CH

No. 18-7136

IN THE

SUPREME COURT OF THE UNITED STATES

MARK HANNA

VERSUS

JAMES LEBLANC, ETAL, RESPONDENTS

PETITION FOR REHEARING ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

BRIEF OF THE PETITIONER, MARK HANNA

Mark Hanna 132872
WCC H1A
670 Bell Hill Road
Homer, LA 71040

Questions Presented For Review

I.

Whether La. RS32:863 of the Louisiana Motor Vehicle Safety Responsibility Law is unconstitutional for due process of law in terms of Mullane v Central Hanover Bank & Trust Co.,339 U.S. 306, 318 (1950); and Mathews v Eldridge, 424 U.S. 319, 335 (1976), where it requires incarcerated persons to maintain automotive insurance coverage from behind bars or to surrender vehicle plates at OMV locations from behind bars to avoid sanctions under the statute?

II.

In stating a valid Section 1983 retaliation claim against supervisory officials sufficient at-least to an extent which would raise a reasonable expectation that discovery will reveal evidence of it, Bell Atlantic v Twombly, 550 U.S. 544,556 (2007); Ashcroft v Iqbal, 556 U.S. 662, 678-79 (2009), whether it is sufficient if the factual content allows a court to draw a reasonable inference that the identified defendant can be located in a group of similarly-situated unidentified individuals?

III.

Whether an amended complaint giving placeholder "Doe" names for defendants can relate back to the original complaint under the "mistake" provision of Rule 15 (c)(1)(C), Fed.R.Civ.P.?

Parties

The Petitioner is Mark Hanna, a state prisoner in the Wade Correctional Center in Homer, Louisiana. The Respondents, not all named on the cover page, are James LeBlanc, SEcretary, Louisiana

DEpartment of Public Safety and Corrections; Louisiana Department of Public Safety and Corrections; Louisiana Office of Motor Vehicles.

Table Of Contents

Table Of Authorities

Statutes And Rules

Table Of Appendices

NOTE: Regarding Appendix II, the notations in it are as follows:

"G O" indicates Government entity or agent defendants in a federal circuit where Doe-relation back is prohibited [opposed].

"N G O" indicates NOngovernmental entity defendant in a federal circuit where Doe-relation back is prohibited.

"G P' indicates Government entity or agent defendant in a federal circuit where Doe-relation back is permitted.

"N G P" indicates nongovernment entity defendant in a circuit where Doe-relation back is permitted.

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR REHEARING ON THE PETITION FOR WRIT OF CERTIORARI

Petitioner respaectfully prays that a rehearing is granted on the petition for writ of certiorari to review the judgment below.

Judgment Below

THe judgment of the United States Court of Appeals for the Fifith Circuit and the decision on rehearing below are unpublished. The judgment of the United States District Court for the Western District of Louisiana, Monroe Division, is publish at U.S. Dist. LEXIS 76299 Civil Action No. 15-2851 May 15, 2017, Decided May 18, 2017, Filed. The Magistrate Judge's Report and Recommendation and Order denying the motion to amend for joining the Doe-named defendants are unpublished. Copies of these are attached to the initial petition for writ of certiorari filed April 18, 2018, denied Febrary 25, 2019, as Appendices A, B, D, D, E and F, respectively.

Jurisdiction

THe judgment of the United States Court of Appeals for the Fifith Circuit and the decision on rehearing below (timely-filed) were entered December 12, 2017, and February 2, 2018. A sixty-days time-extension for filing the petition for writ of certiorari in the Supreme Court was entered September 4, 2018, and again on November 9, 2018. THe initial petition for writ of certiorari was denied in the Clerk's Office on February 25,2019. Copies of the Clerk's letters filing and denying the writ are attached as Appedices AA and BB. Title 28 USC, Section 1254(1), Jurisdiction.

Constitutional Amd Stautory Provisions

This case involves Lousiana Revised Statutes, La. RS32:861, 863, 865 and 8; La. RS14:18(5); Rules 12(b)(6) and 15(c)(1)(C), Fed. R.Civ.P.;the Access To Courts Clause of the First Amendment, and the Substantive and Procedural Elements of the Due Process Clause of the Fourteenth Amendment, to the United Sates Constitution; Title 42 USC, Section 1983. Copies of these are attached to the petition for writ of certiorari filed on April 18, 2018, as Appendices G, H, I, J, K, L, M, N, O, and P, respectively.

Statement Of The Case

RS32:863 of the Louisiana Motor Vehicle Safety Responsibility Law [863] provides for sanctions [reinstatement fees and hence interference with motor vehicle operator's licenses] of persons who fail to continuously maintain insurance coverage on registered vehicles. 863A(3)(a). 863 also provides relief from sanctions foe persons who surrender their vehicle plates at OMV [Office of Motor Vehicles] locations within ten days after a lapse [or cancellation] of coverage occurs. Ibid. Subsidiary statute RS32:8 [annexed with 863A(3)(a), final sentence text] provides for seizures and sales of private property and garnishments of wages and tax returns ["dept recovery", RS47:1676] aimed at persons who fail to remit fees imposed under 863 within sixty days after sanctions become final ["final delinquent dept"]. 863 does not involve actual moving violations of operating motor vehicles without coverage. Those are handled in RS32:865.

This case or controversy was precipitated in my failure to continue maintaining coverage on my registered vehicle during incarceration. I was an insured motorist when I got arrested. But I was unable to continue coverage or to surrender my vehicle plates from behind bars to avoid sanctions under the statute. That eventuality occurs hundreds maybe thousands of times annually, and on a random basis where it is usually impossible [without assistance from at-large persons] for incarcerated persons to maintain coverage or to surrender vehicle plates from behind bars. During that time such persons pose a threat to no one on the highways of our state from behind bars. Therafter, the only legitimate governmental objective that remains in these developments is removal of the plates from the soon-to-be uninsured vehocles owned by those incarcerated persons, so as to deter inadvertent or delinquent operation of them. There is a substantial or pervasive risk of delinquent operation of uninsured license-plated vehicles in this context. 865B(2).

863 also provides for administrative hearings with notice mailed to the last-known address of the licensee [the address fixed on the licenses], on the issue of sanctions before they are made fi-

nal. 863D(1) and (2). No incarcerated person has ever attended such a hearing in the forty-plus year history of compelled coverage in Louisiana. Averment 23, Doc [trial court document]45, pp 4-5; ROA [Record on Appeal, No. 17-30457, USCA] 402-03. 863 also provides for judicial review of sanctions in the Louisiana district courts. 863D(4). In addition to the driver's licenses they own, incarcerated persons also have a protected property interest in in preventing inadvertent or delinquent operation of the at-large soon-to-be-uninsured license-plated vehicles they own. After my arrests on January 14, 2015, and January 25, 2016, I incurred sanctions under 863 for lapses [and cancellation[of my coverage. After those arrests [having incurred the sanctions at issue in the present case], my letters to the OMV/DOC [Department of Corrections], and to the DOC Secretary, James LeBlanc, in his named person asking for a hearing under 863 on the issue of those sanctions, the letters were denied as untimely-filed and disregarded [not acknowleged], respectively. IN response to that development in SEptember of 2015, as I remained incarcerated, I filed for judicial review of the sanctions in a Lousiana district court [No. 57919, Doc 1-1, pp1-67, ROA 1-67]; Averments 1-12,Doc 6, pp1-4, ROA 100-04; Averments 20-22, Doc 45,2-4, ROA 400-402. After my release from that term of imprisonment,, when I applied for reinstatement of my license at plural OMVs on DEcember 4 and 7 of 2016, with cash in-hand for the payment, I was told in a printed OMV report, "Our records indicate there is a petition filed against the department on your behalf. You may need to contact your attorney prior to reinstatement", as the reason my livense would not be reinstated and cash in-hand payment would be declined. Ibid. Doc 1-1, pp 66-67, ROA 66-67. Note: As reflected in the chronologies, one of the witheld hearings that form the basis of an asserted breach of due process of law claim occurred after the petition for judicial review [No. 57919] was filed. On December 18, 2016 [No. 3:15-2851-EEF-KLH] I filed the 1983 suit in a U.S. District Court on retaliation and breach of due process of law claims. Doc 1, pp 1-4, ROA 16-19. The first amended complaint [Doc 6] was filed on January 13, 2016, for joining DOC

Secretary, James LeBlanc and for pleading attorney's fees and costs. After my arrest on January 25, 2016, service of process was delayed in the Marshal's Office [Doc.s 11-17, ROA 129-163] and a clerk in the Western District gave state employee defendants sixty days to resond or answer, whereas the summonses served gave only twenty-one days for it. Hence, the defendants consumed all sixty of those days in respning with a motion to dismiss [relevant here, Doc 19] my claims asserted against James LeBlanc on an asserted premise that I had failed to adequately plead his involvement. Regarding those sixty days the defendants consumed in relation to the Clerk's instructions for it [Doc 18], when I brought it to the court's attention the district court judge recused himself from the case.

On November 4 and 7, 2016 [Doc.s 33 and 35, ROA 312-330], I filed the disputed motion for leave to amend for joining the OMV field officer "Doe"-named defendants, also asserting the claim for finding 863 unconstitutional for due process of law and the second claim for breach of due process of law personal to James LeBlanc. That motion [Doc.s 33 and 35] was filed thirty days inside one year after the retaliation claim accrued on December 4 and 7, 2015, and hence thirty days inside the applicable statute of limitations for joining the Doe-named OMV [identified] field officer defendants.

Leave of court to plead joining those Doe-named defendants was denied [Doc 44, ROA 396] on futility of amendment doctrine, giving repose to the Doe-named defendants in a statute of limitations under Rule 15(c)(1)(C), Fed.R.Civ.P., where the First, Second, Fifth, Sixth, Seventh and Eleventh Circuit Courts of Appeals have excluded "lack of information or knowlege" from their definitions of the "mistake" provision of the rule regarding a plaitiff's inability to correctly name a defendant initially or within an amendment inside a limitations. Appedix JJ Doc 44. Using placeholder Doe-namings for defendants are deemed in those circuits [as a matter of federal law under Rule 15(c)(1)(C)(ii)] to not form a mistake within the meaning of the rule in applying a statute of limitations for relation back of amendments. The re-

taliation and breach of due process of law claims asserted against James LeBlanc were dismissed [Doc.s 93 and 116, ROA 714 and 893] under Rule 12(b)(6) prior to discovery in the trial court's finding that I had failed to adequately pleaded his involvement. A factual dispute potentially dispositive to one of the breach of due of law claims [whether I notified James LeBlanc in his named person with my written letter asking for a hearing on the issue of sanctions after my arrest January 25, 2016] remains for the trial court if the case is remainded, and does not pertain to resolving any question presented on certiorari. Regarding the claim asserted for finding RS32:863 unconstitutional for due process of law, the trial court concluded that a $500.00 fee is "minor" and notice served by mail at a"last-known address is almost always constitutionally sufficient." Doc 93, p. 17, ROA730; Doc 116, ROA 893-894. The Doc 44 decision declining to join the Doe-named defendant OMV field officers was adopted in Doc 116 judgment. Qualified immunity was was combined with Rule 12(b)(6) dismissals in the judgment. RElevant parts of Doc 93, Report and Recommendation are attached as Appendix CC.

On June 22, 2018 [after submitting the April 18, 2018, initial petition for certiorari], I read in an editorial written by Syndicated Columnist Jim Brown that the rates paid for autimotive insurance coverage in Louisiana are the highest in the country. A copy of that column is attached as Appendix DD. Soon thereafter Mr Bill Barkas, a retired insurance agent with State Farm, told me that the higher rates paid in Louisiana are a reflection of the higher incidence rate of persons in operation of motor vehicles in the state without coverage. I have remained in contact with Mr Barkas during my incarceration [he is a reletive], as indicated in the attached Inmate Signiture Sheet provided at the Lincoln Parish Detention Center. See, e.g., Attached Appendix EE. INcarcerated persons in Louisiana who fail to respnd to notice served at a "last known address" are procedurally defaulted and forfiet hearings under 863D. If the fees assessed under the statute are not paid sixty days later they are deemed "final delinquent dept".

I. Question Presented:

Whether La. RS32:863 of the Louisiana MOtor Vehicle Safety Responsibility Law is unconstitutional for due process of law in terms of Mullane v Central Hanover Bank & Trust Co., 339 U.S. 306, 318 (1950), and Mathews v Eldridge, 424 U.S. 319, 335 (1976), where it requires incarcerated persons to maintain automotive insurance coverage or to surrender vehicle plates from behind bars to avoid sanctions under the statute?

On Rehearing, Substantial Ground Not Previously Presented:

As related in the statement of the case, supra, my case was dismissed in the trial court prior to discovery. But had discovery taken place in the course I had charted for it (the materials would have disclosed where, as the per-capita automotive insurance coverage rates paid by Lousianians are the highest in the country [Appendix DD], the insurance industry in Lousiana claims that the higher rates are but a reflection of the higher incidence rate of persons in Louisiana who are in operation of uninsured vehicles. (I have discovered that Lousiana's per-capita higher coverage rates coincide with its higher incarceration rate [also the highest in the country] where the high numbers of vehicles operated without coverage there also coincide with the high numbers of arrested/incarcerated unable to continue maintaining coverage) [or to surrender their vehicle plates at OMV laccations] from behind bars and involves delinquent operation of at-large uninsured license-plated vehicles owned by those incacerated persons?

As also previously related in the trial court, had discovery taken place in the course I had charted for it, (the materials would have disclosed the numbers of insured motorists injured in in collisions with uninsured vehicles owned by incarcerated persons in Louisiana who are unable to prevent delinquent operation of their at-large vehicles from behind bars. Delinquent operation of such vehicles occurs in a large number of all arrest/ incarceration in Louisiana.)

As previously also related in the statement of the case, supra, (1) INcarcerated persons pose a threat to no one on the highways

of our state from behind bars; (2) The at-large soon-to-be- uninsured vehicles owned by those incarcerated persons do pose a threat to all at-large insured motorists on the highways of our state due to the risk of inadvertent or delinquent operation of them. That risk is acknowleged in RS32:865B(2), which provides a $10,000.00 fine to be assessed personal to owners of uninsured vehicles involved in accidents where significant damage or injury occurs; (3)It is usually impossible [without assistance by at-large persons] for incacerated persons to maintain coverage or to surrender vehicle plates from behind bars; (4)Notice served by mail at at an incarcerated person's last known [home] address [863D] will almost always fail to provide notice of a hearing; (5) Hence, no incarcerated person in the history of compelled coverage in Louisiana has ever attended such a hearing and none has been convened on the issue of sanctions looming or imposed; (6) Each one of those thousands of of imposed sanctions secured to the state an erroneous incursion of a substantial property interest [interference with driver's licenses with reinstatement fees and/or seizures and sales of private peoperty and garnishments of wages and tax returns], because where had the hearings taken place they would have turned in favor of the licensee in every case because it is usually impossible for them to maitain coverage from behind bars [impossibility is an affirmative defense in Lousiana law in this context, RS14:18(5)], and given also that thaose persons were insured motorists when they got incarcerated;(7)But in the interest of public safety with removing the plates from the soon-to-be- uninsured vehicles [the only legitimate governmental objective that remains in these developments], those foregone-conclusioned hearings would nevertheless have served that that interest because during those hearings that never occurred the state could have gathered information from the inmates for locating those vehicles to remove the plates from them to deterdelinquent operation of them;(8)Hence, at a critical moment where the state is in a position to advance its own public safety agenda [and protection of a protected property interest (vehcles owned by the incarcerated)] its involvement in advancing

that interest reaches entropy, where the state has lost control of the situation and squandered its final opportunity to regain control, where the state has dispensed with all efforts in providing due process and in securing an obtainable measure of public safety and protection of private property [deterring delinquent operation of the soon-to-be-uninsured license-plated vehicles ownned by those incarcerated persons] in exchange for the reinstatement fee dollars generated to show for it in those many thousands of cases;(9)I propose that under the Due Process Clause in the interest of advancing the states public safety agenda[a legitimate objective in this context] in deterring inadvertent or delinquent operation of the soon-to-be-uninsured vehicles, but which also involves the collaterally-encountered interest in private property secured to the incarcerated owners of those vehicles, every insured motorist arrested/incarcerated in Louisiana is entitled to the option of a hearing on the issue of sanctions looming or imposed under 863 within a reasonable time after arrest or the option of waiving a hearing, providing the location of the vehicles to law enforcements at that time so they can remove the plates from them in exchange for relief from sanctions under the statute. That eventuality would provide adequate failsafe [actual] notice of looming adverse governmental incursion in every case;(10)Where the practical solution in this context involves the prospect of additional, alternative or substitue procedural mechanisms [hearings and waivers, etc.], which are guided by the precepts of Mathews v Eldridge, and which at once also involves the prospect of adequate [actual] failsafe notice in every case, which are guided by the precepts of Mullane v Central Hanover Bank & Trust Co., a composite form of analysis taken under Mathews/Mullane is necessary and appropriate in the context of this case;(11)And where notice of hearings under 863, served by mail at any "last known address",[the address fixed on the driver's license] reliably fails in the context of this case [because incarcerated persons do not recieve mail at a home address], to rely on a conclusion that such notice "is almost always constitutionally sufficient..."[Doc 93, p 17, Doc 116, affirmed on

appeal] in the general cases of all at-large persons is extraneous in relation to the question, and does not occur in the Mathews/ Mullane equation we formed to observe its defects. None of the Supreme Court's prior cases prohibit the pssibility that it might eventually encounter a class of cases where actual notice is required. I submit the the present case represents such a class of cases;(12)And hence where notice is"reasonably calculated under all the circumstances to apprise interested parties ..." if we disregard the circumstances of all incarcerated persons who are caught in its net. If that is an acceptable result, then it is also merely an accepted part of arrest [and possible prosecution or conviction] that individuals in our society must endure [by mechanical application] in exchange for the percieved benefits of compelled coverage extended collectively to all---- minus the incarcerated [they will be property stripped without due process], together with the unaware at-large insured motorist involved in collisions with uninsured vehicles owned by the incarcerated [they will not be compensated]. Had discovery taken taken place in the course I had charted for it the materials would have disclosed the numbers of persons injured in collisions involving uninsured vehicles owned by the incarcerated. These results are also accelerated in the high incarceration rate which persists in Lousiana;(finally) But in the path of these developments the plot thickens where we encounter what is brought to view in this part of the petition for rehearing: where the remarkably high cost of automotive insurance coverage in Louisiana is connected to the remarkably high incarceration rate in Louisiana [both the highest in the country], through delinquent operation of the uninsured vehicles owned by all those incarcerated persons who pose a threat to no one on the highways of our state from behind bars, who [without assistance from at-large persons] they are unable to maintain coverage or surrender vehicle plates at OMV locations from behind bars to avoid sanctions under the statute; who were insured motorists when they got incarcerated, and who are unable to deter delinquent operation of those vehicles from behind bars. In the path of ruminating these details

in the trial court, the appeal court and in the petition for writ in the Supreme Court I have encountered a wall of silence in response to it. All at-large insured motorists in Louisiana, and all incarcerated persons who were insured motorists when they got incarcerated in Louisiana should be deemed interested non-parties to the conntoversy. But that proposition also extends to all such persons in of the forty-nine other states where compelled coverage laws are written in similar terms as 863. Printed copies of those laws are included in the attached Appendix FF. THe state's failure to provide adequate due process actually increases the risk of uncompensated injury and loss of life and property to all at-large insured motorists.

II. Question Presented:

In stating a valid Section 1983 retaliation claim against supervisory officials sufficient at-least to an extent which would raise a reasonable expectation that discovery will reveal evidence of it, Bell Atlantic v Twombly, 550 U.S. 544, 556 (2007); Ashcroft v Iqbal, 556 U.S. 662, 678-79 (2009), whether it is sufficient if the factual content allows a court to draw a reassonable inference that the defendant can located in a group of similarly-situated unidentified individuals?

On Rehearing, Substantial Grounds Not Previously Presented:

There remains viewing the materials which make certain that some OMV/DOC supervisor germinated the OMV Report reference to my litigation activities. Those materials are attached as Appendices GG, a copy of the OMV Report, and HH, a copy of the paid reciepts indicating that I did not owe fines or fees when I applied for reinstatement. Appendix II, Inmate Mail Signiture Sheet giving notice to James LeBlanc; letters to Bill Barkas of State Farm.

III. Question Presented:

Whether an amended complaint giving placeholder "Doe" names for defendants can relate back to the original complaint under the "mistake" provision of Rule 15(c)(1)(C)(ii), Fed.R.Civ.P.?

On Rehearing, Substantial Ground Not Previously Presented:

As related in the statement of the case, supra, in the path of a clerk's error occurring in the trial court giving the state em-

not on what the amending party's knowledge or its timeliness in seeking to amend the pleading." Id, at 53. Hence, what a plaintiff knew or should have known is relevant to the relation back observation only to the extent where "...it bears on the defendant's understanding of whether the plaintiff made a mistake regarding the proper party's identity." 177 LEd2d, at 57. THe Krupski holding arguably supports the position I have taken on Doe-relation back because the logic applied in the circuits categorically opposing it [under Rule 15(c)(1)(C)] involves focusing on what the plaintiff knew or should have known; i.e., that the plaintiff's "lack of knowledge of identity" does not form the kind of "mistake" the rule was written for, and the Krupski holding rejected that reasoning where it instructed us to focus on what the defendant knew or should have known. It is from this starting point that the circuits opposing Doe-relation back proceed directly to an incorrect definition of the mistake provision in the rule. That definition remove the rule from its proper function of guarding repose where it is appropriate and in bringing claims to closure on the merits on proper notice to would-be defendants of those claims.

Through a sequence of logical deductions it can be shown where that incorrect definition contaminates the enviroment in which the relation back is embedded to operate, producing short-circuited, otherwise-viable, fairly-noticed claims: To begin with, both lack of knowledge of identity and mistaken identity produce the same result--failure to name the correct party initially or inside a limitations. Between those two reasons either one exerts no more influence than the other regarding whether the newly-joined party knew or should have known that but for either reason he would have been named initially or inside a limitation. It is ultimately choice, as opposed to either of those reasons for the failure to name that forms the framework of a correctly-structured analysis of the rule in given cases. I percieve that the "but for a mistake" language relied on the in the rule primarily serves to eliminate "choice" as the reason for a plaintiff's failure to correctly identify a would-be defendant initially or

through an amendment inside a limitations. I also percieve that "lack of knowledge of identity" does not equate "choice" as the the reason in this context. And eliminating choice, therefore, does not eliminate lack of knowledge from the ambit of the rule. Getting to the core of describing how the rule in operation must remain free of any incorrectly-restricted definition, we observe where lack of knowledge of identity does not indicate a plaintiff's decision [choice] to not hold any would-be defendant liable. To the contrary, Doe-naming always indicates a plaintiff's intention [indeed his attempt] to join that that defendant for liability. Hence, prohibiting Doe-relation back [categorically under Rule 15(c)(1)(C)] is prone to facilitate disoperation of the rule in cases where a failure initially or within a limitation to correctly name a defendant, or use a placeholder Doe-naming could be misinterpreted by any would-be defendant as a decision [choice] to not hold that defendant liable. THe Krupski decision is one that I first became aware of through the prison inmate counsel only one day before I mailed my petition to the Court on April 18, 2018. THat's why the Krupski case is the only one cited in in the petition that didnot get put in the table of authorities. I rewrote page 26 of that document where Krupski is cited the day before I mailed it. I was in segregated housing and hence unable to fully access the law library, reduced to chain referencing caselaws kited to me in the cellblock. Before I studied the Krupski case my understanding of the issues based on that study of old cases coincided with what I would eventually find in Krupski. THere is a long line of cases among a majority of the federal circuits spanning a period of roughly thirty years where Doe-relation back under Rule 15(c)(1)()C) has been categorically prohibited in a definition that is illogical and now apparently counterintuitive to the Krupski holding.
THat the U.S. Fifth Circuit has not adjusted its position on the question in response to Krupski is obviously manifested in the present case. As indicated in the points of the notes of decisions [Appendix II, attached] the vast majority of the decisions involve government entity or agent would-be defendants. Regarding

the cases set out in the appendix, they are presented as they were in the notes of decisions to Rule 15(c). I counted 41 cases where would-be government agent defendants avoided liability in the counterintuitive definition of the rule as I percieve it. I counted 13 such cases where nongovernment agent defendants were joined as defendants in that definition. I counted 11 cases where government agents were joined as defendants in litigation taken in the definition of the mistake provision that coincides with the Krupski decision. I counted only 5 such cases where the joined defendants were not government agents. Among the cases in the notes of decisions there are only four post-Krupski decisions where the definition of the mistake provision influenced the decision. Each one relies on a definition that is counterintuitive to the Krupski decision. Together with the present case the dicisions indicate that circuit division will not resolve itself. See,e.g., Brown v Coyahoga County, 517 Fed Appx 431,434 (6th Cir 2013) (Unpublished); Smith v City of Akron, 476 Fed Appx 67, 69-70 (6th Cir 2012) (Unpublished); Bradford v Bracken County, 767 F.Supp.2d 740, 749-50 n.s 7and 8 (E.D. Tenn. 2013)(Unpublished); Gomez v Randle, F.3d 859, 864 n. 1 (7th Cir2012).

Significant for purposes of the discussion, out of those 41 and 13 decisions having a counterintuitive definition of the mistake provision controlling them, 30 of them invovle incarcerated pro se plaitiffs. The numbers indicate that government agent defendants and their prisoners form the vast majority of parties to federal litigation where observing Doe-relation back is a decivive factor in the result. THose results are adverse to the prisoner plaintiffs in the vast majority of those cases and tend to accumulate in abundantly-disproportionate numbers inside the circuits where Doe-relation back is categorically prohibited in Rule 15(c)(1)(C)(ii). The numbers indicate that it is hardest-felt among prisoner pro se plaintiffs bringing claims against their government agent custodians who have a distinct disadvantage compared to at-large plaintiffs with the logistics involved in timely service of process and notice because prison-

ers have to rely on the very targets of the efforts to accomplish those things. These realities are reflected in the numbers presented in this part of the petition for rehearing that I gleaned from the prison law library recently made available to me.

Given the complexities of the question presented, with its incipient procedural questions encountered, and which therefore would generate substantial attorney's fees in actual litigation, it is not likely that the question get presented to the United States Supreme Court by anyone other than a pro se prisoner.The draft of my petition document, handwritten in a prison dungeon on kited caselaws has its faults [E.g., at pp 26-27 I cited two cases as "e.g." that I had intended to cite as "cf".]. But the question is put squarely before the Court in the present case adequately for resolving it; or at-least adequately for further briefing on part of the Respondents who have not yet been called out on the issues as I have presented them.

Prayer

Wherefore, I pray for a rehearing on the petition for writ of certiorari to review the judgment below.

Mark Hanna 132872
WCC H1A
670 Bell Hill Road
HOmer, LA 71040

No. 18-7136
IN THE
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MARK HANNA, PETITIONER,

VS.

JAMES LEBLANC, ETAL, RESPONDENTS

CERTIFICATE OF COMPLIANCE WITH
SUPREME COURT RULE 44.2

I Mark Hanna, Petitioner, in pursuance of Supreme Court Rule 44.2, do certify that the attached Petition For Rehearing on the Petition For Writ Of Certiorari is restricted to intervening substantial grounds not previously presented in the initial petition of April 18, 2018, docketed December 20, 2018, and it is not submitted for purposes of delay.

Respectfully submitted this 5th day of April, 2019.

Mark Hanna

Mark Hanna # 132872
WCC H1A
670 Bell Hill Road
Homer, LA 41040

No. 18-7136

IN THE
SUPREME COURT OF THE UNITED STATES

MARK HANNA, PETITIONER,

VS.

JAMES LEBLANC, ETAL, RESPONDENTS

CERTIFICATE OF SERVICE

I, Mark Hanna, do swear or declare that on this date, April 5th, 2019, as required by Supreme Court Rule 29,I have served the enclosed amendment to the Petition for Rehearing [Certificate Of Compliance With Supreme Court Rule 44.2]on each party to the proceeding or that party's counsel, and every other person required to be served , by depositing an envelope containing the documents in the United States mail properly address to each of them and with first-class postage applied, or by delivery to a third party commercial carrier for delivery within 3 calender days.

THe names and addresses of those served are as follows:

Charles Bryan Racer, Ass't Att'y General, Litigation Division, 130 Desiard Street, Suite 812, Monroe, LA 71202.

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

Executed on: April 5th, 2019.

Mark Hanna