

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

CLERK OF COURT
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

Yorie Von Kahl,
Petitioner,

v.

Steve Kallis, Warden, F.C.I. Pekin,
Respondent.

Case No. 1:18-cv-01245- JES

MOTION TO SUBMIT AS ERRATA A
REPLACEMENT COPY OF PETITIONER'S
VERIFIED TRAVERSE TO RESPONDENT'S
ANSWER TO PETITION FOR WRIT OF
HABEAS CORPUS

MOTION TO SUBMIT AS ERRATA A REPLACEMENT COPY OF PETITIONER'S VERIFIED
TRAVERSE TO RESPONDENT'S ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Yorie Von Kahl pro se hereby moves this Court to permit him to submit as an errata a replacement copy of his Verified Traverse to Respondent's Answer to his Petition for a Writ of Habeas Corpus mailed to the Court on November 2, 2018. As grounds for granting such motion, Petitioner hereby states the following:

1. This Court granted Petitioner an enlargement of time to file his traverse to Respondent's answer on or before November 4, 2018. (See Text Order following Doc. 12);

2. Due to Resondent's answer drawing into this proceeding facts and ultimately legal and procedural matters purporting to serve as a chain of legal authority for Petitioner's continuing imprisonment since 1983 and in light of the Court's admonishment that failure to deny Respondent's allegations may compel the Court to treat them as true, (Doc. 3, p.1), Petitioner was left with no choice but to deal with such facts, allegations and procedural bases to ensure against prejudicial effects otherwise potentially resulting by due course of law. 28 U.S.C. § 2248.

3. Because of Respondent's answer new and extensive issues have entered this proceeding which required Petitioner to seek additional documents held by

third parties on his behalf and to perform extensive legal research all of which were very time consuming;

4. Due to relatively severe eye conditions (retinal detachment in his left eye and a recent occurrence of a new astigmatism in his right eye for which he is awaiting corrective lenses which will take anywhere from 3 to 6 months), Petitioner has been forced to obtain assistance for typing and corrective reading by fellow prisoners;

5. During the extension period granted by the Court, Respondent locked down the institution for a full week precluding Petitioner (and his prisoner assistants) from accessing the law library for research, typing or copying:

6. Following the lockdown, access to the law library was difficult due to congestion with many prisoners attempting to catch up over lost time;

7. This institution prohibits prisoner access to the law library (and thus legal research, typewriters and copy machines) systematically on Fridays and Saturdays after 3:30 PM and all day Sundays;

8. The last week available to Petitioner under the Court's granted extension of time to submit the traverse, the law library was again closed on October 30, 2018 and November 1, 2018 for a significant part of those days;

9. On Thursday November 1, Petitioner in great haste to complete the traverse and its exhibits literally worked until 7:15 PM that evening finishing the typing and copying for mailout in the institution's legal mail system the following morning in a diligent attempt to meet the Court's deadline:

10. Upon returning to his cell, he spent the rest of the evening making an envelope sufficiently large enough to enclose and mail the Traverse and Appendix to the Court, as the institution does not provide through the Commissary or otherwise large mailing envelopes):

11. Petitioner thus only was able to carefully read the Traverse after mailing it to the Court and thereupon realized the numerous typographical


errors, including entirely mistyped words and some inadvertant changes by his prisoner-assistant typist apparently due to the rushed schedule and an inability to clearly read Petitioner's handwritten draft:

12. Because some of the errors are considerably misleading and highly prejudicial as to Petitioner's intent, such errors - at least those grossly misleading- should be corrected to prevent confusion by the Court, its clerks and Resondent's attorneys;

13. As Petitioner does not have access to such tools as Spellcheck or a word processor, he is only able to correct by the old fashioned cut and paste method and, thus, the attached replacement Traverse is virtually the same as the version originally submitted with cut and pastings and re-copying with such changes without alteration of the originally intended substance and only to the degree necessary to prevent confusion.

For the above reasons, Petitioner asks the Court to grant this motion and to order the Clerk to replace the existing Traverse of recod with the accompanying Traverse as an errata in the intersts of justice.

Most Respectfully,


Yorie Von Kahl, Movant
Reg.No.04565-059
FCI Pekin
P.O. Box 5000
Pekin, IL 61555

DECLARATION OF SERVICE

Yorie Von Kahl, undersigned, hereby declares under penalty of perjury as required by 28 U.S.C. § 1746 that he placed a copy of the enclosed Motion to Submit as Errata his replacement Traverse with a copy thereof into the legal mail system at the Federal Correctional institution at Pekin, Illinois with First Class Postage and certified addressed to;

Kimberly A. Klein
Asst. U.S. Attorney
211 Fulton St.
Peoria, IL 61602

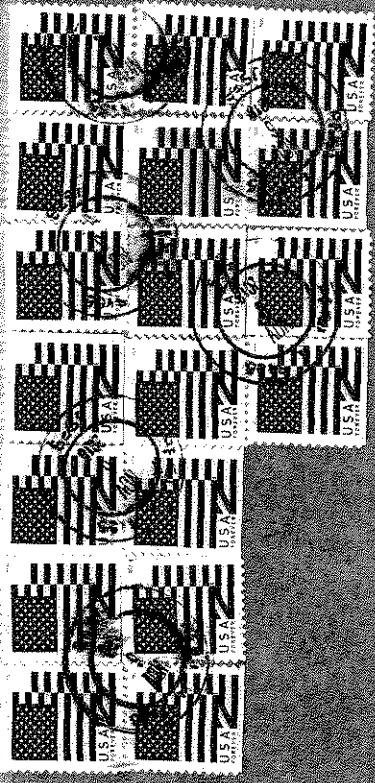
on this 6th day of November, 2018.


Yorie Von Kahl, Declarant

Yoriez Von Kahl
#04565-059
Federal Correctional
Institution Pekin
P.O. Box 5700
Pekin, IL 61555

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