

Jacob Smith ao#41666  
50 Crossroads drive  
Shelby, Mt. 59474  
appearing pro se

FILED

JUL 22 2022

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

FILED

07/25/2022

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 22-0396

IN THE SUPREME COURT OF THE STATE OF MONTANA  
Cause No. DA 22-0262

JACOB SMITH,

Plaintiff and Appellant,

vs.

Appellant's Motion To  
File Petition For  
Rehearing Out-Of-Time

ST. PETERS HOSPITAL ET AL.,

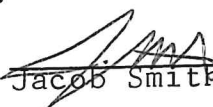
Defendants and Appellees.

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Appellant, Jacob Smith, hereby moves this Court for an order granting his motion to file his petition for rehearing out-of-time.

During the period of time in which his petition was sent through the Corecivic mailing system the designated mail staff had retired or was removed. As a result, his petition was not sent timely.

DATED this 27th day of June. 2022.

  
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IN THE SUPREME COURT OF THE STATE OF MONTANA  
DA 22-0262

JACOB SMITH,

Plaintiff and Appellant,

vs.

ST. PETERS HOSPITAL, BRENN  
MANION, JACOB WILLIAMSM  
KENDRA SMITH, ANDRE MICHEL,

Defendants and Appellees.

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APPELLANT'S PETITION FOR REHEARING

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## DISCUSSION

Never before, in the history of Montana District Courts and the Montana Supreme Court, has the period of time established by the Montana Legislature in Mont.R.Civ.P. been used to establish cause for undue delay or dilatory motive causing prejudice to the opposing party. But that is exactly what both courts have done in this case.

This is clear antagonism against Smith due to his pro se inmate status; as well as his multiplicity of complaints and appeals.

The Supreme Court has denied each and every appeal brought forth by Smith since he began litigating in 2016. The Supreme Court should be made aware that Smith has been relatively successful in his litigious activities and several cases have resolved in his favor. See Cause No. CDV-2016-347, CDV-19-1711, and three separate criminal appeals brought through the Montana Supreme Court and have been appointed counsel by the Ninth Circuit Court of Appeals due to being facially infirm. Which, if decided in Smith's favor will indicate that Smith should not have been convicted.

Every State case that Smith has litigated are inextricably linked by a host of corrupt State actors in collaboration with his ex-wife Kendra Smith. Kendra Smith being a Defendant in the instant civil case. Kendra, along with her personal friend Brenna Manion, conspired to fabricate a PFMA. Brenna Manion was the E.R. nurse. These things Smith can prove in court but it appears that the Supreme Court justices and the District Court judges are conspiring to shut down Smith's litigious activities by an agreement to dismiss the complaints and affirm the dismissals, although this appeal was conjunctively denied as a result

of an untimely notice of appeal which could not have filed timely because of a disability and the lack of typewriters at Corecivic who additionally refuses to honor Smith's purchased copy cards.

During the period of time between service of process and the Defendant's Motions to Dismiss Smith was transferred from MSP to CoreCivic placed in quarantine, and had all his property (legal work) withheld from him at CoreCivic which were all considered by the district court when extensions of time were granted. These were extraordinary circumstances beyond Smith's control. Defendants served November 4, 2021, and Defendants filed Motions to Dismiss November 24, 2021. Exhibits 1-8.

Smith's original complaint was deficient in several areas and contained a technical error which provided a date that documents were received of February 2016. The accurate date was 2017; which Smith offered to establish through testimonial evidence.

#### CONCLUSION

Smith is seeking simply to file an out-of-time notice of appeal along with the commensurate amount of time to prepare and file his opening brief; commensurate with every other appellant who files a notice of appeal. Commensurate with every other appellant who is provided ample time in which to file their opening brief, thereby providing the court with a brief in support of the appealable issues and not just the district court's order in the factoring of the legal argument and factual circumstances.

DATED this 10 day of June, 2022.

  
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Jacob Smith