

TRULINCS 57560054 - CARTER, ROBERT E - Unit: YAN-K-A

FROM: 57560054
TO:
SUBJECT: Supreme Court Order
DATE: 01/30/2025 07:32:48 AM

January 30, 2025

Scott Harris
Clerk of the Court
United States Supreme Court
1 First Avenue, N.W.
Washington, D.C. 20543-0001

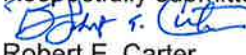
RE: Robert E. Carter v. United States No. 24-6170

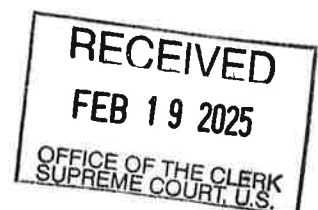
Mr. ~~Scotts~~ :

On January 27, 2025, this Court issued an order denying my motion to proceed in forma pauperis and directing that I pay the filing fee pursuant to Rule 38(a) of this Court. The Court also ordered that I file a petition in compliance with Rule 33.1 of this Court.

Accordingly, I have included the filing fee of \$300.00 as ordered. With regard to the Rule 33.1 order, I have included a motion request to the Court because as an incarcerated individual, it is impossible for me to file a petition in booklet form. (See Rules 12.2 and 39.3 of this Court)

Respectfully submitted,


Robert E. Carter
Applicant
Registration Number 57560-054
FPC Yankton
P.O. Box 700
Yanton, SD 57078



TRULINCS 57560054 - CARTER, ROBERT E - Unit: YAN-K-A

FROM: 57560054
TO:
SUBJECT: Supreme Court Motion
DATE: 01/29/2025 03:33:27 PM

No. 24-6170

IN THE UNITED STATES SUPREME COURT

ROBERT E. CARTER,

Applicant,

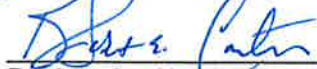
v.

UNITED STATES OF AMERICA,

Respondent.

PETITIONER'S MOTION REQUEST FOR THE COURT TO CONSIDER THE ORIGINAL PETITION FOR WRIT OF CERTIORARI BEFORE JUDGMENT TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT AS ORIGINALLY FILED

ROBERT E. CARTER


Registration Number 57560-054
Applicant, Pro Se
Yankton Federal Prison Camp
P.O. Box 700
Yankton, South Dakota 57078

FROM: 57560054
TO:
SUBJECT: Supreme Court Part One
DATE: 01/29/2025 03:32:23 PM

I. BACKGROUND

On December 9, 2024, the Petitioner filed in this Court a Petition for Writ of Certiorari Before Judgment to the United States Court of Appeals and an Emergency Application for Stay of Mandate, bail pending appeal, or in the alternative, an administrative order staying the Seventh Circuit's Order directing the Petitioner to report to prison on December 18, 2024, pending this court's consideration of the petition. The documents were accompanied by a Motion to Proceed In Forma pauperis.

On December 10, 2024, the Clerk of this Court notified the Petitioner by electronic means (email) that the documents filed would be returned so that the Petitioner could amend the documents to comply with this Court's rules. Specifically, the Clerk directed the Petitioner to amend the jurisdiction statement, "to the extent that you are seeking review of the Seventh Circuit's order, the case is no longer pending." The Clerk did not advise the Petitioner that the petition should also be amended to be filed in booklet form. As a result, the Petitioner made the changes directed by the Clerk and refiled the documents.

On December 11, 2024, the Petitioner amended the jurisdictional statement, removed the Seventh Circuit orders, amended the Appendix and refiled the documents as directed by the Clerk. Petitioner made no changes to the substance of petition as directed by the Clerk.

On December 18, 2024, after determining that the refiled petition and emergency application complied with the rules of this Court for an in forma pauperis proceeding pursuant to Rule 39 of this Court, the Clerk docketed the petition and the emergency application which were filed simultaneously. The documents were filed simultaneously in order to obtain a stay so that the Petitioner would not be required to report to prison on December 18, 2024, as directed by the Seventh Circuit Court of Appeals. However this Court did not respond to the emergency application with the same speed as it does with emergency applications filed by more prominent petitioners who pay the filing fee, are represented by counsel, and who are treated more favorably than those who do not. As a result, Petitioner was required and did report to the Yankton Federal Prison Camp in Yankton, SD on December 18, 2024, as ordered. Petitioner is now incarcerated. On December 30, 2024, nearly two weeks after the Petitioner had already reported to prison, and the emergency application was moot, Justice Barrett finally denied the emergency application. Accordingly, Petitioner remains confined at Yankton Federal Prison Camp.

On January 9, 2025, the Clerk of this Court distributed the petition to the Court and scheduled it for conference on January 24, 2025. On January 27, 2025, this Court issued an order list. This Court denied the Petitioner's request to proceed in forma pauperis and allowed the Petitioner until February 18, 2025, in which to pay the filing fee pursuant to Rule 38(a) of this Court and to file a petition that complies with Rule 33.1 of this court.

For the reasons more fully explained below, the Petitioner respectfully request that this Court consider the petition for writ of certiorari before judgment to the Seventh Circuit Court of Appeals as originally filed on December 9th, 2024 and December 18, 2024.

II. THE PETITION RAISES AN ISSUE OF IMPERATIVE PUBLIC IMPORTANCE

The original petition requests resolution of an issue of imperative public importance. Petitioner invoked this Court's jurisdiction pursuant to 28 U.S.C. 2101(e) and Supreme Court Rule 11 because the facts of the Petitioner's case challenges the government's use of the fraudulent inducement theory to obtain his conviction. This Court should grant this request because the original petition presents questions of imperative importance on which this court has (1) already granted certiorari and (2) heard oral argument.

On June 17, 2024, this court granted certiorari on the exact same question presented by the Petitioner in Kousisis v. United States. Further, this Court heard oral argument on the same question on December 9, 2024. Moreover, there are two additional petitions which presents the same question and similar factual circumstances in both Bolos v. United States and Porat v. United States. Requiring a pro se petitioner, who is incarcerated to file a petition in booklet form, which is impossible to do from prison would be a miscarriage of justice particularly in light of the fact that an issue of imperative public importance is presented by the petition. Accordingly, the Petitioner requests that this Court grant this request and consider the petition as it was originally filed.

III. RULE 33.1 OF THIS COURT

As of December 18, 2024, the petitioner reported to prison as required by the Seventh Circuit's Order and remains incarcerated. The Federal Prison Camp at Yankton does not have the resources or capability for the Petitioner to file a petition that complies with Rule 33.1. Indeed, the Petitioner used his inmate email account to prepare this motion because it is the most professional form of presentation that the Petitioner has access to. Moreover, this Court's Rules provide that an inmate who is incarcerated is not required to meet the same standards as those who have access to readily available resources. (See Rules 12.2 and 39.3 of this Court) The Petitioner is pro se and not represented by counsel. Also, neither this Court, the Seventh Circuit, nor the District Court has appointed counsel or allowed the Petitioner to continue the in forma pauperis status first granted by the District Court.

As a result, it is impossible for the Petitioner to comply with the Court's order to file a petition in compliance with Rule 33.1. Plainly, the ability to prepare a petition in booklet form while incarcerated is not available to the Petitioner. Therefore, the Petitioner requests that this Court consider the original petition as filed on December 9, 2024, and docketed on December 18, 2024.

IV. ADDITIONAL TIME

If this Court insists that even though the Petitioner is an inmate confined at the Yankton Federal Prison Camp and regardless of the fact that it is impossible for the pro se Petitioner to comply with Rule 33.1, then the Petitioner requests an extension of 45 days to arrange for the Petitioner to find a company who can bind the petition into booklet format, send it to the Petitioner in prison and then permit the Petitioner to mail it to this Court. The Petitioner respectfully submits that two weeks is not sufficient time for Petitioner to accomplish the Court's order within that timeframe.

V. CONCLUSION

Petitioner respectfully requests that this Court (1) grant the request that this Court consider the original petition as filed on December 9, 2024 and docketed on December 18, 2024 and (2) if this Court denies this request, then the Petitioner respectfully requests 45 days to meet this Court's order of January 27, 2025.

Respectfully submitted,



Robert E. Carter
Petitioner, Pro Se
57560-054
Yankton Federal Prison Camp
P.O. Box 700
Yankton, SD 57078

TRULINCS 57560054 - CARTER, ROBERT E - Unit: YAN-K-A

FROM: 57560054
TO:
SUBJECT: Proof of Service
DATE: 01/29/2025 01:30:55 PM

IN THE SUPREME COURT OF THE UNITED STATES

ROBERT E. CARTER,
Petitioner,

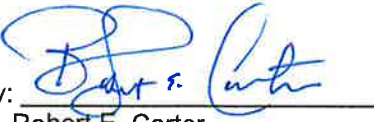
v.

UNITED STATES OF AMERICA,
Respondent.

PROOF OF SERVICE

I hereby certify and declare that under penalty of perjury pursuant to 28 U.S.C. 1746 that on January 29, 2025, and pursuant to Supreme Court Rule 29, I mailed a copy of the attached Petitioner's Motion Request for the Court to Consider the Original Petition for Writ of Certiorari Before Judgment to the United States Court of Appeals for the Seventh Circuit as Originally Filed, by placing the copy in the institution outgoing legal mail box to be mailed to the following individual at the following address:

Ms. Susan Harris
Acting Solicitor General of the United States
Department of Justice
950 Pennsylvania Ave. N.W., Room 5616
Washington, DC 20530-001

By: 
Robert E. Carter
Applicant

Dated: January 29, 2025