No. 07-228

IN THE SUPREME COURT OF THE UNITED STATES
October Term 2006

ELENA RUTH SASSOWER,

Petitioner

v.

UNITED STATES OF AMERICA,

Respondent

MOTION FOR CLARIFICATION BY THE CHIEF JUSTICE, & FOR RECALL/VACATUR OF THE COURT'S OCTOBER 1, 2007 ORDER DENYING CERTIORARI & ADJUDICATION OF PETITIONER'S SEPTEMBER 17, 2007 MOTION TO COMPEL THE UNITED STATES SOLICITOR GENERAL'S RESPONSE TO HER PETITION FOR A WRIT OF CERTIORARI

To the Honorable John G. Roberts, Jr., Chief Justice of the Supreme Court of the United States and Circuit Justice for the District of Columbia:

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

ELENA RUTH SASSOWER, being duly sworn, deposes and says:

1. I am the petitioner *pro se* and bring this application pursuant to Rule 22.1[1]:

(a) for clarification of the Chief Justice's April 26, 2007 opinion in *Boumediene, et al. v. George W. Bush, et al.*, 127 S.Ct. 1725, which the Clerk's Office has represented will be the basis for its returning to me, unfiled, this motion for an extension of time to file my petition for rehearing of the Court's October 1, 2007 order denying my petition for a writ of certiorari (Exhibit 1-a); and

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[1] "An application addressed to an individual Justice shall be filed with the Clerk, who will transmit it promptly to the Justice concerned if an individual Justice has authority to grant the relief sought."

(b) for recall/vacatur of the Court's October 1, 2007 order and adjudication of my September 17, 2007 motion to compel the United States Solicitor General's response to my cert petition (Exhibit 2).

2. The requested extension sought by my first branch and the recall/vacatur sought by my second branch are each based on the misconduct of the Clerk's Office in connection with my September 17, 2007 motion. As to this misconduct, I seek appropriate supervisory oversight by the Chief Justice, and, if necessary, the Court, beginning with a direction that Clerk William K. Suter respond to my unresponded-to September 21, 2007 letter to him (Exhibit 3-a).

3. To the extent the Chief Justice does not have authority pursuant to Rule 22.1 to recall/vacate the Court's October 1, 2007 order based on the Clerk's Office misconduct, I request that he present such branch to the Associate Justices for determination, pursuant to Rule 21, pending which he stay my time to file my petition for rehearing until 25 days from the Court's decision therein, with an additional five days for mailing.

4. Needless to say, should the Chief Justice or the Court recall/vacate the October 1, 2007 order and grant my September 17, 2007 motion, I will not need to petition for rehearing, at least not at this time.

<u>AS FOR MY FIRST BRANCH RELIEF: CLARIFICATION</u>

5. In his opinion in *Boumediene*[2] – a case where certiorari was subsequently granted[3] – the Chief Justice, as Circuit Justice, denied an application to extend time to file a petition for rehearing from an order denying certiorari, stating:

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[2] The pertinent language of such opinion was brought to my attention on Friday afternoon, October 5th, by Supervisory Case Analyst Jeff Atkins, who acknowledged having received the two voice mail messages I had left for him the previous day, neither of which he had returned. Such

"...while Rule 44.1 establishes a 25-day period for filing a petition for rehearing of a judgment on the merits 'unless the Court or a Justice shortens or extends the time,' Rule 44.2, articulating a 25-day period for filing a petition for rehearing of an order denying certiorari, contains no such exception, confirming that the Rules do not contemplate granting an extension for such petitions."

6. The assertion that "the Rules do not contemplate granting an extension for such petitions" is not the equivalent of saying that the Rules proscribe them, which the Chief Justice did not say.

7. Indeed, there is another way of interpreting the language "unless the Court or a Justice shortens or extends the time" appearing in Rule 44.1. It may refer to the authority of the Court or Justices to alter the 25-day time frame as part of the "judgment on the merits" itself. Such would be consistent with the Clerk's Office's interpretation of the

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voice mail messages had followed upon my speaking with case analyst Melissa Blalock in connection with my intended motion to extend my time to file a petition for rehearing from the Court's October 1, 2007 order denying my cert petition. Ms. Blalock had informed me that such would be sent back to me, but refused to identify where the Court Rules proscribed such motion or to discuss with me Rule 30.3. She told me to speak with Mr. Atkins, for whom I left my two voice mail messages for clarification on Thursday, October 4th.

Following my conversation with Mr. Atkins on October 5th, I left two additional voice mail messages for him – one about 2 hours later after I had gone to the law library and obtained the *Boumediene* opinion, and the second, today, Tuesday morning, October 9th, each requesting verification of what I understood Ms. Blalock to have told me: that the Clerk's Office had some sort of letter rejecting such extension applications and that it either gets or had been getting a great many of these applications.

I received no return call from Mr. Atkins. However, according to case analyst Sandy Spagnolo, with whom I spoke after leaving my today's voice mail message for Mr. Atkins, the Clerk's Office's only letter on the subject is not from the Chief Justice, the Associate Justices, or the Clerk. Rather, it is the rejection letter that the Clerk's Office sends to petitioners who send in extension applications. Ms. Spagnolo, who – like Ms. Blalock – would not discuss with me the Court's Rule 30.3 – stated to me that she was unfamiliar with the *Boumediene* opinion and appeared to confirm that the Court gets considerable numbers of applications to extend time to file petitions for rehearing of orders denying certiorari.

[3] Certiorari granted June 29, 2007 – 127 S.Ct. 3078. According to The New York Times in reporting on the grant of certiorari in *Boumediene*, "The court rarely grants such motions for re consideration. Some experts on Supreme Court procedure said they knew of no similar reversal by the court in decades." ("*In Shift, Justices Agree to Review Detainees' Case*", William Glaberson, 6/30/07).

language in Rule 15.1, at issue with respect to my September 17, 2007 motion, that "when ordered by the Court" means the Court acting "on its own volition".

8. That the Rules do not preclude a party from seeking an extension of time to file a petition for rehearing of an order denying certiorari is further borne out by Rule 30, reference to which the opinion omits. Such Rule bears the title "Computation and Extension of Time" (underlining added). Its subdivision 3 expressly states, in pertinent part:

> "An application to extend the time to file a petition for a writ of certiorari, to file a jurisdictional statement, to file a reply brief on the merits, or to file a petition for rehearing shall be made to an individual Justice...". (underlining added).

Conspicuously absent is any distinction as to the type of petition for rehearing for which a party can apply for an extension, which, if intended, Rule 30.3 could have distinguished, just as it did in specifying "a reply brief on the merits".

9. Nor does the opinion address the interpretation that has been given to Rule 30 and its predecessor provisions, reflected in the Court's practice, over untold years, perhaps decades, *to wit*, that the Clerk's Office, in compliance with accepted interpretation of the Rules, has received and filed these extension applications, thereupon channeling them to the individual Justices for their determination. Indeed, 14 years ago, in 1993, my own application for such an extension arising from the Court's denial of cert in *Sassower v. Field* (#92-1405) was directed to Associate Justice Clarence Thomas, then the Circuit Justice for the Second Circuit. Five years later, in 1998, my mother's application for such extension arising from the Court's denial of cert in *Sassower v. Mangano* (#98-106) was directed to Associate Justice Ruth Bader Ginsberg, then, as now, Circuit Justice for the Second Circuit. Both these Justices denied the extension applications. Similarly, the

extension application in *Boumediene* was filed by the Clerk's Office and directed to the Chief Justice, who denied it.

10. Treatise authority such as Moore's Federal Practice also reflects the view that the Court's Rules allow for applications to extend time to file rehearing petitions from the denial of certiorari. Its volume 23 analyzes the Court's Rules and contains a §544.03 entitled "Requirements for Petition for Rehearing of Order Denying Certiorari" which states "...petitions for rehearing must be filed within 25 days after the date of the order of denial, unless that time is shortened or extended by the Court or a Justice...". Its §530.03 "Applications for Extensions of Time" recites at subdivision "[2]...An application for an extension of time...to file a petition for rehearing must be directed to an individual Justice...".

11. I do not know whether the Chief Justice submitted his interpretation of Rule 44 to the Associate Justices, but, assumedly, had he done so – and, certainly, had he consulted with the Clerk's Office – he would have been alerted to the ambiguity created by Rule 30, which his opinion does not cite. In any event, in the very period in which his opinion in *Boumediene* was rendered, the Court was revising its Rules. By Court order dated July 17, 2007, such revisions were "approved by the Court and lodged with the Clerk" and were to be effective October 1, 2007. The Court made no modification to Rule 44 and 30 to reflect any change in the long-accepted interpretation and practice of allowing extension applications for petitions for rehearing of orders denying certiorari.

12. If the Chief Justice's materially-incomplete opinion in *Boumediene* – unendorsed by the Associate Justices – is sufficient to alter the Court's prior interpretation of its Rules and practice pertaining to extensions for rehearing on cert denials, such should be embodied in something more publicly-circulated and authoritative than the *Boumediene*

opinion, which the Clerk's Office can then selectively whip out to prejudice and sabotage specific litigants and their meritorious cert petitions.

13. That the Clerk's Office, in violation of its obligation to "faithfully and impartially" discharge its duties[4], acts invidiously to prejudice certain litigants and cert petitions – and does so undaunted by the prospect of accountability by the Chief Justice – forms the basis of my requested extension and recall/vacatur relief.

AS FOR MY SECOND BRANCH OF RELIEF:
RECALL/VACATUR OF THE COURT'S OCTOBER 1, 2007 ORDER
& ADJUDICATION OF MY SEPTEMBER 17, 2007 MOTION

14. This Court's Rule 1 sets forth the sole basis upon which this Court's Clerk can "reject any submitted filing", namely, that it "does not comply" with the Court's Rules.

15. On September 17, 2007, I express-mailed to the Clerk's Office a motion (Exhibit 2) which fully complied with the Rules. It was a motion, pursuant to Rule 22.1, addressed to the Chief Justice, as Circuit Justice, asking that he "request", if not order, the Solicitor General to file the Government's response to my cert petition or, alternatively, that he present the motion to the Associate Justices for their consideration as to whether, individually or collectively, to require such response – in which event, I enclosed 10 copies of the motion, as Rule 21.3(c) requires.

16. The motion detailed that the Solicitor General's waiver of the Government's right to respond to my cert petition had to be rejected because it was violative of his mandatory obligations under ethical rules of professional responsibility, as well as his duty before the Court. This, because my cert petition was not about "error" or divergence in the courts below. Rather, it was about pervasive judicial lawlessness at two levels of the District of Columbia judiciary – its Court of Appeals and its trial level Superior Court – as

4 28 U.S.C. 951 "Oath of office of clerks and deputies".

well as pervasive prosecutorial misconduct by the United States Attorney's Office for the District of Columbia in a politically-explosive "disruption of Congress" case against me, arising from my exercise of fundamental First Amendment rights[5] in respectfully requesting to testify in opposition to a federal judicial nominee at his public Senate Judiciary Committee confirmation hearing. My motion cited to the Chief Justice's own article, "*Riding the Coattails of the Solicitor General*" (Legal Times, March 29, 1993), to show the importance this Court attaches to the Solicitor General's views[6] and argued that his response to the cert petition was not only threshold to the petition's proper consideration by the Court, but to the Court's recognition of its mandatory obligations embodied in the petition's fourth and culminating "Question Presented":

> "4. Does this Court recognize supervisory and ethical duties when a Petition for a Writ of Certiorari presents readily-verifiable 'reliable evidence' of judicial misconduct and corruption?

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[5] The importance of an independent judiciary to upholding First Amendment rights was the subject of a speech by the Chief Justice on September 19, 2007 – the very day my motion was received by the Clerk's Office and returned to me, unfiled.

Although I have been told by the Court's Public Information Office that copies of the Chief Justice's speech will not be made available, its essence can be gleaned by from press coverage. Among these: "*Nation's top jurist says independent courts vital to free speech*", William Kates/Associated Press, 9/19/07; "*Roberts: Strong courts essential to free speech*", Tony Mauro/First Amendment Center, Legal Times, 9/20/07; "*Telling It Like It Isn't: John Roberts speaks out. A little.*", Dahlia Lithwick/Slate, 9/19/07.

[6] *Cf.* "*When (and Why) Does the U.S. Go To Court?*", Christopher J. W. Zorn (Dept. of Political Science, Emory University), presented at the Annual Meeting of the Midwest Political Science Association, 1997:

> "The United States federal government is the most frequent, the most important, and the most successful litigant in the American federal courts. On average, around forty percent of the cases heard by the U.S. Supreme Court involve the government as a party. Court cases involving the United States typically involve the most consequential issues for people's lives.... Because of its frequency in court, the United States is the only single litigant capable of significantly affecting the shape of the law across this whole range of issues. And in those cases, the federal government wins far more often than any other litigant: the result of which is that the position taken by the government in its litigation, more often than not, becomes the law of the land. In sum, no other litigant wields the influence of the United States in matters of the law."

(1) to make referrals to disciplinary and criminal authorities

(2) to adjudicate the appellate issues, subverted by the underlying judicial misconduct and corruption, where those issues are of constitutional magnitude and public importance..."

17. Among these issues: the pervasive actual bias of the D.C. Superior Court judge, reaching the "impossibility of fair judgment" standard that the Court enunciated in *Liteky v. United States*, 510 U.S. 540 (1994), the unconstitutionality of the disruption of Congress statute, *as written and as applied*, and proper interpretation of its venue provision, the unconstitutionality of the Superior Court judge's probation terms, as well as my legal right to decline such terms, without the judge thereupon retaliating against me by doubling his previously-announced 92-day jail sentence and immediately jailing me for six months.

18. Yet, this crucial September 17, 2007 motion, so vital to my rights, those of the public, and the state of our law, never reached the Chief Justice because the Clerk's Office returned it to me – and did so without even entering the motion on the case docket as having been received and returned, thereby concealing what it had done (Exhibit 1-b)[7].

19. I learned of the motion's return when I telephoned the Clerk's Office on Thursday afternoon, September 20, 2007. I spoke with Supervisory Case Analyst Jeffrey Atkins, who gave as the sole reason for the return that the Court, of "its own volition", can request the Solicitor General to file a response. My reply to him – as it had been on September 17, 2007 when I first phoned him about my intended motion – was that I could not reasonably rely on a busy Court to exercise its *sua sponte* power; that it was my

[7] A docket is defined as "A formal record in which a judge or court clerk briefly notes <u>all</u> the proceedings and filings in a court case." (underlining added) <u>Black's Law Dictionary</u> (8th edition, 1999, West Publishing Co.).

position that the Solicitor General's waiver in the case at bar was violative of ethical rules of professional responsibility and his official duty; and that nothing in the Court's Rules, which I had read, precluded me from making a motion for the Court to direct the Solicitor General to file the Government's response to my cert petition.

20. I asked Mr. Atkins which of the Court's Rules allowed the Clerk's Office to take over for the Chief Justice in effectively deciding my motion by returning it to me. He answered by telling me to "Have a good day" and disconnecting the phone conversation.

21. I thereafter called Mr. Atkins back – twice – but only got his voice mail. I left messages asking that he confirm whether – as it seemed – he had hung up on me. I reiterated my request that he identify which Court Rules authorized the Clerk's Office to return my motion and to do so without even recording its receipt and rejection, thereby creating a docket with a materially false case history. I stated that if he did not phone me back as soon as possible, I would have no choice but to seek supervisory oversight from his superiors.

22. In the absence of Mr. Atkins' return call, I telephoned the Clerk's Office and requested to speak with Mr. Suter. However, I was told by two separate people in the Clerk's Office that Mr. Suter does not take phone calls, that I could also not speak with his secretary, that I could not leave a voice mail message for him, and that the only way I could communicate with him was by letter. This, notwithstanding I explained the exigency of the situation, with the case on the Court's conference calendar for Monday, September 24, 2007.

23. Apparently, Chief Deputy Clerk Chris Vasil does take calls. Yet, upon being put through to Mr. Vasil, he put me "on hold" once I identified myself. I remained "on hold" for over five minutes, before hanging up. When I called him again shortly

thereafter, I got only Mr. Vasil's voice mail. My message for him summarized the exigency of the situation and requested his return call.

24. Despite this stated exigency, neither Mr. Atkins nor Mr. Vasil called me back – and by late in the afternoon the following day, Friday, September 21, 2007, I express-mailed[8] a letter to Mr. Suter, entitled "Clarification of Practices & Procedures at the U.S. Supreme Court Clerk's Office & Misconduct Complaint against Clerk Office Staff" (Exhibit 3-a), enclosing copies for Mr. Atkins and Mr. Vasil, both indicated recipients. After reciting the particulars of my communications with the Clerk's Office the previous day, I requested Mr. Suter to "promptly advise, including by fax and/or e-mail",

> (a) whether he approved of the described conduct of Mr. Atkins and Mr. Vasil;
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> (b) which Court Rules, if any, permit the Clerk's Office to have returned my September 17, 2007 motion for the Solicitor General's response to my cert petition – and to have done so without any record having been made in the Court's docket of either receipt of the motion or its return; and
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> (c) who in the Clerk's Office decided that the Chief Justice should not make his own decision with respect to my motion.

I further requested:

> (d) the percentage of criminal cases in which the Solicitor General waives the Government's "right to file a response" to cert petitions; and

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[8] Before doing so, I sought to confirm that the fax number I had for the Clerk's Office from nine years ago was still good and, if not, to obtain the new number. Lo and behold, upon calling the Clerk's Office and explaining that I needed Mr. Suter's fax number, I was told "let me get you to his secretary". The voice mail of Lynn Holtz then picked up, identifying that I had reached Mr. Suter's Office. Her messages stated that she was away until September 24th, but callers needing immediate assistance could contact Denise McNerney, whose telephone number was given: 202-479-3032. I then spoke to Ms. McNerney who would not confirm the old fax number I had nor give me a different number, stating that the fax was reserved for urgent matters. I responded that my matter was urgent as the case was calendared for Monday's conference and recited briefly my interaction with the Clerk's Officer, as recited in my letter, for which I required Mr. Suter's immediate supervisory oversight. Ms. McNerney then placed me on hold. I remained on hold for more than ten minutes before finally hanging up. Parenthetically, I was unable to transmit the letter using the old fax number.

> (e) whether in any of those criminal cases, the petitioners ever made motions to either a single justice or to the Court for the Government's response – and, if so, whether the Clerk's Office also sent those motions back to the petitioners, and did so without entering them on the case dockets – in which event, I asked for the case numbers or names.

25. I received no response to this letter from Mr. Suter, Mr. Vasil, Mr. Atkins, or anyone else at the Clerk's Office. This, although my letter had expressly stated that I would otherwise be turning to the Chief Justice "who bears ultimate supervisory oversight responsibilities over how the United States Supreme Court Clerk's Office operates".

26. The totality of what I received – which was on the day of the Court's September 24, 2007 conference – was a large padded envelope, postmarked September 19, 2007, containing a letter of that date from Mr. Atkins returning to me my original motion and the ten copies I had sent with it. The sole basis for the return was stated by Mr. Atkins' letter as follows,

> "If the Court wishes to see a response to a petition for a writ of certiorari, the Court will request a response on its own volition." (Exhibit 3-b).

27. Such is not a legal basis for the Clerk's Office to return to me my motion. The Clerk's authority to reject a "submitted filing" is limited by the Court's Rule 1.1 to where it "does not comply with these Rules". There is nothing about my motion (Exhibit 2) which "does not comply with [the Court's] Rules" or which its Rules preclude – and neither Mr. Atkins' September 19, 2007 letter, nor Mr. Atkins when challenged, nor Mr. Suter or Mr. Vasil have contended otherwise. Under such circumstances, the return of my motion was improper, as was the failure of the Clerk's Office, following my September 20, 2007 phone communications and September 21, 2007 letter, to take corrective steps to remove my cert petition from the Court's September 24, 2007 conference calendar so that

my motion might be resubmitted for filing pursuant to Rule 29.1[9] and "promptly" transmitted to the Chief Justice pursuant to Rule 22.1[10]

28. Insofar as Mr. Atkins' letter speaks of my motion's "request" for the Solicitor General's response (Exhibit 3-b), my motion had put the word "request" in quotation marks (Exhibit 2), reflecting the Solicitor General's phrasing in his waiver, which I believe to be more appropriate to cases where the United States is not a party. For cases where the United States is a party-respondent, as here, the Solicitor General may be "ordered by the Court", as ¶2 of my motion identifies, citing Rule 15.1. Such Rule does not indicate the Court's ordering as the product of "its own volition", rather than a motion made for such relief.

29. Although the Chief Justice's opinion in *Boumediene* does not involve Rule 15.1, it nonetheless provides an interpretive guide. This, because the "ordered by the Court" language of Rule 15.1 has parallels to the "by order of the Court or a Justice" language of Rule 16.3, relating to suspension of an order denying certiorari. Such "order by the Court or a Justice" might also be by the "volition" of the Court or a Justice. Yet, as *Boumediene* reflects, the petitioners therein made an application for suspension relief, which was transmitted to the Chief Justice, who adjudicated it.

30. The fact that this Court – or any court – may act "on its own volition" does not bar a party from making a motion. Plainly, the Court is free to deny the motion, if it is not persuaded by the supporting argument therein, as in *Boumediene.* Indeed, this Court, busy as it is with hundreds, if not thousands of cert petitions to determine, as was the case

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9 "Any document required or permitted to be presented to the Court or to a Justice shall be filed with the Clerk."

10 See footnote 1 *supra*.

with its September 24, 2007 conference calendar, benefits when it has before it a motion alerting it to salient and distinguishing facts and law which, given the realities of how cert petitions are processed, the Court is not likely to realize *sua sponte*.

31. Canon 3B(2) of the Code of Conduct for United States Judges – to which this Court's justices look for guidance[11] – and which binds all other federal judges[12] – states:

> "A judge should require court officials, staff, and others subject to the judge's direction and control, to observe the same standards of fidelity and diligence applicable to the judge."

No court – and certainly not our nation's highest – can allow its Clerk's Office to behave in the unprofessional and abusive manner recited by my September 21, 2007 letter (Exhibit 3-a) and to ignore such letter, without response. Response is properly required from Mr. Suter, to whom the letter was addressed, including to each of the letter's five enumerated questions. Particularly important is Mr. Suter's response to the last question so that I may know whether the Clerk's Office is taking upon itself to deny me the "Equal Justice under Law", promised by the chiseled words on the Supreme Court's facade and, if so, the basis therefor. Certainly the possibility that the Clerk's Office is functioning in this case – and in other criminal cases – to "protect" the Government from accountability by blocking the Court from deciding motions to compel the Government's response frustrates the Justices

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[11] Report of the National Commission on Judicial Discipline and Removal, p. 122 (1993).

[12] The American Bar Association's Model Code of Judicial Conduct contains a similar rule, Canon 3C(2): "A judge shall require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties" – replicated in rules binding state and District of Columbia judges.

from appropriate consideration of cases such as this where the criminal justice system has been hijacked for the ulterior political and personal purposes which my petition reflects.

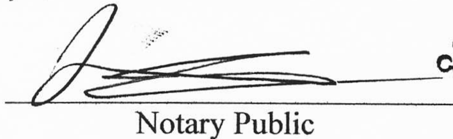
32. Criminal defendants who make the long, arduous, and expensive journey to this Court in vindication of their lives, liberty, and property must not be denied the Government's response to particularized charges of collusive conduct between judges and prosecutors, as here at issue. Compelling such responses would assist the Court so that, even in denying cert review, it may advance justice by discharging its supervisory and ethical duties to refer "reliable evidence" of judicial and prosecutorial corruption and misconduct to disciplinary and criminal authorities, as Canon 3B(3) of the Code of Conduct for United States Judges requires.

33. Examination of my September 17, 2007 motion – and my cert petition on which it is based – shows they are dispositive of the Court's supervisory and ethical duties both as to the motion and the petition.

WHEREFORE, petitioner respectfully prays that the Chief Justice stay her time to file her petition for rehearing of the Court's October 1, 2007 order denying her petition for a writ of certiorari pending response from the Court's Clerk, William K. Suter, to her September 21, 2007 letter, which must be directed, and grant her a 30-day extension from the date of the decision on her entitlement to recall/vacatur of the Court's October 1, 2007 order and to adjudication of her September 17, 2007 motion to compel the United States Solicitor General's response to her petition for a writ of certiorari, with such other and further relief as may be just and proper.

ELENA RUTH SASSOWER

Sworn to before me this
9th of October 2007



Notary Public

LAURA MARJI
Notary Public, State of New York
No. 01MA6049278
Qualified in Westchester County
Commission Expires Oct. 10, 2010

TABLE OF EXHIBITS

Exhibit 1-a:	October 1, 2007 letter from the Court's Clerk, William K. Suter, giving notice of the Court's denial of petition for a writ of certiorari
1-b:	Clerk's Office Computerized Docket Sheet
Exhibit 2:	Petitioner's September 17, 2007 motion, with express mail receipt and tracking
Exhibit 3-a:	Petitioner's September 21, 2007 letter to Mr. Suter, with express mail receipt and tracking
3-b:	September 19, 2007 letter from Jeffrey Atkins, Supervisory Case Analyst

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