

1 Your name: Vilaychith Khounmany

2 Address: FCI- Phoenix

3 37930 N. 45th Avenue

4 Phoenix, Az. 85086

5 Inmate Number: 75586097

6 Pro Se

7 Supreme Court of **UNITED STATES DISTRICT COURT**

8 Washington **DISTRICT OF** D.C.

10 Vilaychith Khounmany

Case Number: 18-6314

12 Petitioner/Plaintiff,

Title of Document:

14 vs.

USA.

Petition for rehearing
Change of Address due to transfer

19 Respondent/Defendant(s).

21 Comes Now, Vilaychith Khounmany, respectfully request
22 this Honorable Court to forthwith accept this Motion
23 and the Petitioner a rehearing and Oral Argument.
24 Petitioner as a prisoner faces difficulties being
25 incarcerated at FCI-Dublin: (1) Legal Mails were being
26 delivered late, delayed, outside her presence, Opened and
27 lost. She just now receive her letter from court dated 12/10/2018.

28 TITLE OF DOCUMENT: Petition for rehearing CASE NO.: 18-6314

1 The Court request for her to response within 15 days, it
2 is impossible when she's received it over a month late.
3 Petitioner was housed at FCI-Dublin then transferred
4 to Camp Phoenix, due to transfer mails was late or
5 delayed if FCI-Dublin forwarded them at all. Petitioner's
6 have exhausted all her available Administrative Remedies
7 against FCI-Dublin mailroom Case # 909682-R4, #95680-FI
8 and again for the seventh attempt see Exhibit #4, #5 to
9 receive all and any Legal mails that was confiscated by
10 FCI-Dublin officials. Requesting and Receiving Legal
11 Calls, Legal Fax, Legal materials, law library, legal
12 materials, legal issues, etc. is very impossible at Dublin.
13 Please understand it is out of petitioner's control
14 and she have tried to exercise her 1st, 4th, 6th, 8th
15 and 14th Amendment Rights of The U.S. Constitution

16 Petitioner requesting for an rehearing, extension
17 of time, appointment of Counsel, motion for Stay
18 (to have more time to get her properties and get settle
19 here at the new place Camp Phoenix).

20 Petitioner should not have been convicted of a career
21 offender, the Prosecutor Attorney breach of contract
22 because they said they were not going to file an
23 enhancement the plea agreement was signed (see
24 plea agreement) but when at sentencing they charged
25 petitioner with career offender with the prior enhancement.
26 Had the petitioner knew that she would not have
27 taken the plea and went to trial, due to ineffectiveness

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of Counsel petitioner received 151 months for Vunaka
Chey's 56 grams of meth. Petitioner offered to
cooperate with Prosecutor about a murder Cold Case
out in California and she signed 5K1.1 with her
attorney and Prosecutor but Amy Jennings wanted
a Drug Case in Iowa, because Jennings was not
receiving rewards/credit for the Cold Case in California.
She did not file a motion to downward department
and trial Counsel did not object nor file a motion
to Suppress 5K1.1. Also Joseph Herrold did not file
a motion to Object to PSR. Petitioner should have
went to Court in Iowa State Marijuana Case that
she won FECK 249977 because she was in
Polk County Jail in Iowa for a year before sentencing
to get that case dismiss because Appeal Court
vacated/remanded that case because she won.
Also she was not on probation for the misdemeanor
in Tennessee because the case was old since 2014
and it was 6 months and 11 months probation so she
was done with Tennessee since 2015 she got
Sentence 2017, Herrold did not object to that
nor request The minute orders. Petitioner was
not on probation in Sacramento California for the
DUI because the day of her arrest she was
at the Police Station on Freepport Blvd. in California
taken care of that DUI case, Herrold did not
Object to that either, had he did petitioner would be free.

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Petition for rehearing is presented in good faith.
Petitioner was not a Career Offender, contention that California Health & Safety Code is divisible and categorically overbroad, which precludes application of the modified categorical approach, is foreclosed by case law establishing that 11378 and Iowa marijuana similarly structured statutes are divisible within the meaning of Descamps, Hinkle, Padilla-Martinez v. Holder; U.S. v. Torre-Simenez, Coronado v. Holder, 759 F.3d 977 (9th Cir. 2014) (holding Cal. Health & Safety Code § 13777(a) is divisible). Drug Case in California, both possession of marijuana in State of Iowa is not enough to convict her as Career Offender and petitioner did have medical marijuana license at the time of all her marijuana possession charges. I PRAY this Honorable Court accepts for motion and give her a chance to be heard so justice can be served for a sick patient. Roles and other points should be dismissed. Thank You.

Date: January 8, 2019

Sign Name: [Signature]

Print Name: Wichita Khannamany

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QUESTION(S) PRESENTED

1. Is Denying Plaintiff, of case no. 18-634 when the issues of Career Offender Offenses, of my case and Constitutional Rights, and was unfairly denied right to Counsel fight her case?
2. How can an indigent prisoner with No Legal knowledge be prepared to file a Civil Right in the strick time limits, where the court denied appointment of counsel?
3. Is it fair for an indigent prisoner to file such a complicated brief in such short period of time?
4. Is it fair to bring an appeal with a type writer with the time limit is too short?
5. Is it Fair to bring an appeal with inadequate law library and limited time in law library?
6. Is it fair for the court NOT to follow the Law in the "Speedy Trial § 161" : Time limits and exclusions, they granted an extension due to overly complicated bearer such as only having access to a type writer NOT having sufficient access to State and Federal Laws due to the fact that petitioner is NOT an Attorney and NOT learning the LAW?
7. Is it unreasonable to request the court to appoint a counsel?
8. Is it NOT unreasonable for this Honorable Court to appoint petitioner counsel?
9. Is it fair for Petitioner be denied her Sixth Amendments Rights; " Right to afford, Adequate, effective, and meaningful access to the courts is a constitutional right, grounded in the First Amendment, the Article, and the Fourteenth Amendment. Chappell v. Rich, 340 F.3d 1279, 1282 (11th Cir. 2003)." Petitioner faced difficulties being incarcerated in ECI-Dublin CA. Petitioner Legal Mails being Opened outside her presence, delivered late, delayed, lost and NOT at ALL. Petitioner Can NOT received Legal Calls, Legal FAX, adequate Law LIBRARY, and very limited hours.
10. Is it Fair for petitioner to faces difficulties to afford her/him an adequate amount of time in the law library, fail to ensure the library as "at least" three computers, 3 typewriters in good working condition, and that inmates receive their legal envelopes, and fail to provide a printer, and adequate amount carbon paper, an "up-to-date" legal directory, a current copy of the Federal/State Rules of Court, and notary service on a weekly basis.
11. Is it fair for Education/Law Library Staffs to denied inmates Legal Copies when the copy machines is out of services and Unit-Teams is unavailable to provide services.
12. Is it Fair that inmates get treated unfairly when it comes to getting LEGAL SERVICES?

⇔75586-097⇔

Vilaychith Khouamany
37930 N. 45TH AVE
Anthem, AZ 85086
United States

IN THE Supreme COURT, OF
IN AND FOR THE United OF States

Vilaychith Khouamany
Petitioner/Plaintiff,

CASE NO. 18-6314

v.

USA

Respondent/Defendant,

MOTION TO: Petition for
Rehearing

Filing under: U.S. v. Aguilar Diaz, 884 F.3d 91 (9th Cir. 2018) USSC 3B1.2 and
Amendment 714. And Rosalva - Mireles: "Plain errors" correct miscalculation.
Issues Guidelines. Comes now, Vilaychith Khouamany, request this Honorable Court
Fed. R. Crim. P. 27 to rehear her petition in Good Faith because petitioner's
faced difficulties getting her legal mats on time, it's late,
delayed, posted and open outside her presence. Petitioner has
merit for her case under: Lorenzo Sanchez - Nino v. Lynch,
Case No. 13-71814, and Hinkle v. USA. Case No. 15-0067: "Possession
of Marijuana was NOT divisible and was not an element of the crime.
"The "Delivery" elements of defendant's crime of conviction was broader
than the elements of a Controlled Substance offense under U.S. Sentencing
Guidelines Manual 4B1.2 and could not serve as a career offender predicate.
Khouamany's contention that the California case, Health & Safety Code
11378 is indivisible and categorically overbroad, which precludes
of the modified categorical approach, is foreclosed by the case law
establishing that 11378 and similarly structured statutes are divisible
within the meaning of Descamps v. U.S. 133 S.Ct. 2276, 186 L. Ed. 2d 438
(2013). Also FEER 249974, Iowa Marijuana Charges is Dismissed I won my Appeal.
Please Grant my rehearing. Respectfully Submitted on this 14th day of February
2019

**Additional material
from this filing is
available in the
Clerk's Office.**