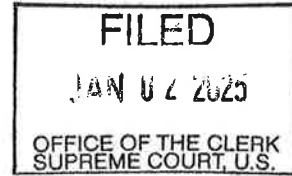


24A733

IN THE SUPREME COURT OF THE UNITED STATES

JOSHUA GUNNAR OLSON

PETITIONER



v.

UNITED STATES OF AMERICA

APPELLEE,

**APPLICATION TO A INDIVIDUAL JUSTICE
TO EXTEND THE TIME TO FILE**

**A WRIT OF CERTIORARI
RULE 13 (5)**

I. INTRODUCTION

This motion on a application to a individual justice to extend the time limit to file a Writ Of Certiorari, pursuant to Rule 13 (5) of the promulgated rules of the Supreme Court Adopted “December 5th 2022”, and effective January 1st 2023. Which allows for good cause that a justice may extend the time to file a Writ of Certiorari made pursuant to Rule 22 (1) and (3) and directed to the individual justice allotted to the circuit in which this case arose, of the United States Court Of Appeal for the Eighth Circuit.

This application presents after having received a order formally issuing from the United States Court Of Appeals For The Eighth Circuit Docket Number 23-2500.

II. BACKGROUND

This case presents upon the intent of this petitioner to seek further review from a order issued in Docket No. 23-2500 by a panel of judges from the Eighth Circuit entered, on the 6th day of May, 2024.

A *per curiam* opinion affirming the District Courts order subjectively in paraphrase “ We conclude that Mr. Olson forfeited his challenge to the Magistrate Judge’s Authority and any error was not “clear or obvious”. (See attached copies of Judgment Dated May 6th, 2024)

Proceeding on issues if properly made known before this court would respectively prompt review.

Following the time limitations, on review for Writs Of Certiorari to review a judgment in any case such is timely when it is filed with the Clerk Of Court within 90 day’s after entry of Judgment sought. Unless a timely petition for re-hearing is filled in the lower court. In this instance such time limitations, on *any* 90 Day period begins to run from the denial of such petition for re-hearing or if such re-hearing is granted, then the subsequent entry of Judgment. See Supreme Court Rule 13 (3)

III. BASIS FOR JURISDICTION

The basis for jurisdiction exists following Supreme Court Rule 10. Titled: Considerations Governing Review On Certiorari: the following is read, 28 U.S.C. § 1251

Rule 10 (c), The Character indicating the reason this court considers;

“A state court, or a United States Court Of Appeals has decided a important question of Federal Law that has not been, but should be settled by this court., or has decided an important federal question in a way that, conflicts with the relevant decisions of this court”

Having Stated the basis for Jurisdiction of this court the error presented goes to the Structural integrity of the lower courts Jurisdiction to which the Statutory Authority of that court to lawfully adjudicate claims properly made known before it did not actually over the claim presented from a order entered on the 17th Day of October 2024 in the United States Court of Appeal For The Eighth Circuit in Docket [23-2500] from a petition denying rehearing and rehearing en banc.

Due to the unforeseen circumstances presented below this petitioner presents a application to a individual Justice as required of the Rules Of The Supreme Court Rule 22 (3) to extend the time to file a Writ Of Certiorari and sets forth such reasons in the following.

IV. ISSUES PRESENTED

This petitioner present upon application of this court to a individual Justice allotted to the circuit of which this case having arisen from describes the following exceptional circumstances below:

1. This petitioners housing status at the Sherburne County Jail Facility was unexpectedly changed temporarily to the Segregation unit, after what this petitioner has concluded is a calculated attempt to prevent my defensive progression in a successive state case in the State of Minnesota's Tenth Judicial District Court Of Anoka County, in Case file 02-Cr-22-3293, and 02-Cr-22-3294 of this state case involving the identical common issues of providential elements in both State and Federal litigation concerning the basis for this petitioners conclusory facts upon presentment to supplement the basis for review. This petitioner having recently in connection with this petitioners Writ of Certiorari¹ and the successive state

¹(See United States Court Of Appeals For the Eighth Circuit Docket [23-2500] “ Petition for rehearing and rehearing enbanc and attached USB Flash drive Discovery

litigation served a subpoena to a Local collective bargaining unit known as “Local 10 Sheetmetal Union and Metropolitan Joint Apprentice Training Center located at 3554 Whitebear avenue St. Paul, Mn” and associated with the organization known as S.M.A.R.T. where this petitioner was previously in good standing as a member. After several brief discussions with this petitioner previous collective representative and former colleague and employer Presidential representative of such Local union, this petitioner has served a lawful process upon “Local 10 Union and Metro Joint Apprentice Training Center Coordinator” “[Cory Nelson]” in the case files mentioned above to produce records they have holding in their possession regarding this petitioners former Classmate and Co-worker, now Department Of Justice Officer of the Alcohol, Tobacco, Firearms and Explosives Division Special Agent [Caleb Hoisington], who is the lead investigating Agent in the State and Federal Case proceedings. “Local 10 Sheetmetal Union” then having contacted their Benefits litigator “Amy L. Court” of Hendricks, Loop and Schumacher of Bloomington, Minnesota. Has turned over such State issued subpoena to the “designated Case agent” who's previous employment records were the target subject of the Subpoena for impeachment purposes in both proceedings. The State Of Minnesota Anoka County Attorney “[Amy Reed’ Hall]” has since been, provided a copy of such Subpoena by [Special Agent Caleb Hoisington] in aspects of Suppressing and quashing its contents. The Anoka County Attorney “[Amy Reed’ Hall]” then filed a motion to quash such Subpoena claiming “[Special Agent Caleb Hoisington]” is a “victim” and his records are Confidential under the Doctrine of “Touhey v. Regan 71 S. Ct. 416 (1951)”. (See attached exhibits for comprehension of this judicature posture.) It was then that this petitioner after having received such documents attempted to file a response, due to the veracity of these ongoing proceedings and their posture regarding

this issue, this petitioner has been experiencing pressured environments attempting to address this topic in these designated courts, and seemingly was provoked into a argument with a employee of the Sherburne County Jail which led to disciplinary lock down in segregation.

2. Coincidentally, in this Segregation Unit, this petitioner does not have access to the Jails provided law library. This petitioner only has access to the provider Libre Officer Writer Version: 6.0.4.2 (x64). This Petitioner cannot access any Lexis Nexus Databases to conduct the further research these complex legal issues on Certiorari require while housed in Segregation and the Sherburne County Jail Program Coordinator “[Mark Fritel]” has sent a mass email informing all housing unit officers not to allow me to purchase Pro-Se legal materials as per Sherburne County Jail policy “[Mark Fritel]” States “a individual at this facility cannot use the Pro-Se services or be allowed to purchase Pro-Se notarial material unless the United States Marshals Service approves of such”. This petitioner cannot access the required material needed to facilitate a Writ of Certiorari while in segregation or until this court issues a order declaring the Constitutional rights of this petitioner to enable the facility to follow this court previous holding under *Bounds v. Smith* 430 U.S. 817 *Id* at *824-825 and allow this petitioner to purchase the needed material. This petitioner scheduled contracted outdate is set up for, The 6th Day of January 2025, and will be moved to a different restricted housing unit for (15) day’s with (2) hours out time intervals a day, after the (15) day mark is completed, then will this petitioner have unfettered and unrestricted access to the living unit with the ability to use the Full law library and research the needed material and documents needed to file a effective appeal.

3. This petitioner working through counsel has uncovered extreme gross prosecutorial and government misconduct in this case. The likes of which totally exonerate this petitioner completely on the issue first presented in [23-2500] whereas in light of new evidence that has now been made known before the lower court that was not known at the time this petitioner initiated his appellate proceedings, which exposes extreme government misconduct of the Department of Justice intentionally omitting false information to cover up material facts into a federal proceeding regarding the identity resulting in a fabrication of evidence and the prosecutions intentional suppression of such exculpatory evidence in its possession, while knowingly submitting pleadings in the appellate proceedings that are a misrepresentation of truth, when in fact the prosecution had in its possession such exculpatory evidence since “December 5th 2022” that would factually exonerate this petitioners finding of incompetence, and prove the Department of Justice and the United States Attorney Office committed such gross misconduct intentionally violating this petitioner due process and unlawfully confining him under commitment in excess of 27 months without lawful cause. This petitioners counsel is engaged in open discovery with the United States Attorney office and the Department of Justice and is awaiting further discovery on this subject that would justify a grant of review upon petition for Certiorari. It should be made known that The Assistant United States Attorney Emily Anne Polachek in the midst of this misconduct subsequently has resigned from the United States Attorney Office is no longer an attorney and has transferred to another component of the Department of Justice.

V. RELIEF SOUGHT

This petitioner setting out this unusual and exceptional circumstance to afford merit to this request upon reaching a individual Justice of this Court, respectfully request that given this petitioner elementary ability to draft meaningful legal papers cannot do so adequately at this facility due to this petitioner individual autonomy being restricted placing a limitation by the Sherburne County Jail Program Coordinator [Mark Fritel] upon direct orders of the United States Marshal's Service in Minneapolis Mn. Since this restriction is directed via the USMS this petitioner cannot effectively receive notarial² services at this facility needed to file and draft meaningful paper unless this court grants relief further upon petition. This limitation and petitioners current housing status make it a impossibility for this petitioner to effective comply with the original (90) day deadline from Supreme Courts Rule 13. (1). and such liberal extension would remedy this petitioners dilemma and although for the accurate research in order to draft a meaningful opportunity for Constitutional review and correction.

This petitioner counsel is engaged in open discussion of discovery on this newly discovered evidence which would shock the conscience exposing such extreme government misconduct and prosecutorial misconduct and until such discovery is fully disclosed regarding this issues on appeal this petitioner is requesting this court grant the appropriate relief.

This petitioner respectfully request upon review made known before this court and individual Justice that it be in holding of a lesser standard then document(s) of member of this courts Bar and such grateful request be honored. Hanies v. Kerner 404 U.S. _ and the following of Hughes v. Rowe 449 U.S. 5 (1980).

Respectfully Submitted,

² Pro Se purchases include, Paper, stamp's envelopes and stamps and notary to authenticate them.

Date 01-02-2025

U.S.A. v. OLSON

s/  _____

Joshua G. Olson

13880 Business Center Drive NW

Elk River, Mn 55330

United States Court of Appeals
For the Eighth Circuit

No. 23-2500

United States of America

Plaintiff - Appellee

v.

Joshua Gunnar Olson

Defendant - Appellant

Appeal from United States District Court
for the District of Minnesota

Submitted: May 6, 2024

Filed: May 14, 2024

[Unpublished]

Before BENTON, KELLY, and STRAS, Circuit Judges.

PER CURIAM.

Joshua Olson appeals the determination that he is not mentally competent to stand trial on carjacking and firearms charges and must be temporarily committed to the custody of the Attorney General. *See* 18 U.S.C. § 4241(d). A magistrate judge¹

¹The Honorable Tony N. Leung, United States Magistrate Judge for the District of Minnesota.

issued the order and the district court² overruled Olson's objections because the findings were not "clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A). Although he now argues that the court should have reviewed the competency determination de novo, we conclude that he forfeited his challenge to the magistrate judge's authority and any error was not "clear or obvious." *United States v. Pirani*, 406 F.3d 543, 550 (8th Cir. 2005) (en banc) (summarizing plain-error review). Nor can he get relief on any other issues raised in the briefs. We accordingly affirm the district court's order. *See* 8th Cir. R. 47B.

²The Honorable David S. Doty, United States District Judge for the District of Minnesota.

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

No: 23-2500

United States of America

Appellee

v.

Joshua Gunnar Olson

Appellant

Appeal from U.S. District Court for the District of Minnesota
(0:22-cr-00162-DSD-1)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

October 17, 2024

Order Entered at the Direction of the Court:
Acting Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Maureen W. Gornik

IN THE SUPREME COURT OF THE UNITED STATES

JOSHUA GUNNAR OLSON

PETITIONER

v.

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APPELLEE,

PROOF OF SERVICE

I. INTRODUCTION

These documents were served consistent with the applicable provisions of the Rules promulgated of the United States Supreme Court and were served upon the following parties; except that all parties are herein served and consistent with the Supreme Court Rule 29. (4).


1. United States Supreme Court Clerks Office at 1 First Street NE, Washington D.C. 20543.
2. The Solicitor General for the United States Of America (see Rule 29.(4)) Room 5616
Department Of Justice 950 Pennsylvania Avenue, N.W., Washington D.C. 20530-0001
3. United States Attorneys Office located in Minneapolis Minnesota for Assistant United States Attorney "David Green"

Date 01-02-2025

U.S.A. v. OLSON

All of these documents are true and shored in its natural settings, and are filed under Title 28
U.S.C. § 1746 for declaration made Unsworn under the penalty of perjury.

Respectfully Submitted,


Joshua G. Olson
13880 Business Center Drive NW
Elk River, Mn 55330