

No.

IN THE

Supreme Court of the United States

THOMAS BYRD LAWHON, JR.

*Petitioner*

v.

COUNTY OF OWEN

*Respondent*

MOTION FOR AN EXTENSION OF TIME  
TO FILE A PETITION FOR CERTIORARI  
TO THE SUPREME COURT OF KENTUCKY  
2024-SC-0107-D

**MOTION**

Comes the movant/petitioner, Thomas Byrd Lawhon, Jr., pro se and not an attorney, and 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 No. 2024-SC-0107-D, which left without review Court of Appeals 2023-CA-1045, which also left

without reaching the merits Owen Circuit Court 23-XX-00001, which in turn did not reach the merits of the Owen District Court small claims case.

### **JURISDICTION**

The Supreme Court of the United State may currently be moved by movant/petitioner for writ certiorari as remedies in state court have been exhausted and no other court has jurisdiction.

### **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 for Motion for Discretionary Review is 2024-SC-0107-D.

Said Supreme Court of Kentucky Motion for Discretionary Review in case number 2024-SC-0107-D was denied 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.

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, 22, 30, and 33.2. An application to extend the time to file a petition for a writ of certiorari is not favored.

Supreme Court of the United States Rule 29.2, states:

A document is timely filed if it 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.

The enclosed 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.

This document would have been due on March 2, 2025, if it were not for the fact that March 2, 2025 was a Sunday, and therefore the due date is March 3, 2025, which is today.

The judgment that is sought to be reviewed is that of the Court of Appeals which was left standing when the Supreme Court of Kentucky denied Motion for Discretionary Review of Court of Appeals Case No. 2023-CA-1045-MR.

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, 2025.

Reasons that an extension of time is reasonable include that while attorneys who have been admitted to Bar of the Supreme Court appear being thoroughly

familiar with the rules of the Court and the procedures for filing a petition for certiorari thereto, the movant/petitioner is not a lawyer and is pro se, therefore is dependent upon the Court providing a current copy of Rules of the Supreme Court of the United States and upon the Memorandum to those intending to prepare a petition for a writ of certiorari in booklet format and pay the \$300 docket fee.

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 that point after inquiring at the Law Library at the Capitol Building of Kentucky, and the clerk's office of the Supreme Court of Kentucky, both of whom had nothing on hand about petitioning for certiorari at the Supreme Court of the United States, but the latter directed that a federal district court should be contacted. However, the federal district court clerk's office had no information either, but did suggest telephoning the Clerk of the Supreme Court of the United States, and provided the phone number.

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

The other case was Court of Appeals No 2023-CA-0637-MR., for which Supreme Court of Kentucky denied Motion for Discretionary Review on December 12, 2024.

This case involves a state which seeks to maximize its intake of funds assessing property tax to its citizens that have property tax exclusions in the Constitution of the Commonwealth of Kentucky duly passed and ratified by the people voting in Kentucky on a ballot measure. The District Court, nor any subsequent court has the jurisdiction to charge a citizen a property tax who does not owe property tax.

There are other states that have a property tax exemption. They also want more revenue than they have. Kentucky gets around its Constitution by passing a law, not a constitutional amendment, which muddy the terms made clear in the Constitution of the Commonwealth of Kentucky, and then teaching the Property Valuation Administrators of each county to abide by the Department of Revenue's interpretation of the law's term "residence" to include a temporary residence as defined in precedents of Kentucky courts, but made clearly inapplicable by the Constitution's term "permanent residence".

The problem is that both cases involve matters that are too important to the state and the country, and it would be ashamed to drop either case to concentrate of the other.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Thomas Byrd Lawhon, Jr.", with some scribbles and loops.

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