

## Mailed Envelope with No Postmark

Is anyone familiar with the Postal Service policy or procedure on postmarks? I have a defense counsel who, weirdly, never seems to have a postmark on anything he mails me.

In other words, defense counsel mails me something and has someone in his office fill out a proof of service declaring under penalty of perjury that whatever the document is was deposited in to the US mail on a certain date.

There are actual stamps with adhesive backing (e.g. Forever Stamps you would buy in a booklet at Costco, 20 cent stamps with Abe Lincoln's photo on it, etc) on the envelope, but there's no postmark on the stamps at all showing a date, city it was mailed from, etc.

The envelope literally looks just like he addressed an envelope, put a Forever Stamp on it, drove the envelope over to my office, and put it in my mailbox.

Is this something the Postal Service just does now? Does it save money to not have a postmark? All the Christmas cards I got, for instance, all arrived in envelopes with postmarks showing date of mailing, sorting city, etc.

I know that DYMO stamps arrive without postmarks. I know that stamps you buy at the Post Office have dates and cities printed on them. However, as best I can recall, every envelope or package I have ever received that has actual adhesive stamps (e.g. Forever Stamps) on it has always had a postmark bearing the city, date of mailing, etc. Mail sent in the San Francisco Bay Area, for instance, often has San Jose, San Francisco, or Oakland as the major city that, I assume, that piece of mail was sorted through.

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is he using precanceled stamps?

<https://pe.usps.com/businessmail101?ViewName=PrecanceledStamps>

They do not get postmarked, because the post mark cancels the stamp. And since the stamp is already pre-canceled, it does not need to be canceled again

Erin M. Schmidt, Ohio

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I don't believe so, although this is the first time I have heard the term precancelled stamp.

The mailing I received today, for instance, has a Forever Stamp and a 20 cent on it. Nothing appears unusual about either. They look like normal stamps.

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20 cent stamps are generally precanceled stamps.

The person has to pay the difference when they mail the letter. THE letter was likely more then 1 stamp cost (45 cents) and thus took 2 stamps.

Check to see if the stamp says presorted on it

Erin M. Schmidt

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The more likely explanation is postal service goof. I have received many letters in the mail that have no postmark. Some have been directly from the judge's chambers, some have been envelopes I have provided with my address as the return address. Some have been bills from vendors. Etc.

Barry Kaufman, Florida

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I second the Goof Theory.

Michael J. Sweeney, Connecticut

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This happens all the time; I don't know why but for some reason, when I get SASE return envelopes from my local court, nearly all of the time there is no postmark on it. You will see a little sort of faint bar code at the bottom of the envelope; obviously it was processed by USPS but for whatever reason there is no physical postmark or stamp cancellation on it. Only usually happens with my local court; when I get stuff from other courts they have postmark. It's possible that they throw my stamped envelope in with a bunch of metered mail, and of course they don't get 'postmarked' and it just gets processed with them. I don't know though.

Ronald A. Jones, Florida

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I have had this happen to me numerous times in one case. I finally asked my mail carrier about it. In this instance, the envelopes were all the “large” size (9 x 12) and had stamps on them, but there were no cancellation marks. The mail carrier explained that if someone placed such an envelope (stamped) in the “metered” mail box drop-off, when the mail was sorted, the stamped letter was supposed to be pulled out and the cancellation marks placed on the stamps – that is what is supposed to happen. But it very rarely does.

In the instance where it was happening to me, we finally proved that opposing counsel was playing games with the discovery he was sending, purporting to send the discovery on the correct date (by the certificate of service) but was in fact sending it days late.

Not to say that this is happening in your instance; however, I guess it all depends on how much trust you have in opposing counsel.

Walter D. James III, Texas

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I get mail all the time, both at the office and at home, with stamps with no postmark, and have for years. From what I can tell it isn't that uncommon. OC's local post office is probably just a bit more lax about it than most. I see it a lot on the SASE envelopes I send to clients for return of documents. Or it may be (I don't actually know) more common for mail that doesn't go through a separate sorting facility - just sorted locally. I really don't know, but I do see it quite a lot.

If you need to prove service, you send certified mail - there is a stamp on your receipt then. Are you getting mail really late from OC? Is there a reason to doubt his/her truthfulness on a certificate of service?

Cynthia V. Hall, Florida

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For years, now, the USPS has been taking a picture of every piece of first class mail. Now, in some areas, you can subscribe to a service where you get an e-mail, each day, showing what mail is being delivered to you on that day. I signed up for my house, and am considering signing up for my office.

You might try subscribing to it (if it is available in your area) and checking to see if the letters from opposing counsel show up in your daily e-mail.

Timothy A. Gutknecht, Illinois

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Thanks for the input. I knew that the knowledge existed on the listserve somewhere.

I like the metered vs. non-metered explanation. I myself have wondered what the difference was because the post offices in my area clearly have slots/bins for each. I usually just use the one that is closer, has a shorter line, etc. I would all but guarantee most people do the same thing and have no idea what the difference is between metered and not. It would also not surprise me that the Postal Service just lets it pass since otherwise they would have to do a bunch of extra sorting.

I am indeed getting mail late from the OC quite frequently. The last time it happened prior to today was 8 calendar days. OC's office is close enough to mine that I could probably walk their in under 10 minutes. He's also known for being a slimy piece of crap so I would not be surprised in the least if he was playing discovery games.

I also had no idea the postal service did the emailing photos thing. I looked it up just now and it's called Informed Delivery. I'll give it a shot.

Andy Chen, California

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I was under the impression that the post office took photos of mail that is picked up in addition to mail sent to a destination.

It that so?

According to this article I think it is, and the information is available to law enforcement without a warrant....

<http://www.nytimes.com/2013/08/03/us/postal-service-confirms-photographing-all-us-mail.html>

So then, is the information available for a subpoena, or under the Freedom of Information Act?

Bob Gasparro, Pennsylvania

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If it's intra-City then entirely likely it doesn't get a post mark as it simply won't go through the sorter at a central distribution facility.

You'll notice at the post office that there's a mail slot for local mail and a slot for everything else.

Roger Traversa, Pennsylvania

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Not anymore. They took away our "local" slot back when they started taking pictures of all the mail. If I mail something to the law firm across the street, it will still go over to the big city for photographing before they bring it back and deliver it.

Timothy A. Gutknecht

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Anecdotal information only, but I have noticed the same thing happening, fairly often (i.e. it's not that unusual anymore). I haven't paid attention to know whether it consistently happens when the sender is in a particular zip code.

Caroline A. Edwards, Pennsylvania

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I have had mail come without the postmark affixed. I figured it was just a failure of the machine during processing. For all the mail that goes through the system mistakes are bound to happen.

So long as it does not appear that something "funny" is being done, I do not see an issue. Even if you think the mail was stamped and put in the mailbox and not through the postal system, is there some timing issue that is being manipulated? If not, it may just be the postal facility that the person is using has an unfixed issue.

Phil A. Taylor, Massachusetts

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I just received mail from an attorney in San Diego on a case. He would never return my calls or emails. I checked the postmark since the POS says

12/28 it was mailed. Seems like 11 days to get 500 miles is a long time.

There is no postmark. I checked another envelope he sent me. No postmark on that either.

Jonathan Stein, California

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Account Management

INFORMED DELIVERY

Manage your mail and packages

INFORMED DELIVERY

Informed Delivery is a consumer-facing feature that gives eligible residential consumers the ability to see a daily digital preview of their household's mail. While the Informed Delivery product is available for most addresses, it is not available for all. Eligibility for Informed Delivery is dependent on your current registered address and verifying your identity online.

As a business user you are not eligible to participate in the Informed Delivery program. If you want to participate, please create a new USPS account and register as a personal user.

Eliz. C. A. Johnson, California

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