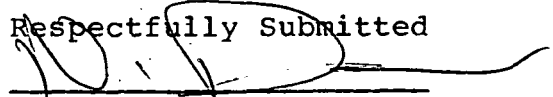


Explanation as to why the lower court determination was improper.

- (1). The lower court determination was improper because it didn't address the second element of the doctrine of laches (prejudice), when the doctrine of laches "requires the proof of two elements" (1) lack of diligence, (2) prejudice (see: Costello v. United States, 365 u.s. 265, 282, 81 s.ct 534, 5 L. ED 2D 551 (1961), and White v. Daniel, 909 F.2D 99 (4th cir 1990)

- (2). The lower court determination was improper because it didn't consider "Missouri v. Frye, 132 s.ct. 1399 (2012), and Lafler v. Cooper 132 s.ct. 1376 (2012) as creating a new rule for considering timeliness of my filing.

Respectfully Submitted


Norman T Dais #99936-071
Federal Correctional Institutio
P.O.Box 6001
Ashland, Ky 41105