

**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS**

January 28, 2015

To: Mr. Daniel Cobble, GDC758572, Georgia State Prison, 300 First Avenue, South, Reidsville, Georgia 30453

Docket Number: A15D0157 **Style:** Daniel Eric Cobble v. Brian Owens, Commissioner

Your document(s) is (are) being returned for the following reason(s).

1. Your Application was not accompanied by the statutory filing fee, \$300.00 civil; \$80.00 criminal, or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 Please be advised that your pauper's affidavit should be notarized by a notary public.
2. Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).
3. A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)
4. A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)
5. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
6. There were an insufficient number of copies of your document. Rule 6
7. No Certificate of Service accompanied your document(s). Rule 6 You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.
8. Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6
9. Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.
12. The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).
13. Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)
14. Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).
15. **Your documents were submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).**
16. **Other: A15D0157 was dismissed on December 16, 2014.**

For Additional information, please go to the Court's website at: www.gaappeals.us

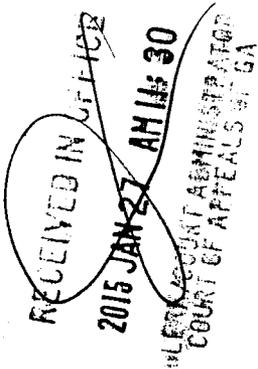
to clerk of Georgia court of appeals

Fran Daniel Esq 6666 758572
Georgia State Prison 300 1st Avenue South
Reidsville, Georgia 30453

today is 1-14-15

- ① I just get your 12-15-14 Rules
of 1-14-15 as enclosed envelope evidence
proves, so please let me file enclosed now ?
- ② Please Read 1st 2 places to understand
whats going on with my timely F&S?
- ③ only file sides of these PSS that are not kept out
- ④ Please Return enclosed order by your firm when
you denewitz it

By Daniel Esq
pro te petitions



In the court of appeals of Georgia
State of Georgia

Daniel Eric Cobble
758572

petitioner

vs.
Brian Owens, Commissioner
of Georgia Dept of Corrections

defendant

RECORDED IN Civil A15D0157
2015 JAN 27 AM 11:30

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Ram nobis and
qualita querele

By Daniel Eric Cobble
pro se petitioner
recovery 1-14-15

plaintiff's motion to file out of time re consideration
due to prison mail tampering & defendant caused
as attached envelope evidence proves

1) Enclosed is evidence that I did not
get this courts 12-16-14 Ruler until 1-14-15
so I could not file re consideration any sooner

2) I sent disc. appeal app on this suit
originally to this court Someday I got Gurnett
superior 10-13-14 Ruler, which was 11-16-14, therefore
(Someday mailing is not out of time)

3) Prison in at now only lets one train in
outgoing mail 1 day a week as a indigent that
night shift wednesdays, but they still don't leave prison
till Fridays, so I can't abide by your 10 days Ruler,
because of GDC Ruler

4) I busted a sprinkler head in infirmary of
Jenkins prison on 10-10-14 because I was held there,
without any clothes and a/c on high, without any of my
in pens, paper, envelopes, addresses to courts, civil case #s forms
or my transcripts, all because I refused to take a To 'test'
shut, so since GDC stole my writing supplies and I was

concerned I'd be prevented from notifying courts of my address & changes timely, I then busted sprinkler head, since my being held in infirmary for that was illegal, since I'd been refusing to test shot at 2 other prisons where that and they did not keep me in infirmary, they would not give me grievances, they were supposed to go get a court order, but they are to cheap for that, so I changed addresses from Hancock Prison to Riverbend prison to Jenkins prison to Georgia State Prison all in 5 weeks time, and I'm now on a mental health program in hole in prison due to that sprinkler head, when if my property had not been stolen then I'd not have busted sprinkler, and I ain't going to voluntarily freeze my butt off, so since I did that I got my papers with back, but since I've not seen brought envelopes, paper, weekly as requested so I can't timely appeal anything

5) Prison Refuses to sign 90 different papers petitions certification forms I've sent them from now to last 90 days and they refuse to return them to me and they refuse to replace them and so I can't properly appeal anything.

6) Prison Refuses to send me last 12 months pay account summary, they only send me 1 month and they only sent that 1 PS twice out of about 48 I sent this particular prison, and that was over 5 week period and they take so long to respond that I can't properly appeal that

7) So because of the Georgia Dept. of Corrections games they play with my U.S. constitutional property right to send and receive mail to days a week et cetera. I was late they've been doing that on hundreds of other

10) If you ain't get jurisdiction, then why ain't you returned my papers to me

8 enclosed in this appeal I originally sent on 11/16/14 was a 11th circuit order on a Federal case re: they said Prisoner Litigation act does not apply to certain re: and audits several cases, therefore Georgia court suppresses Rukens 12/18-14 is wrong

9 You'll ain't get the subscription to have my in prison either, but your still demand, except July 10, 2001 Cobb Superior Court hearing ordered me to pay Stephanie Anne Biggers child support, in person on 15th of every month see civil # 0110420534 but you'll uphold appeal in 04 # of a July 9, 2001 Cobb magistrate TPO said not to

approach Stephanie Biggers within 500 yards, when I went to get my own mail at my own mailbox and while there to pay my own child support for my ex as I did not know where my ex lived, so you'll get me in prison for abiding by a child support court order and for going to my own legal mail address I lived at when my ex did not live in Cobb county at all, and you'll get me for aggravated stalking for my ex when I never talked her, and I told her that entire 11/2 years we both lived with my mom, my mom is Karen Durkin Castleberry 1909 Highway Red Powder Springs Georgia 30177 in Cobb County, I still loved Felicia Gonzalez and I never hit or threatened Stephanie Biggers in my life till after I went to prison so she did not qualify to get TPO, so I've not seen my only child in 15 years now because of your idiocy

Court of Appeals of the State of Georgia

ATLANTA, December 16, 2014

The Court of Appeals hereby passes the following order:

A15D0157. DANIEL ERIC COBBLE v. BRIAN OWENS, COMMISSIONER.

6411
567

Inmate Daniel Cobble seeks discretionary review of the trial court's order denying and dismissing his pro se "Petition for Reinstated Coram Nobis and Audita Querela."¹ Although the order was filed on October 13, 2014, Cobble did not file his application until November 16, 2014. To be timely, a discretionary application must be filed within 30 days of entry of the order to be appealed. OCGA § 5-6-35 (d); *Hill v. State*, 204 Ga. App. 582 (420 SE2d 393) (1992). Because this application was filed 34 days after entry of the order Cobble seeks to appeal, it is untimely. We thus lack jurisdiction to consider the application, which is hereby DISMISSED. See *Hill*, supra.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 12/16/2014

*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
hereto affixed the day and year last above written.*

Stephen E. Costello, Clerk.

Get R/H on 1-14-15

¹ Because he was incarcerated when he initiated this action, Cobble's appeal is controlled by the Prison Litigation Reform Act of 1996, OCGA § 42-12-1 et seq. Under OCGA § 42-12-8, "[a]ppeals of all actions filed by prisoners shall be as provided in Code Section 5-6-35," the discretionary appeals statute.

*11th circuit left Rule on my Federal Coram
nobis since P.C.R.A. don't apply to Coram nobis*

Certificate of Service

This is to certify that I have this day served
opposes counsel prior to filing by hand delivery to
by in hand direct to under for him to hand to ↓

The attorney General of Georgia
Dept. of Law
40 Capital Square
S.W. Atlanta, Georgia
30334-1300

This 14th day of January 2015 of Daniel A. Tuttle
pro se petitioner