

FILED

06/05/2023

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 23-0315

Clayton Wayne Ramsey

Form 4(6) Name

1709 1st Ave N

Billings MT 59101

City

State

Zip

Clayton Wayne Ramsey

[e-mail address]

Defendant-Appellant

[Designation of party]



ORIGINAL

FILED

JUN 05 2023

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

IN THE SUPREME COURT OF THE STATE OF  
MONTANA

No. \_\_\_\_\_

*[to be assigned by Clerk of Supreme Court]*

Clayton Wayne Ramsey,

Appellant,

v.

On 6th Ave LLC; Michael Usleber att on rec.

Appellee.

**PETITION FOR  
AN OUT-OF-TIME  
APPEAL**



*[To ask the Court to allow you to file an out-of-time appeal, give the reasons why the appeal was not timely filed. State in the petition or supporting affidavit the issues you wish to raise on appeal and explain in detail the reasons that you did not file a timely appeal. Give only true and accurate explanations that support your petition. Include a copy of the final order or judgment from which you wish to appeal. M. R. App.P. 4(6)]*

I petition the Court to allow me to file an out-of-time appeal for the following reason: [Check one]

☒ I improperly filed a timely Notice of Appeal only with the District Court, as more fully explained below.

☐ I discussed filing a timely appeal with my attorney, but he or she failed to file it for me, as more fully explained below.

☒ I failed to file the Notice of Appeal for the following reason:

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My name is Clayton Wayne Ramsey and I'm the defendant-appellant in case# CV-2022-3193 from the Yellowstone County Justice Court, Civil Division. I'm filing this appeal in desperate desperation in hopes that it egages canon 2 rule 2.16. I have been afforded absolutely no protections from the law. Whi

~~Justice~~  
Court biasedly tended to the plaintiffs every demand. (Literally down to the dollar. Which never changed). I have been working 2 jobs and vigorously studyi  
and  
trying to understand such an Intricate complex judicial system.

~~I filed an appeal bringing attention to the inconsistencies of the laws and the abused discretion of the lower courts but to no avail. It seems there's a prote~~  
umbrella layed over the upper class of society in Yellowstone County. Nothing was done whatsoever with my appeal. It seemed as my appeal just set on th  
appeal  
judges desk collecting dust. My appeal was actually denied but then redacted bc the appeal judge thought I didn't get my reply brief in on time. This is AFT  
the  
appeals court held onto my motion for continuance for 2 days before denying it along with the denied appeal that had to be redacted..

~~Several of my motions to the appeals court were ignored for several days or completely. One motion was for supervisory control from the upper courts. Y~~  
the  
upper class slide the appeal courts anxiousness to protect one of its own demonstrates the biased ways cases are decided.

Is this really our conception of due process? Does this privilege Posner's blunt notion of costminimization over Michelman's and Mashaw's emphasis  
fraternal  
values like dignity and participation? Do we really want our system of procedure to privilege instrumental, Benthamite notions of due process based on  
cost-benefit  
analysis over intrinsic Kantian notions of dignitary fairness?

~~In such a world, who loses? Plaintiffs and under-resourced litigants lose, juries almost never sit to decide cases, and novel claims lose. Perhaps the grea~~  
loss is  
that judges give up their traditional function as adjudicators and become "terminators." As Judge William Young said at this Symposium, judges sit to close  
they  
are increasingly seen and see themselves as gatekeepers, managers who administer techniques of settlement and dismissal. When you cannot measure  
important, you tend to make important what you can measure. And so like anyone else in the workplace, judges tend to do what is measured, and what is  
measured  
and valued in today's courthouses is how many cases are closed, not how justly they are decided.



\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☒ Attached as Exhibit "A," a copy of the judgment or order from which I wish to appeal.

As legal authority for filing an out-of-time appeal, I cite the following which supports this petition:

I'm a homeless self representing litigant That's having to do everything on my phone. I've been transcribing my own audio recordings. On Sept 30 I came up to the courthouse to file an appeal and was told by Jeanne M Walker that I wasn't aloud to file an appeal until the final order was in place.

This was misleading information from the very person that has no regard for anything Except her own agenda. I am begging the courts to recognize the crack that's in the Foundation of the judicial system. If the courts would recognize this appeal and case with extraordinary circumstances that Needs redress. Afford me one brief and I will Show the courts a major flaw and threat to The integrity of the judicial system. And in the End Whereas it is essential, if man is not to be compelled to have recourse, as a last resort to rebellion against tyranny and oppression, that human rights should be protected by the rule of law...

DATED this 30<sup>th</sup> day of May, 20 23.



\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
Clayton Wayne Ramsey

\_\_\_\_\_  
[Print name]

## VERIFICATION UPON OATH OR AFFIRMATION

STATE OF MONTANA            )  
  : ss.  
County of Yellowstone        )

I swear that everything stated in this petition is true and correct to the best of my knowledge.

DATED this 30<sup>th</sup> day of May, 2023.

\_\_\_\_\_  
Clayton W Ramsey

\_\_\_\_\_  
Clayton Wayne Ramsey

[Print  
name]

Signed and sworn to or           before   me on this date by  
affirmed



*[Signature]*

*[Seal]*

\_\_\_\_\_  
*[Signature of Notary Public]*

\_\_\_\_\_  
*[Typed or printed name]*

\_\_\_\_\_  
*[Title]*

\_\_\_\_\_  
*[Residing at]*

*My Commission expires:* \_\_\_\_\_ .

## **CERTIFICATE OF SERVICE**

I certify that I have filed a copy of this **Petition for an Out-of-Time Appeal** with the Clerk of the Montana Supreme Court and that I have mailed or hand delivered a copy to each attorney of record and any party not represented by counsel as follows:

\_\_\_\_\_  
Dara Reimers/ Michael Usleber Counsel

*[Name of opposing counsel]*

\_\_\_\_\_  
316 N 33rd st

\_\_\_\_\_  
Billings MT 59101

*[Address]*



Counsel for On 6th Ave LLC/

[Other party representing himself or herself]

[Address]

DATED this 30<sup>th</sup> day of May \_\_\_\_\_, 20 23

C W Ramsey  
[Name]

Clayton Wayne Ramsey

[Print name]

