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In The  
**SUPREME COURT OF THE UNITED STATES**

RAYMOND ROBERT MARTIN,  
Petitioner,

vs.

MATTHEW G. WHITAKER, ACTING ATTORNEY GENERAL  
*Respondent,*

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On Petition for Certiorari to the United States Court  
of Appeals for the Third Circuit

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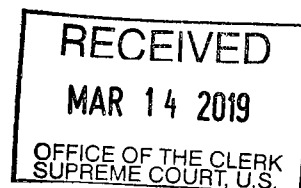
**PETITION FOR REHEARING**

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Raymond Martin  
P.O. Box 532  
Middlesex NJ 08846  
732 648 6068  
*Pro se*

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March 2, 2019



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## **PETITION FOR REHEARING**

Petitioner Raymond Martins respectfully asks this Court to grant rehearing of this Court's February 19, 2019 order, pursuant to Rule 44 of this Court.

This is a case where proceedings were commenced against the Petitioner (a Jamaica) for his removal to Jamaica on the ground that Petitioner was convicted in New Jersey state court for violation of N.J.S.A §§ 2C:35-5A. Meanwhile, the Petitioner's attorney failed to protect the interest of the Petitioner before the Immigration Judge was presided over the case. The Immigration Judge denied the motion filed by the Petitioner and affirmed by the Board of Immigration Appeals and the Court of Appeals for the Third Circuit on the ground that the conviction was final.

This corrected petition for rehearing calls the Court's attention to a development that the Petitioner newly discovered that affects Petitioner's question presented and may affect the Court's consideration of this case.

During the proceedings leading to the earlier petition (writ of certiorari) to this court, the Petitioner's

attorney, Richard Wright, did not file a brief on behalf of the Petitioner and told the Petitioner that he did. This position the Petitioner recently discovered. Furthermore, the case that the Petitioner is convicted on and ordered deported is under investigation by Somerville Court and the case is still open.

The petitioner contends that the failure to file a brief of argument on behalf of the Petitioner resulted in making the Petitioner's case not to be properly put in perspective and presented in details before the court. Hence, the case of the Petitioner was negatively affected. Furthermore, the agency of the government violated the due process of law in reaching the decision ordering the removal of the Petitioner. The Fourteenth Amendment to the U.S. Constitution forbids states from denying any person "life, liberty or property, without due process of law" or to "deny to any person within its jurisdiction the equal protection of the laws". It is therefore pertinent that a fair procedure be followed in depriving the Petitioner, his rights. The Petitioner is entitled to the protection of due process clause until final order of deportation. See *Zadvydas v. Davis* 533 U.S. 678 (2001). It was further

noted in the said case that once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all persons within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent. Nor do cases holding that, because Congress has plenary power to create immigration law, the Judicial Branch must defer to Executive and Legislative Branch decision making in that area help the Government, because that power is subject to constitutional limits. Apart from the above grounds, the Petitioner was incarcerated contrary to the due process for about 18 months by government agencies as a build up to the removal proceedings.

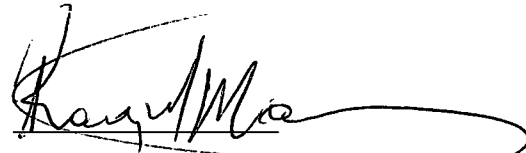
It is therefore pertinent that, in view of the importance that is given to the constitutional element of due process and the totality of the above stated grounds, it will serve the interest of justice to grant this reconsider the decision of denial of the writ of certiorari in the light of the foregoing recent discoveries. See *United States v. Ohio Power Co.*, 353 U.S. 98, 99, 77 S.Ct. 652, 653, 1 L.Ed.2d 683 (establishing the need for allow interest of

justice prevail in the event that it would be unfair to strictly apply the rule).

**CONCLUSION**

This Court should reconsider its denial of certiorari in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Raymond Martin", with a large, sweeping loop at the end.

Raymond Martin

Pro se

March 02, 2018