


1 Vadim Stanley Miesegeaes  
#0527333, U-29  
2 P.O. Box 7001  
Atascadero, CA 93423-7001  
3 Tel.: 805.468.3156  
Incarcerated Pro Se Litigant  
4

**FILED**

JUN 27 2018

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY   
DEPUTY CLERK

5 **UNITED STATES DISTRICT COURT**  
6 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

7 UNITED STATES OF AMERICA,  
8 Plaintiff,  
9 v.  
10 STATE OF CALIFORNIA et al.,  
11 Defendants.

Case N°: 2-18-cv-00490-JAM-KJN

APPLICATION FOR RELIEF FROM DEFAULT  
AND MOTION TO FILE A LATE AMICUS  
CURIAE BRIEF IN SUPPORT OF PLAINTIFF

14 Before: Honorable James A. Mendez, United District Court Judge

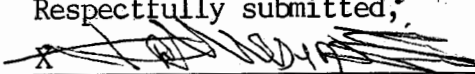
15  
16 In good cause, applicant hereby request to be relieved from the court's  
17 **April 6, 2018**, deadline (ECF 34) and moves to file a late amicus curiae brief in  
18 support of plaintiff. (ECF 179).

19 Applicant is an incarcerated pro se litigant subject to the institutional  
20 hardships who had no way of accessing the internet or the ECF system and who has  
21 no outside contacts in the United States who could have discovered the court's  
22 deadline. The United States Supreme Court held that: "...the lack of control of  
23 pro se petitioner over delay extend much further than that of the typical civil  
24 litigant.", Houston v. Lack, 108 S.Ct. 2379 2384 (1988).

25 As the issues raised in applicant's amicus curiae brief are likely not to  
26 addressed by either parties but are important to the litigation process, the  
27 motion should be granted.

28 Dated: June 25, 2018

Respectfully submitted;

  
Vadim Stanley Miesegeaes

1 PROOF OF SERVICE

2 I declare that I am over the age of 18 and am an incarcerated pro se litig-  
3 ant in the custody of the Department of State Hospitals at Atascadero.

4 On June 25, 2018, I mailed a sealed envelope with the original \_\_\_\_\_  
5 Application for Relief from Default and Motion to file a late  
6 Amicus CURIAS Brief in Support of the Plaintiff  
7 by depositing it in the institution's mail service which is logged by staff in  
8 an outgoing legal mail logbook and processed with the United States Postal Serv-  
9 ice the following day.

10 Mail from: Vadim Stanley Miesegeaes  
11 #0527333, U-29  
12 P.O. Box 7001 \*  
13 Atascadero, CA 93423-7001

14 Mail to : U.S.D.C., Eastern District  
15 Office of the Clerk  
16 501 J St., Ste. 4-200  
17 Sacramento, CA 95814-2372  
18 \_\_\_\_\_  
19 \_\_\_\_\_  
20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 \_\_\_\_\_

23  
24 I declare under penalty of perjury under the laws of the United States that  
25 the foregoing is true and correct;

26   
27 \_\_\_\_\_  
28 Vadim Stanley Miesegeaes, Pro Se Party