

No.
IN THE
Supreme Court of the United States

THOMAS BYRD LAWHON, JR.

Petitioner

v.

KENTUCKY TAX BILL SERVICING, INC,
PEOPLES BANK & TRUST COMPANY
COMMONWEALTH CD FUND LLC

Respondents

MOTION FOR AN EXTENSION OF TIME
TO FILE A WRIT OF CERTIORARI
TO THE SUPREME COURT OF KENTUCKY
2024-SC-0106-D

Comes the movant/petitioner, Thomas Byrd Lawhon Jr., without counsel and not an attorney, and for his motion states as follows:

MOTION

Thomas Byrd Lawhon Jr. moves the Supreme Court of the United States Associate Justice Brett M. Kavanaugh, who oversees the Sixth Circuit, because movant/petitioner is a resident of Kentucky, to grant his motion for an extension of time to file a petition for certiorari To The Supreme Court of Kentucky concerning Case Number 2024-SC-0106-D, which left without review Court of Appeals decision

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JURISDICTION

The Supreme Court of the United State may currently be moved by movant/petitioner for writ certiorari because this Court and no court below has proper jurisdiction, but this Court may review a state court of last refuge.

FACTS

The prospective petitioner is a resident of Kentucky.

Movant/petitioner filed a motion for discretionary review in the Supreme Court of Kentucky.

The Supreme Court of Kentucky is the court of last resort in Kentucky.

The case number in Supreme Court of Kentucky of Motion for Discretionary Review was 2024-SC-0106-D.

Said Supreme Court of Kentucky denied Motion for Discretionary Review in Supreme Court of Kentucky Case No. 2024-SC-0106-D on December 12, 2024.

ARGUMENT

Supreme Court of the United States Rule 30.1 states:

In the computation of any period of time prescribed or allowed by these Rules, by order of the Court, or by an applicable statute, the day of the act, event, or default from which the designated period begins to run is not included. The last day of the period shall be included, unless it is a Saturday, Sunday, federal legal holiday listed in 5 U.S.C. §6103, or a day on which the court building is closed.

The court of last resort in Kentucky denied movant/petitioner's Motion for Discretionary Review on December 12, 2024, which left the Court of Appeals opinion.

Supreme Court of the United States Rule 13.1, states:

Unless otherwise provided for by law, a petition for a writ of certiorari to review a judgment in any case, civil or criminal, entered by a state court of last resort, or of a United States court of appeals (including the United States Court of Appeals for the Armed Forces) is timely when it is filed with the Clerk of the Court within 90 days after entry of judgment. A petition for a writ of certiorari seeking review of a lower state court that is subject to discretionary review by the state court of last resort is timely when it is filed with the Clerk within 90 days after the entry of the order denying discretionary review.

The above-mentioned denial of movant/petitioner's Motion for Discretionary Review on December 12, 2024 began the running time of 90 days for petitioning for a writ of certiorari.

Supreme Court of the United States Rule 13.5, states:

For good cause, a Justice may extend the time to file a petition for a writ of certiorari for a period not exceeding 60 days. An application to extend the time to file shall set out the basis for the jurisdiction in this court, identify the judgment to be reviewed, include a copy of the opinion and any order respecting a rehearing, and set out specific reasons why an extension of time is justified. The application must be filed with the Clerk at least 10 days before the date the petition is due, except in extraordinary circumstances. The application must identify each party for whom an extension is being sought, as any extension that might be granted would apply solely to the party or parties named in the application. For time and manner of presenting the application, see Rules 21, 2.30, and 33.2. An application to extend the time to file a petition for a writ of certiorari is not favored.

According to Google, 90 days after the Supreme Court of Kentucky entered an order denying Motion for Discretionary Review on December 12, 2024 is Thursday, March 12, 2015.

Supreme Court of the United States Rule 29.2, states:

A document is timely filed if is received by the Clerk in paper form within the time specified for filing; or if it is sent by first class mail (including express or priority mail), postage prepaid, and bears a postmark, other than a commercial postage meter label, showing that the document was mailed on or before the last day for filing; or if it delivered on or before the last day of filing to a third-party commercial carrier for delivery for to the Clerk within 3 calendar days. If submitted by an inmate confined in an institution, a document is timely filed if it is deposited in the institution's internal mail system on or before the last day for filing and is accompanied by a notarized statement or declaration in compliance with 28 U.S.C. § 1746 setting out the date of deposit and stating that first class postage has been prepaid. If the postmark is missing or is not legible, or if the commercial carrier does not provide the date the document was received by the carrier, the Clerk will require the person who sent the document to submit a notarized statement or declaration in compliance with 28 U.S.C. § 1746 setting out the details of the filing and stating that the filing took place on a particular date within the permitted time.

This Motion for an Extension of Time to File a Petition for Certiorari is timely under preceding Rules of the Supreme Court of the United States on March 2, 2025.

The last day for filing this motion on March 2, 2025 was a Sunday, so the new due date is March 3, 2025, which is today.

The judgment that is herein sought to be reviewed is that of the Owen District Court, reviewed without reaching the merits by the Owen Circuit Court Case No. 17-CI-00048, affirmed by Court of Appeals case No. 2023-CA-00048, which judgment was left standing when the Supreme Court of Kentucky in Case No. 2024-SC-0106-D denied Motion for Discretionary Review, without implying any comment or opinion on the merits of Court of Appeals Case No. 2023-CA-0637, that also did not imply any comment or opinion of the merits of the Owen Circuit Court, which did not imply or

comment upon the merits of the Owen District Court case, which was a case in small claims, but now has been before a precedent setting court.

Reasons that an extension of time is reasonable include that while there are attorneys who have been admitted to Bar of the Supreme Court who begin a case already thoroughly familiar with the rules of the Court and of the procedures for filing a petition for certiorari thereto, the movant/petitioner, who is not a lawyer, and is filing pro se, therefore is dependent on is this Court providing a current copy of Rules of the Supreme Court of the United States and on this Court providing a copy of the Memorandum to guide those intending to prepare a petition for a writ of certiorari in booklet format and pay the \$300 docket fee, and upon the reception of both such documents.

Although it took only a matter of weeks to receive both the rules and the Memorandum after movant/petitioner telephoned the office of the Clerk of the Supreme Court of the United States, it took time to get to the point of telephoning the office of the Clerk, which in point of fact was after inquiring in at the Law Library at the Capitol Building of Kentucky, and then inquiring at the clerk's office of the Supreme Court of Kentucky, both of which had nothing on hand about petitioning for certiorari to the Supreme Court of the United States, but the latter directed the movant/petitioner to contact the clerk of a federal district court.

However, when movant/petitioner inquired of the federal district court clerk's office, they also had no information either, but that office did suggest calling the Clerk of the Supreme Court of the United States, and advised of its number.

More to the point is the extraordinary circumstance that Supreme Court of Kentucky denied not one, but two Motions for Discretionary Review on the same day, December 12, 2024. It may be that some attorneys handle more than one Supreme Court of the United States case at a time, but to present with two cases that could only be appealed to the Supreme Court of the United States at one time is to say is a bit much on the plate of a non-lawyer would be itself a bit much of an understatement.

This case involves an opposing property being seized that was not all described at all in the Legal Description of the property, and some of remaining property that was pled to have become that of the movant/petitioner from another person who had never owned a significant portion of said property and a relative of movant/petitioner was pleaded to potentially have rights in this case, but those rights were taken away in contravention of a federal statute, and therefore the taking away was without jurisdiction.

The other case of this movant/petitioner before this Justice that was denied Discretionary Review by Supreme Court of Kentucky on the same date as this case, December 12, 2024, was Supreme Court of Kentucky 2024-SC-0107-D, which left in place the opinion affirming in Case No. 2023-CA-1045, which did not reach the merits but affirmed the jurisdictional interpretation of the Owen Circuit Court in case No. 23-XX-00001, which court in turn did not reach the merits of the case, which involved the Owen District Court, without any jurisdiction to rule on a case in which the residence of the movant/petitioner in 2013 that was expressly exempted from property tax by the facts applied to the Constitution of the Commonwealth of

Kentucky that was placed on the ballot and ratified by the citizenry of that state. Court of Appeals Case No. 2023-CA-0637-MR., for which Supreme Court of Kentucky denied Motion for Discretionary Review on December 12, 2024 in Supreme Court of Kentucky Case No. 2024-SC-0107-D.

The problem is that both cases involve issues that are too important to the state and to the country to allow a harmful precedent and it would be ashamed to drop either case to concentrate of the other.

AUTHORITIES

1. Supreme Court of the United States Rule 30.1
2. Supreme Court of the United States Rule 13.1
3. Supreme Court of the United States Rule 13.5
4. Supreme Court of the United States Rule 29.2

RELIEF

Movant/petitioner requests and extension of time of 60 days to file his petition for certiorari.

Alternatively, the same requests whatever the Justice shall find appropriate.

Respectfully submitted,



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