

1 Your name: Vilaychith Khouanmany  
2 Address: FCI- Phoenix  
3 37930 N. 45<sup>th</sup> 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 Khouanmany ) Case Number: 18-6314  
11 )  
12 ) Petitioner/Plaintiff, )  
13 )  
14 vs. USA )  
15 )  
16 )  
17 )  
18 )  
19 )  
20 ) Respondent/Defendant(s). )

)  
Title of Document:  
Petition for rehearing  
Change of Address due to transfer

21 Comes Now, Vilaychith Khouanmany, 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

PAGE NO. 1 OF 4 [JDC TEMPLATE]

1 The Court request for her to response within 15 days, if  
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 mail room Case # 909682-R4, #955680-F1  
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 1<sup>st</sup>, 4<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>  
15 and 14<sup>th</sup> 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 she said they were not going to file an  
23 enhancement the plea agreement was signed (see  
24 Plea Agreement) but when at sentencing she charged  
25 petitioner with career offender with the prior enhancement.  
Had the petitioner knew that she would not have  
taken the plea and went to trial, due to ineffectiveness

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1 of Counsel petitioner received 151 months for Hinata  
2 Chey's 56 grams of meth. Petitioner offered to  
3 cooperate with Prosecutor about a murder Cold Case  
4 out in California and she signed SKI.1 with her  
5 attorney and Prosecutor but Amy Jennings wanted  
6 a Drug case in Iowa, because Jennings was not  
7 receiving rewards/credit for the Cold Case in California  
8 She did not file a motion to downward departure  
9 and trial Counsel did not object nor file a motion  
10 to Suppress SKI.1. Also Joseph Herrold did not file  
11 a motion to Object to PSR. Petitioner should have  
12 went to Court in Iowa State marijuana case that  
13 she won FECR 249977 because she was in  
14 Polk County Jail in Iowa for a year before sentencing  
15 to get that case dismiss because Appeal Court  
16 vacated / Remanded that case because she won.  
17 Also she was not on probation for the misdemeanor  
18 in Tennessee because the case was old since 2014  
19 and it was 7 months and 11 months probation so she  
20 was done with Tennessee since 2015 she got  
21 sentence 2017, Herrold did not object to that  
22 nor request the minute orders. Petitioner was  
23 not on probation in Sacramento California for the  
24 DUI because the day of her arrest she was  
25 at the Police Station on Freeport Blvd. in California  
26 taken care of that DUI case, Herrold did not  
27 object to that either, had he did petitioner would be free.

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

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1 Petition for rehearing is presented in good faith.  
2 Petitioner was not a Career Offender, contention that  
3 California Health & Safety Code is divisible and categorically  
4 overbroad, which precludes application of the modified  
5 Categorical approach, is foreclosed by case law establishing  
6 that 11378 and Iowa Marijuana Similarly Structured  
7 Statutes are divisible within the meaning of Descamps,  
8 Hinkie, Padilla-Martinez v Holder; U.S. v. Torre-Simonez,  
9 Coronado v. Holder, 759 F.3d 977 (9th Cir. 2014) (holding Cal.  
10 Health & Safety Code § 13777(a) is divisible). Drug Case  
11 in California, with possession of marijuana in State of  
12 Iowa is not enough to convicted her as Career Offender  
13 and petitioner did have medical Marijuana license at  
14 the time of all other marijuana possessions charges. I PRAY  
15 this Honorable Court accepts for motion and give her  
16 a chance to be heard so justice can be serve for a sick  
17 patient. Roles and other points should be dismissed. Thank you.

18 Date: January 8, 2019

19 Sign Name: Vijaychita Khanamony  
Print Name: Vijaychita Khanamony

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

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QUESTION(S) PRESENTED

1. Is Denying Plaintiff, of case no. 18-6317 when the issues of Career Offender Offenses, of my case, and Constitutional Rights, and was unfairly denied right to a unself fight her case?
2. How can an indigent prisoner with No Legal knowleged be prepared to file a CivilRight 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 libray and limited time in law libray?
6. Is it fair for the court NOT to follow the Law in the "Speedy Trials 8161" : 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 i incurcerated in ECI-Dublin CA. Petitioner Legal Mails neing 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 qdequate 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 Fait 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,

v.

USA

Respondent/Defendant,

CASE NO. 18-6314

MOTION TO: Petition for  
Rehearing

Filing under: U.S. v. Arguilar-Díaz, 884 F.3d 91 (9th Cir. 2018) (U.S.C.G 3B1.2 and  
Amendment 714, and Rosales-Mireles: "plain errors" correct miscalculation -  
issues guidelines. Comes now, Vilaychith Khouamany, request this honorable Court  
Fed. R.Crim.P. 35 to rehear her petition in Good Faith because petitioner's  
faced difficulties getting her legal mads on time, it's late,  
delayed, losted and open outside her presence. Petitioner has  
merit to her case under: Lorenzo Sanchez-Mino 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 FECR 24997, Iowa Marijuana charges is Dismissed I won my appeal!  
Please Grant my rehearing. Respectfully Submitted on this 14<sup>th</sup> day of February  
2019.

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