

No. 18-5403

IN THE SUPREME COURT OF THE UNITED STATES

IN RE LEROY DEAN DENNIS, *pro-se* – PETITIONER

v.

STATE OF OKLAHOMA – RESPONDENT

PETITION FOR REHEARING

COMES NOW, Petitioner, Leroy Dean Dennis, acting *pro-se*, hereby petitions this Court to rehear his Petition for Writ of Habeas. Petitioner respectfully requests this Court to withdraw and expunge from the record the ORDER (Exhibit 1) denying the Petition for a Writ of Certiorari as Petitioner filed no such document for this Court to examine. Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C.A. § 2241 – Power to Grant Writ – By a Prisoner in State Custody (Exhibit 2) which states:

An associate justice of the Supreme Court of the United States has the authority to grant a Petition for Writ of Habeas Corpus (a) writs of Habeas Corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions. The order of a circuit judge shall be entered in the records of the district court of the district wherein the restraint complained of is had. (b) The Supreme Court, any justice thereof, and any circuit judge may decline to entertain an application for a Writ of Habeas Corpus and may transfer the application for hearing and determination to the district court having jurisdiction to entertain it. (c) The Writ of Habeas Corpus shall not extend to a prisoner unless... (3) He is in custody in violation of the Constitutions or laws or treaties of the United States...

Title 28 U.S.C.A. § 2241 (b) gives the associate justice the authority to entertain a Petition for Writ of Habeas Corpus or transfer the Petition to the United States District Court having jurisdiction to entertain it and Supreme Court Rule 22 – Applications to Individual Justices. Under this statute and court rule, this Court has the authority to entertain the Petition or have the Petition for a Writ of Habeas Corpus transferred to the United States District Court for the Western District of Oklahoma to conduct a proceeding that will test the constitutional legality of Petitioner's conviction under the United States Constitution, statutes and well established and settled court opinions issued by the Supreme Court of the United States and issue a finding of fact and conclusion of law regarding each meritorious issue presented.

Supreme Court Rule 22 – Applications to Individual Justices states:

Rule 22.3 states; an application shall be addressed to the justice allotted to the circuit from which the case arises. Rule 22.4 states; justices denying an application will note the denial thereon. Renewed application is made by letter to the Clerk, designating the Justice to whom the application is to be directed, and accompanied by 10 copies of the original application and proof of service as required by Rule 29.

Petitioner filed a Petition for Writ of Habeas Corpus on July 20, 2018. This Petition was docketed as a Writ of Certiorari and the *In re* was dropped from the caption (Exhibit 3). The Writ of Certiorari was denied on October 9, 2018. Petitioner received this denial on October 16, 2018. Petitioner did not file to have the appeal (Writ of Habeas Corpus) examined and decided on as a Writ of

Certiorari as the issues presented does not meet the criteria for a Certiorari Petition.

The purpose of a Writ of Habeas Corpus is to test the legality of a state conviction under the United States Constitution and opinions issued by the Supreme Court of the United States. The restraint must be removed if the imprisonment does not conform to the basic requirements of the Constitution, Supreme Court opinions and the rule of law. The Writ of Certiorari is not the proper document to be filed in this matter. The purpose of a Writ of Certiorari is to address conflicts of law that arise from the circuit courts. Petitioner's intent was to have this appeal be decided as a Writ of Habeas Corpus pursuant to 28 U.S.C.A. § 2241, Supreme Court Rule 22 and opinions issued by the Supreme Court of the United States.

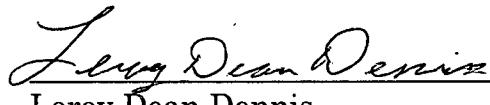
A letter from the Clerk's Office stated the Respondent had until August 29, 2018 to file a Brief in Opposition. Respondent did not file a Brief in Opposition nor file the Waiver Form. A Respondent's Brief in Opposition should address any perceived misstatement of evidentiary facts or law, omissions or strictly oppose the petition that bears on what issues would be properly before the Court if granted. Petitioner took this letter's meaning the Respondent has the opportunity to file a Brief in Opposition by this stated date.

After the tolling time had expired for Respondent to file a Brief in Opposition and Petitioner perused Rule 21 – Motion to the Court to ascertain if there was anything in this rule that would discourage, prohibit or prevent a

PURSUANT TO SUPREME COURT RULE 44.1

CERTIFICATE OF GOOD FAITH

I, Leroy Dean Dennis, do hereby certify, attest and declare that this Petition for Rehearing pursuant to Supreme Court Rule 44 is presented in good faith and not for delay. Petitioner alleges and states the Petition for a Writ of Habeas Corpus pursuant to Title 28, U.S.C.A. § 2241 and Supreme Court Rule 22 – Applications to Individual Justices - to Associate Justice, Stephen Breyer was docketed and adjudicated as a Writ of Certiorari. The Petition's caption was changed when the "*In re*" was removed (Exhibit 3). This removal basically re-titled the Petition from a Writ of Habeas Corpus to a Writ of Certiorari. Supreme Court Rule 20.2 specifically states; the Petition for a Writ authorized by 28 U.S.C. § 2241 shall be captioned "*In re* [name of petitioner]"...



Leroy Dean Dennis

No. 18-5403

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE LEROY DEAN DENNIS, *pro-se* – PETITIONER

vs.

STATE OF OKLAHOMA – RESPONDENT

PROOF OF SERVICE

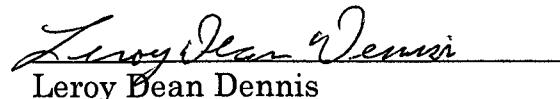
I, Leroy Dean Dennis, do swear or declare that on this date, 3rd day of December, 2018, as required by Supreme Court Rule 29 that I have served the enclosed PETITION FOR REHEARING on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within three (3) calendar days.

The names and addresses of those served are as follows:

Mike Hunter
Attorney General of the State of Oklahoma
313 N.E. 21st Street
Oklahoma City, OK 73105

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 3, 2018.


Leroy Dean Dennis

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

COPIED

October 9, 2018

Scott S. Harris
Clerk of the Court
(202) 479-3011

Mr. Leroy Dean Dennis
Prisoner ID # 204490
Box 548, J-D-154
Lexington, OK 73051

Re: Leroy Dean Dennis
v. Oklahoma
No. 18-5403

Dear Mr. Dennis:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



Scott S. Harris, Clerk

Exhibit 1

~~COPY~~

No. 18-5403

IN THE

FILED
JUL 20 2018

OFFICE OF THE CLERK
SUPREME COURT, U.S.

SUPREME COURT OF THE UNITED STATES

IN RE LEROY DEAN DENNIS, *pro-se* – PETITIONER

vs.

STATE OF OKLAHOMA – RESPONDENT

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO

28 U.S.C.A. § 2241 – BY A PRISONER IN STATE CUSTODY

AND SUPREME COURT RULE 22 TO

ASSOCIATE JUSTICE STEPHEN BREYER

ON APPEAL FROM OKLAHOMA COURT OF CRIMINAL APPEALS,

STATE OF OKLAHOMA

APPLICATION TO ASSOCIATE JUSTICE STEPHEN BREYER

Leroy Dean Dennis – *pro-se* 204490
Box 548 - J-D-154
Lexington, OK 78051

~~RECEIVED~~
~~JUL 30 2018~~
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Exhibit 2

Supreme Court of the United States

Leroy Dean Dennis
(Petitioner)

v.

No. 18-5403

Oklahoma
(Respondent)

To _____ Counsel for Respondent:

NOTICE IS HEREBY GIVEN pursuant to Rule 12.3 that a petition for a writ of certiorari in the above-entitled case was filed in the Supreme Court of the United States on July 20, 2018, and placed on the docket July 30, 2018. Pursuant to Rule 15.3, the due date for a brief in opposition is Wednesday, August 29, 2018. If the due date is a Saturday, Sunday, or federal legal holiday, the brief is due on the next day that is not a Saturday, Sunday or federal legal holiday.

Beginning November 13, 2017, parties represented by counsel must submit filings through the Supreme Court's electronic filing system. Paper remains the official form of filing, and electronic filing is in addition to the existing paper submission requirement. Attorneys must register for the system in advance, and the registration process may take several days. Further information about the system can be found at <https://www.supremecourt.gov/filingandrules/electronicfiling.aspx>.

Unless the Solicitor General of the United States represents the respondent, a waiver form is enclosed and should be sent to the Clerk only in the event you do not intend to file a response to the petition.

Only counsel of record will receive notification of the Court's action in this case. Counsel of record must be a member of the Bar of this Court.

Mr. Leroy Dean Dennis
Box 548, J-D-154
Lexington, OK 73051

NOTE: This notice is for notification purposes only, and neither the original nor a copy should be filed in the Supreme Court.

Exhibit 3