, # <u>3</u> Exhibit D - Orders, # <u>4</u> Exhibit E(1) - Orders, # <u>5</u> Exhibit F - Article, # <u>6</u> Exhibit G - 09/02/2020 Order, # <u>7</u> Exhibit H - 09/20/2021 Order, # <u>8</u> Exhibit I - 11/19/2021 Order, # <u>9</u> Exhibit J - COVID-19 Chart) (ea) (Entered: 04/21/2023)
04/24/2023	<u>170</u>	MOTION to Exceed Word Limitation by Shariff Butler, Jeremey Melvin. (Attachments: # <u>1</u> Trasnmittal Letter)(nr) (Entered: 04/24/2023)
05/03/2023	<u>172</u>	MOTION For Corrections Based on Clerical Mistakes, etc. including Memorandum in support by Shariff Butler, Jeremey Melvin. (Attachments: # <u>1</u> Exhibit A)(nr) (Entered: 05/03/2023)
05/05/2023	<u>173</u>	ORDER granting <u>170</u> Motion for Leave to File Excess Pages. Plaintiffs' brief (Doc. 169) in support of their motion to alter or amend judgment is accepted by the Court as properly filed. Signed by Chief Judge Matthew W. Brann on 5/5/2023. (jr) (Entered: 05/05/2023)
05/05/2023	<u>174</u>	ORDER - IT IS HEREBY ORDERED that Plaintiffs' <u>163</u> <u>167</u> motions to remove a seal are DENIED. Signed by Chief Judge Matthew W. Brann on 5/5/2023. (jr) (Entered: 05/05/2023)

- 11/20/2023 31 MOTION filed by Pro Se Appellants Shariff Butler and Jeremey Melvin for Permission to Exceed Page Limitation on Reply Brief. Response due on 11/27/2023. Certificate of Service dated 11/14/2023. Service made by US mail. (KEL) [Entered: 11/22/2023 04:56 PM]
- 12/04/2023 32 ORDER (Clerk) The foregoing motion filed by Appellants Shariff Butler and Jeremey Melvin for leave to exceed page limitation is granted with filing as of November 20, 2023. (TMM) [Entered: 12/04/2023 03:13 PM]
- 12/08/2023 33 MOTION filed by Appellants Shariff Butler and Jeremey Melvin to Correct the Record for a Clerical Error, Mistake and/or Correction Pursuant to F.R.A.P. 27. Certificate of Service dated 12/02/2023. Service made by US mail. SEND TO MERITS PANEL-- [Edited 02/07/2024 by TMM] (TMM) [Entered: 12/08/2023 04:59 PM]
- 12/26/2023 34 ORDER (Clerk) The foregoing motion and any response thereto are referred to the merits panel for consideration with Appellants' reply brief. (TMM) [Entered: 12/26/2023 10:20 AM]
- 02/16/2024 35 CALENDARED for Wednesday, 03/06/2024. (AR) [Entered: 02/16/2024 09:02 AM]
- 03/06/2024 36 SUBMITTED (Pro Se) on Wednesday, March 06, 2024. Panel: BIBAS, PORTER, MONTGOMERY-REEVES, Circuit Judges. (KY) [Entered: 03/07/2024 11:02 AM]
- 03/08/2024 37 NOT PRECEDENTIAL PER CURIAM OPINION Coram: BIBAS, PORTER and MONTGOMERY-REEVES, Circuit Judges. Total Pages: 9 *Appellant's motion to exceed the page limitation for their argument in support of the appeal is granted, and their motion to correct the record is denied as moot. C.A. Dkt. Nos. 21 & 33.--[Edited 03/15/2024 by TMM] (TMM) [Entered: 03/08/2024 09:54 AM]
- 03/08/2024 38 JUDGMENT, Affirmed. Costs taxed against Appellants. (TMM) [Entered: 03/08/2024 09:56 AM]
- 03/25/2024 39 MOTION filed by Appellants Shariff Butler and Jeremey Melvin for 21 Day Extension of Time to File Petition for Rehearing. Certificate of Service dated 03/20/2024. Service made by US mail. (TMM) [Entered: 03/25/2024 04:26 PM]
- 03/26/2024 40 ORDER (Clerk) The foregoing motion is granted. Appellants' petition for rehearing must be filed within (21) twenty-one days of the date of this Order. (TMM) [Entered: 03/26/2024 10:49 AM]
- 04/19/2024 44 MOTION filed by Appellants Shariff Butler and Jeremey Melvin for Enlargment of Page Limitation for Petition for Rehearing. Certificate of Service dated 04/13/2024. Service made by US mail. (TMM) [Entered: 04/26/2024 10:13 AM]
- 04/26/2024 43 CLERK'S OFFICE QUALITY CONTROL MESSAGE: Noncompliance Order at No. 42 sent to Appellants requesting Motion for enlargement of page limitations for petition for rehearing. ERROR: Noncompliance Order issued in error. A motion by Appellants for enlargement of page limitations was received on 4/19/2024. CORRECTION: Noncompliance order was issued in error and will be removed from the docket. THIS MESSAGE IS FOR INFORMATIONAL PURPOSES ONLY. (TMM) [Entered: 04/26/2024 10:06 AM]
- 04/29/2024 45 ORDER (PORTER, Circuit Judge) Motion by Appellants Shariff Butler and Jeremey Melvin for enlargement of page limitation for petition for rehearing is GRANTED. Porter, Authoring Judge. (TMM) [Entered: 04/29/2024 11:06 AM]
- 04/29/2024 46 PETITION filed by Appellants Shariff Butler and Jeremey Melvin for Rehearing En Banc and before Original Panel. Certificate of Service dated 04/15/2024. (TMM) [Entered: 04/29/2024 11:11 AM]