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MOOT COURT BOARD

United States of America,

Petitioner,

-against-

Paul Young,

Respondent.

Record

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QUESTIONS PRESENTED

(1) Whether the prison mailbox rule applies to claims brought under the Federal Tort Claims Act (the "FTCA").

(2) Whether a filing by a represented incarcerated litigant is governed by the prison mailbox rule.

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF EAGLE STATE

Paul Young, Plaintiff, -against- United States of America, Defendant.	Civil Action No. 24-3690 OPINION AND ORDER ON MOTION FOR SUMMARY JUDGMENT

SCAVO, *District Judge*:

Before this court is a motion for summary judgment filed by Defendant United States of America for disposition of plaintiff Paul Young's claims under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. § 2674. For the reasons set forth below, Defendant's motion for summary judgment is GRANTED.

Plaintiff is a prison litigant currently incarcerated at Fairview Correctional Facility ("Fairview Correctional"), a federal penitentiary in this district. Plaintiff filed this FTCA claim, alleging physical abuse at the hands of prison guards and inadequate medical treatment received thereafter in the prison medical ward.

The United States asserts that Young's claim is barred by the statute of limitations governing FTCA actions, 28 U.S.C. § 2401(b), and seeks entry of summary judgment. Upon reviewing the filings from Plaintiff and Defendant, this Court holds that the prison mailbox rule does not apply to administrative filings under administrative regimes such as the FTCA where filing deadlines are defined by regulation or statute. Furthermore, because Plaintiff was represented by counsel at the time of his filing, he is in any event not entitled to benefit from the relief afforded by the mailbox rule.

BACKGROUND

Paul Young ("Young") is currently incarcerated at Fairview Correctional, serving out a sentence for various federal crimes, for which he was duly convicted. Young alleges that, on February 14, 2017, other individuals who are incarcerated and prison guards at Fairview Correctional entered his cell unprompted and subjected him to physical abuse. Young further claims that these inmates kicked and punched Young and, while some guards looked on and refused to intervene, other guards beat him

using a baton. Once the alleged abuse ended and Young was free to leave his cell, he sought medical treatment for the non-life-threatening injuries he had sustained. He now alleges that he was also refused treatment from personnel in the prison medical ward. Young did not complain or seek redress for these alleged abuses at the time that they occurred.

After suddenly firing previous counsel and retaining new counsel, Young proceeded to file an administrative notice ("Form SF-95"), nearly two years after the alleged events occurred, with the Bureau of Prisons ("BOP") for a claim under the FTCA against both the guards who committed the alleged abuse and the medical personnel who allegedly failed to provide adequate treatment. Although Young had retained new, private counsel for a pending criminal appeal and any other litigation in connection with his imprisonment, he did not seek out her assistance, and instead chose to fill out and mail the notice himself.

In a sworn affidavit signed by Young, he alleges that on February 8, 2019, six days before the expiration of the two-year statute of limitations on his FTCA claim, he deposited the Form SF-95 with a correctional officer to be sent out through the prison's legal mailings system.

Approximately three days after the expiration of the two-year limitations period, Young's Form SF-95 was stamped as received by the BOP on February 17, 2019. On June 4, 2019, the BOP denied his claim as untimely. Young then filed suit in this Court against the United States following exhaustion of his administrative remedies below.

DISCUSSION

Moving parties are entitled to summary judgment when "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). The court's role is not to weigh the evidence, but rather to determine if a reasonable jury could return a verdict for the nonmoving party. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249 (1986) (reaffirming that "at the summary judgment stage the judge's function is not himself to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial.").

I. The Prison Mailbox Rule and the FTCA

The United States puts forth the argument that this claim is barred by the two-year statute of limitations provided under the FTCA. 28 U.S.C. § 2401(b). Under the doctrine of sovereign immunity, the United States may not be sued except by consent, "and the terms of its consent to be sued in any court define that court's jurisdiction to entertain the suit." *United States v. Sherwood*, 312 U.S. 584, 586 (1941).

"The [FTCA] is a limited waiver of sovereign immunity, making the Federal Government liable to the same extent as a private party for certain torts of federal employees acting within the scope of their employment." *United States v. Orleans*, 425 U.S. 807, 813 (1976). The statute thus allows prisoners to bring suit against prison officials for injuries sustained as a result of their negligence. *See, e.g.*, *Buechel v. United States*, 746 F.3d 753, 758 (7th Cir. 2014) (FTCA claim for Methicillin-Resistant Staphylococcus aureus ("MRSA") infection allegedly caused by prison's negligence)).

This Court can find no persuasive authority justifying extension of the prison mailbox rule to filings made under the FTCA. Plaintiff asks this Court to extend the reasoning in *Houston v. Lack*, which found that a prisoner's notice of appeal was considered "filed" under Federal Rule of Appellate Procedure 4(1)(A) on the day it was placed in the prison mailing system, rather than, as the text of the rule might have been read, when it was literally submitted "with the clerk of the district court," to his notice at issue here. 487 U.S. 266, 272, 276 (1988). However, such a reading of *Houston* is untenable. The Supreme Court made clear five years after *Houston* was decided, in *Fex v. Michigan*, that "*Houston* interpreted an undefined term in a federal rule of procedure; it did not announce a universal rule for prisoner filings." *Smith v. Conner*, 250 F.3d 277, 278 (5th Cir. 2001) (citing *Fex v. Michigan*, 507 U.S. 43, 52 (1993)).

The vast majority of circuits agree with this view. *See Longenette v. Krusing*, 322 F.3d 758, 764–65 (3rd Cir. 2003) (applying the mailbox rule to forfeiture proceedings only because "neither the statutory nor regulatory schemes define[d] 'filed' or 'given' as requiring actual receipt"); *Smith*, 250 F.3d at 278–79 (citing 8 C.F.R. §§ 3.38, 240.15) (declining to extend the prison mailbox rule to filings made to the Board of Immigration Appeals because receipt was clearly defined by regulation); *Nigro v. Sullivan*, 40 F.3d 990, 994–95 (9th Cir. 1994) (declaring that, because inmate-complaint appeals deadlines were defined by BOP regulations, the court could not, "in the name of sympathy[,] rewrite a clear procedural rule").

The Second Circuit took a narrower view in allowing the mailbox rule to extend to an FTCA filing made against the U.S. Drug Enforcement Agency ("DEA"), because filing deadlines under the FTCA are controlled by regulation, not statute. *Tapia-Ortiz v. Doe*, 171 F.3d 150, 152 n.1 (2d Cir. 1999) ("*Houston* does not apply . . . when there is a specific statutory regime to the contrary."); *see also Censke v. United States*, 947 F.3d 488, 491–92 (7th Cir. 2020) (reading *Tapia-Ortiz* as only refusing to apply the prison mailbox rule where a statutory, not regulatory, regime defines the date of filing). However, this Court sees no practical difference in whether a filing deadline is defined by regulation or statute. Regardless of the specific form a deadline takes, both carry the force of law and are clearly available for litigants to consult prior to making such filings. In that same vein, this Court is inclined to assess *Houston*'s applicability to the matter at hand in light of the Court's reasoning in *Fex*.

The only circuit to come to a contrary conclusion is the Seventh Circuit in *Censke*. 947 F.3d at 493. In *Censke*, the court chose to not read *Fex* as "cast[ing] doubt on the general principle that prisoners may, in the interests of justice, require different filing rules." *Id.* at 492. Indeed, the court saw *Fex* as an exception to the general rule stated in *Houston*, because of the policy considerations at issue with respect to the Interstate Agreement on Detainers, namely, the risks that individuals would escape prosecution on charges in other jurisdictions if the mailbox rule was applied. *See id.* ("In light of *Fex*'s context, we do not read it to stand for any broad principle that the prison-mailbox rule can apply only in a regulatory void."). Further, the Seventh Circuit went to an extreme in stating its belief that if *Fex* applied to *Houston*, then *Houston* might no longer be good law. *Id.*

This Court disagrees. *Houston*, correctly read, stands for the proposition that, *in cases of textual or statutory ambiguity* with respect to the point at which a prisoner's filing is considered submitted, courts should consider filings made when deposited in prison mailing systems. No such ambiguity exists here. The Department of Justice clearly considers claims filed *when first received* by the relevant office, in this case the regional office of the BOP. *See* 28 C.F.R. §§ 14.2(a) (determining that "a claim shall be deemed to have been presented when a Federal agency receives" the necessary documentation), 543.31(c) (laying out where to send FTCA complaints against the BOP). "Received" leaves little room for interpretation. Young's claim was not *received* by the BOP until February 17, 2019, three days after the two-year statute of limitations had run up on his claim. Such a reality leaves this Court no opportunity to afford Young relief.

While this Court sympathizes with the plight of prison litigants in situations such as this one, courts are not free to alter clear, unambiguous text. The law is the law, and filing deadlines, when correctly enforced, prevent stale claims from clogging federal dockets and ensure speedy and just adjudication of claims. This Court is constrained by the rules correctly and legally implemented by a federal agency. Plaintiff's request seeks to proceed in direct contravention of these rules and therefore cannot prevail.

II. The Prison Mailbox Rule and Represented Incarcerated Litigants

Assuming *arguendo* that we found the prison mailbox rule applicable to administrative filings made under the FTCA, Young's claim would separately fail because he was represented by counsel at the time his filing was made.

Houston was "premised on the plight of an inmate who proceeded pro se in the district court, lost, and then sought to appeal without the benefit of counsel," and was thus not "in the same position as other litigants who rely on their attorneys to file a timely notice of appeal." *Burgs v. Johnson County, Iowa*, 79 F.3d 701, 702 (8th Cir. 1996). Outside of the appellate context, "the prison 'mailbox rule' has never been

extended to parties represented by counsel." *United States v. Camilo*, 686 Fed. App'x. 645, 646 (11th Cir. 2017).

This Court finds the Ninth Circuit holding in *Stillman v. LaMarque*, 319 F.3d 1199, 1201–02 (9th Cir. 2003), particularly instructive. In *Stillman*, the court laid out a two-part test to determine whether an incarcerated litigant could benefit from the prison mailbox rule. *Id.* at 1201. First, the litigant "must be proceeding without the assistance of counsel[,]" and second, the litigant must have handed his filing to a prison official for forwarding to the court within the relevant time requirements. *Id.* Although Young satisfies the second prong of the Ninth Circuit's test, he clearly fails the first. Young may have chosen to file his administrative claim without the assistance of counsel, but he was indisputably represented by counsel at the time of such filing.

Although the prison mailing system was the ultimate cause of Young's untimely filing, Young forfeited passing such blame onto the mailing delay when he contracted with new counsel prior to filling out and mailing his Form SF-95. As the Sixth Circuit reasoned in its analysis of this issue, "if a prisoner does not need to use the prison mail system . . . the prison is no longer responsible for any delays and the rationale of the prison mailbox rule does not apply." *Cretacci v. Call*, 988 F.3d 860, 867 (6th Cir. 2021). Young knew he had expert legal advice on hand, and "[c]ounsel should be aware of the potential for delay and is in a position to take precautions to ensure timely filing." *United States v. Rodriguez-Aguirre*, 30 Fed. App'x. 803, 805 (10th Cir. 2002).

Counsel directs this Court to two cases that extended the prison mailbox rule to represented incarcerated litigants, *United States v. Moore*, 24 F.3d 624, 626 (4th Cir. 1994), and *United States v. Craig*, 368 F.3d 738, 741 (7th Cir. 2004). However, these cases are irrelevant to Young's situation. In both cases, the Fourth and Seventh Circuits extended the prison mailbox rule only in situations where filings were made under Federal Rule of Appellate Procedure 4(c), which by its terms applies to all incarcerated litigants, represented or not. *See* Fed. R. App. P. 4(c) ("If an *inmate* files a notice of appeal in either a civil or a criminal case, the notice is timely if it is deposited in the institution's internal mail system on or before the last day for filing.") (emphasis added). The courts saw *Houston*, a case that was also about a filing made under the Federal Rules of Appellate Procedure, as controlling, but limited their reasoning to situations in which the federal rules applied to the resolution of a matter. *See Moore*, 24 F.3d at 626 n.3 (noting that the Federal Rules of Appellate Procedure supported its decision to extend the mailbox rule to unrepresented litigants); *Craig*, 368 F.3d at 740–41 (finding that the mailbox rule generally does not apply to represented litigants, but that in cases explicitly governed by the Federal Rules of Appellate Procedure, the Rules' undifferentiating language controls). Not so here. Young's filing was made pursuant to regulations promulgated by the BOP, not the Federal

Rules of Appellate Procedure. As such, the reasoning of the Fourth and Seventh Circuits is inapplicable.

The aim of *Houston* was to provide leniency to incarcerated litigants proceeding without the benefit of counsel, *not* to save individuals who are incarcerated from the mistake of not consulting with their attorneys. Young unquestionably had counsel at the ready when he was preparing and mailing his Form SF-95. His own choice not to consult her in order to benefit from her advice was an error, yes, but not one this Court has the ability to correct. The prison mailbox rule simply does not extend to scenarios in which filing deadlines are clearly defined by regulation or statute, especially when such filings could have been made with the assistance of learned counsel.

While this Court sympathizes with the plight of Young and others like him, it lacks the authority to afford relief.

CONCLUSION

For the foregoing reasons, Defendant's motion for summary judgment is GRANTED. Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Lynette Scavo

/s/_____
Hon. Lynette Scavo
United States District Judge

Dated: June 1, 2021.

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF EAGLE STATE

Paul YOUNG, Plaintiff-Appellant, -against- UNITED STATES of America, Defendant-Appellee.	NOTICE OF APPEAL Civil Action No. 24-3690

NOTICE IS GIVEN that Paul Young appeals to the Court of Appeals for the Fourteenth Circuit the granting of Defendant-Appellee's motion for summary judgment in the District of Eagle State that was rendered on June 1, 2021 and entered on June 1, 2021.

/s/ GSolis
Gabrielle Solis
Attorney for Plaintiff-Appellant
4349 Wisteria Lane
Fairview, Eagle State 06437

CERTIFICATE OF SERVICE

I hereby certify that a copy hereof has been furnished to Michael Delfino, Esq., Attorney for Appellee, by electronic service this 2nd day of June, 2021.

/s/ GSolis
Gabrielle Solis
Attorney for Plaintiff-Appellant

Dated: June 2, 2021.

United States Court of Appeals
FOR THE FOURTEENTH CIRCUIT

MARCH TERM 2022
No. 24-3690

Paul Young,

Plaintiff-Appellant,

v.

United States of America,

Defendant-Appellee.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF EAGLE STATE

ARGUED: SEPTEMBER 15, 2021
DECIDED: OCTOBER 20, 2021

Before: Britt, Van de Kamp, Roland, *Circuit Judges.*

BRITT, J:

Before this court is the appeal of a motion for summary judgment. Accepting the facts as stated by the District Court for the District of Eagle State, we review the motion *de novo*. Appellee moved for summary judgment on Appellant's Federal Tort Claims Act ("FTCA") claims made pursuant to 28 U.S.C. § 2674, holding that such claims were time-barred by the applicable statute of limitations, 28 U.S.C. § 2401(b). Appellant Paul Young ("Young") argues that the district court incorrectly determined that (1) the prison mailbox rule does not extend to administrative complaints made under the FTCA, and (2) the prison mailbox rule does not extend to represented prison litigants. We agree with Appellant. We REVERSE the decision of the district

court and REMAND this case for further proceedings in accordance with the opinion and reasoning set forth below.

BACKGROUND

Though we adopt the facts as stated by the United States district court below, it is worth briefly restating them.

Appellant Young was incarcerated at all relevant times in Fairview Correctional Facility ("Fairview Correctional"), a federal penitentiary located in Eagle State. On February 14, 2017, prison guards and several other people who are incarcerated entered Young's cell and brutally beat him. After inflicting serious injury on Young, the guards left Young in his cell. When he was finally released, Young sought treatment in the prison's medical ward, which he claims was inadequate to the point that he received little to no care at all. Young suffered a concussion, multiple cuts and bruises to the face, and nerve damage in the upper neck that has since resulted in chronic pain. After receiving little to no treatment, Young was immediately discharged back into the prison's general population.

After struggling to get legal assistance with filing an administrative claim under the FTCA, Young retained new counsel approximately a month before the expiration of the two-year statute of limitations, as defined by statute. *See* 28 U.S.C. § 2401(b) ("A tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within two years after such claim accrues."). Anxious about the upcoming deadline, and knowing that it would take his new counsel some time to get abreast of Young's case, Young moved forward and filed an administrative notice ("Form SF-95") with the Bureau of Prisons ("BOP") on his own. Young deposited his notice with a prison official charged with placing it into the prison's outgoing legal mail on February 8, 2019, six days in advance of the filing deadline of February 14, 2019. However, the BOP did not stamp Young's notice as received until February 17, 2019, three days after the end of the two-year limitations period.

As a result of this delay, Young's claim was denied as untimely by the BOP on June 4, 2019. Young then sought review of this denial with the United States District Court for the District of Eagle State. In the court below, the district court judge held that Young's claim was appropriately denied, as the prison mailbox rule did not apply to administrative filings made under the FTCA, since 28 U.S.C. § 2401(b)'s requirement that the claim be "presented" has been explicitly defined by subsequent regulation. 28 C.F.R. § 14.2(a). Further, the court reasoned that even if these claims could have benefited from the mailbox rule, Young forfeited the benefits of this measure of leniency when he retained new counsel. Young timely appealed the district court's decision to this Court.

DISCUSSION

I. The Prison Mailbox Rule Applies to Filings Made Under the FTCA.

The district court incorrectly determined that the prison mailbox rule does not apply to administrative filings made under the FTCA. While this Court acknowledges that we are in disagreement with many of our sister circuits, we decline to adopt their flawed reasoning.

The district judge came to her conclusion by reading *Fex v. Michigan*, 507 U.S. 43, 49–52 (1993) as placing a constraint on *Houston v. Lack*, 487 U.S. 266, 274–76 (1988). We disagree. *Houston* stands for the overall proposition that incarcerated litigants, by virtue of their incarceration, tend to require different and more lenient filings rules. *See Houston*, 487 U.S. at 271 (discussing the logistical difficulties facing incarcerated litigants). *Fex* addressed a unique situation where the Supreme Court held that the prison mailbox rule did not apply to the Interstate Agreement on Detainers (the "Agreement"). 507 U.S. at 52. Article III of the Agreement provides that a prisoner under a detainer "shall be brought to trial within one hundred and eighty days after he *shall have caused to be delivered* to the prosecuting officer . . . written notice" of the request. *Id.* at 45 n.1 (emphasis added). Confronted with the question of whether the 180-day clock began when the detainee placed the letter in the prison mail system or when the prosecutor received it, the Court concluded that the Agreement was best read as requiring the latter. *Id.* at 52.

The Court in *Fex* found that the statute was open to multiple interpretations. *Id.* at 49. While noting the existence of textual arguments in favor of its holding, the lynchpin of the *Fex* Court's holding was its analysis of the policy implications necessitating it. *Id.* at 49–50. The Court considered that the mailbox rule might benefit an incarcerated litigant if a prison official did not forward their request seeking to obtain disposition on their foreign charges when it was deposited, because then that individual would not face prosecution on their other charges if the request was received past the 180-day clock required by statute. *Id.* However, it found the other practical implications of such an interpretation to result in an untenably detrimental outcome. The Court hypothesized that if the 180-day clock began when the request was submitted, a negligent or malicious correctional official could choose to not forward the request to the prosecution until after the 180-day period had elapsed, resulting in "the prosecution [being] precluded before the prosecutor even knows it has been requested." *Id.* at 50.

Such a concern is not relevant here. *Fex* is a decision cabined to the circumstances under which it was decided, circumstances which implied potentially serious consequences for prosecutors in other jurisdictions. These drastic implications are not at issue with claims under the FTCA. The dangers warned of in *Fex*, and the factual

circumstances which led to its decision, are simply inapplicable to the facts before this Court.

Further, this Court notes that the Supreme Court does not overrule itself silently. *See Rodriguez de Quijas v. Shearson*, 490 U.S. 477, 484 (1989) ("If a precedent of this Court has direct application in a case, yet appears to rest on reasons rejected in some other line of decisions, the Court of Appeals should follow the case which directly controls, leaving to [the Supreme Court] the prerogative of overruling its own decisions."). Holding that *Fex* introduced a clear statement rule, in direct contradiction to what the Court in *Houston* held, would necessitate holding that *Houston* had been overruled. *Fex* does not even mention *Houston* in any of its reasoning, and there is no reason to assume the *Fex* Court had *Houston* in mind when reaching its decision. Any connection between the two cases is entirely fabricated by our sister circuits and the district courts below. If *Houston* is still to be good law, which this Court has every reason to believe it is, it must be read separately from *Fex*.

This Court agrees with the Seventh Circuit that "prisoners may, in the interests of justice, require different filing rules." *Censke v. United States*, 947 F.3d 488, 492 (7th Cir. 2020). That is, because of the fact that incarcerated litigants sometimes require different filing rules, the prison mailbox rule should be presumed to apply even in the context of regulatory-defined deadlines like this one. *Fex*, if anything, is an extreme exception to this rule, not to be read broadly, but to be kept within the circumstances under which it was decided. Therefore, we REVERSE the District Court below on this ground.

II. The Spirit of *Houston* Extends Even to Represented Prison Litigants.

Separately, this Court also finds that the district court below erred in determining that Young forfeited the benefits of the prison mailbox rule simply because he was nominally represented by counsel at the time that he filed his administrative complaint. The *Houston* Court, in reaching its decision, was primarily concerned with the fact that pro se prisoners are incapable of taking steps, such as travelling and speaking to a clerk of the court, to monitor the actual filing, receipt, and processing of their notice. *See Houston*, 487 U.S. at 271.

When *Houston* was codified in the Federal Rules of Appellate Procedure, it was determined to apply to any "[i]nmate [c]onfined in an [i]nstitution." Fed. R. App. P. 4(c). That text is unambiguous. We agree with our sister circuit that "a court ought not pencil 'unrepresented' or any extra word into the text of Rule 4(c), which as written is neither incoherent nor absurd." *United States v. Craig*, 368 F.3d 738, 740 (7th Cir. 2004). However, that is not what we are doing here by extending Rule 4(c)'s unambiguous directive here to Young's situation. Although we acknowledge that the filing in the matter at hand was not made pursuant to the Federal Rules, there is no

reason not to extend the spirit and clear, unambiguous textual understanding of *Houston* animating this Rule to Young's plight.

Moreover, while *Houston* itself was a case decided within the context of the Federal Rules, nothing in its opinion limited its reasoning to that specific context. As our sister circuit aptly stated, "there is little justification for limiting *Houston*'s applicability to situations where the prisoner is not represented by counsel." *United States v. Moore*, 625 (4th Cir. 1994). Indeed, these incarcerated litigants "would gladly trade those few extra days for the opportunity to timely deliver their notices in person." *Id.* This Court sees no convincing reason why it should distinguish between claims such as this one and filings made with a federal court as part of a federal appeal. They are, in the most relevant respects, very similar processes. Moreover, the interests of justice demand that we treat them similarly. In both situations, an incarcerated litigant is seeking his day in court. We ought to grant them that right.

The district court judge below went too far in limiting the spirit of *Houston* and the particular imbalance it attempted to address. As our colleagues on the Fourth Circuit stated, "[r]equiring the clerk of a district court to wait a few extra days before receiving a notice of appeal from an incarcerated appellant, whether represented or not, does not offend our notion of fairness." *Id.* at 626–27 We agree. Incarcerated litigants, represented or not, are subject to a waterfall of administrative hurdles, abuses, ineffective counsel, and a myriad of other difficulties that this Court cannot number. Enforcing a strict filing deadline that Young only failed to meet because of delays in the prison mail system should not be another burden for prison litigants to overcome.

CONCLUSION

Accordingly, the judgment of the lower court is REVERSED and REMANDED for further proceedings not inconsistent with this opinion.

(ORDER LIST: 597 U.S.)

CERTIORARI GRANTED

24-3690 United States of America v. Paul Young

The petition for a writ of certiorari is granted. The parties will address the following questions:

Whether the prison mailbox rule applies to claims brought under the Federal Tort Claims Act.

Whether a filing by a represented incarcerated litigant is governed by the prison mailbox rule.

End of Record

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