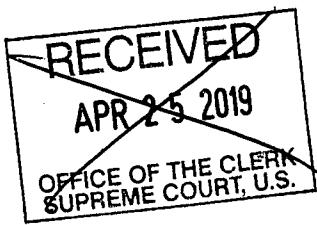


No. 18-7731

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
APR 18 2019
OFFICE OF THE CLERK
SUPREME COURT, U.S.



ANTHONY EDWARD CIAVONE

Petitioner,

VS.

CONNIE HORTON, WARDEN

Respondent,

PETITION FOR REHEARING

Petitioner, Anthony Ciavone moves this Honorable Court, pursuant to Supreme Court Rule 44, for Rehearing of this Court's April 1, 2019 Order Denying petition for a writ of certiorari because Grounds for Granting Rehearing exist; as follows:

GROUND FOR GRANTING REHEARING

1. Based on this Court not abiding by its own Principles set forth in its own Rulings, that it will not hesitate [which is equivalent to a guarantee] to intervene with its supervisory powers and investigate and correct fraudulently begotten judgments especially where judges were involved in fabricating and concealing court records, displayed disobedience in upholding and enforcing the rules, laws and Constitution, have already influenced judicial decisions, and were accomplices to such misconduct, to protect the integrity of the judicial system; when this Court denied review of such claims within Petitioner's writ of certiorari; demonstrates that this Court was influenced to deny review of his claims.

Argument Supporting Grounds For Granting Rehearing

This Court in Hazel-Atlas Glass Co. v Hartford-Empire Co., 322 US 238 (1944)

held:

"Under certain circumstances, one of which is after-discovered fraud, relief will be granted against judgments regardless of the term of their entry. This equity rule, which was firmly established in English practice long before the foundation of our Republic, the courts have developed and fashioned to fulfill a universally recognized need for correcting injustices which, in certain instances, are deemed sufficiently gross to demand a departure from rigid adherence to the term rule. Out of deference to the deep-rooted policy in favor of the repose of judgments entered during past terms, courts of equity have been cautious in exercising their power over such judgments. But where the occasion has demanded, where enforcement of the judgment is "manifestly unconscionable", they have wielded the power without hesitation." Id. US at 244-245.

Every element of the fraud here disclosed in Petitioner's writ of certiorari requesting for this Court's supervisory powers demands the exercise of the historic power of equity to set aside fraudulently begotten judgments. This case consists of federal judicial officers and opposing counsel having intentionally engaged in illegal conduct where they fabricated a State court competency hearing transcript, to conceal that Petitioner's Due Process rights under the 14th Amendment of the United States Constitution were violated, which defiled the integrity of the federal courts. Then a senior judge deliberately ignored statutory procedures, court rules, and rulings by this Court, to pave a path for the Respondent's attorney and court reporter to introduce the fabricated transcript into the habeas proceedings. For that judge to have influenced the judges of the United States Court of Appeals for the Sixth Circuit, to ignore proof of the fraud and fabrication of the transcript and knowingly affirmed fraudulently begotten judgments, establishes that that judge intended to influence this Court to deny Petitioner review. For this Court to blatantly ignore claims that demand this Court's highest order of attention and concern, as this Court has repeatedly expressed in every other case where a litigant, attorney, and/or judicial officer caused fraudulent judgments to be made, that this Court does not ignore such misconduct, but did in Petitioner's case; demonstrates that the decision by this Court was the product of corrupt influence. To think differently, would suggest that after the senior judge made accomplices of other judges, attorneys, and third-parties to her misconduct, would simply give up

and risk being caught and punished for her corrupt judicial actions; would not attempt to influence a decision of this Court as previously accomplished in the United States Court of Appeals for the Sixth Circuit, doesn't seem plausible.

This Court has held in many cases and set examples upon those who would dare to cause fraudulently begotten judgments to be made, that this Court will not hesitate to investigate and correct those fraudulent judgments. However, for this Court to take an entirely contrary approach to Petitioner's writ of certiorari that demonstrates with clear and convincing proof that judicial officers intentionally caused such judgments; questions the integrity of this Court.

This Court has on several occasions exercised its supervisory powers over the federal judicial system in order to suppress evidence that the Government obtained through misconduct. See, e.g., McNabb v U.S., 318 US 332 (1943); Upshaw v U.S., 335 US 410 (1948); Mesarosh v U.S., 352 US 1 (1956); Mallory v U.S., 354 US 449 (1957); Elkins v U.S., 364 US 206 (1960). The rationale for such suppression of evidence is twofold: to deter illegal conduct by Government officials, and to protect the integrity of the federal courts. McNabb v U.S., supra, at 342, 345, 347; Mesarosh v U.S., supra, at 14; Elkins v U.S., supra, at 217, 222-223. This Court has particularly stressed the need to use supervisory powers to prevent the federal courts from becoming accomplices to such misconduct", citing e.g., McNabb v U.S., 318 US 332, 345 (1943), ("plainly, a conviction resting on evidence secured through such a flagrant disregard of the procedure which Congress has commanded cannot be allowed to stand without making the courts themselves accomplices in willful disobedience of law."); Mesarosh v U.S., 352 US 1 at 14 (1956) (the court should use its supervisory powers ... "to see that the waters of justice are not polluted.").

This Court held that its "supervisory powers...permits at the least, the promulgation of procedural rules governing the management of litigation," not to mention, "'procedures deemed desirable from the viewpoint of sound judicial practice

although in nowise commanded by statute or by the Constitution.'" Intel Corp. v Advanced Micro Devices, Inc., 542 US 241 at 272 (2004) quoting Thomas v Arn, 474 US 140, 146-147 (1985)(quoting Cupp v Naughten, 414 US 141, 146 (1985)). In S&E Contrs. v U.S., 406 US 1 at 40 (1972), this Court held that its supervisory powers are motivated upon proof of fraud or such gross error as to warrant the implication of fraud." Moreover, this Court held in Chambers v NASCO, Inc., 501 US 32 at 44 (1991) quoting Hazel-Atlas Glass Co. v Hartford-Empire Co., 322 US 238 at 245 (1941), that its "historic power of equity to set aside fraudulently begotten judgments", is necessary to the integrity of the courts, for "tampering with the administration of justice in this manner...involves far more than an injury to a single litigant." Id. US at 44.

For this Court to not want to review Petitioner's case or conduct an investigation in order to determine whether the lower courts' judicial officers engaged in illegal conduct to corruptly prevent a single litigant from gaining the otherwise relief he is entitled to; questions what is the true purpose of fair review of constitutional violations that resulted in the conviction of someone who is actually innocent, if the appellate court judges can get away with fabricating and concealing court records to intentionally deny a litigant fair review of his constitutional claims?

In Khanh Phuong Nguyen v U.S., 539 US 69, 78, 81 (2003), this Court "has agreed to correct, at least on direct review, violations of a statutory provision that embodies a strong policy concerning the proper administration of judicial business even though the defects was not raised in a timely manner." Petitioner had questioned whether supervisory power is necessary to correct lower federal court judgments where his proof demonstrates federal judicial officers violated criminal statutes [18 U.S.C. §§ 1001, 1503] in obstructing justice by fabricating a transcript then ignored the statutory provisions [28 U.S.C. §§ 2245, 2254(g)], which

are the procedures in obtaining records from State court; to intentionally violate Petitioner's 14th Amendment Due Process rights to prevent him from being entitled to relief. The State court denies that transcript as being a part of its records.

If this Court "permits such evidence, the intended product of deliberately illegal Government action, to be used to obtain a conviction", violate the Constitution, or prevent fair appellate review of claims of constitutional violations, "it places its imprimatur upon such lawlessness and thereby taints its own integrity." U.S. v Payner, 477 US 727 at 746 (1980).

As this Court has held in Yates v U.S., 356 US 363, 366 (1958), that when the federal district court has not exercised its proper discretion in light of the case before it; this Court "has no alternative accept to exercise its supervisory power over the administration of justice in the lower federal courts" by correcting those courts' failures.

Influence is shown when something that only has one outcome, mysteriously produces another outcome that cannot be explained. In other words, for this Court to never deny review of a request for this Court to intervene with its supervisory powers to investigate and correct criminal conduct that federal judicial officers engaged in to defile the Constitution and federal judicial system; then deny to intervene with its supervisory powers to correct fraudulently begotten judgments committed against a prisoner, plainly states, that prisoners' constitutional rights do not matter under the Constitution. This Petitioner with all the evidence in the world that proves while he was unconstitutionally tried while incompetent, evidence that proves his innocence, that would have caused him to be acquitted, was intentionally concealed from his jury; and now he has to remain in prison for the rest of his life because this Court has taken a position in his case, that it has never done in a similar case. The only explanation for this Court's decision, is that this Court was influenced to deny review in this case.

Rather than uphold and enforce the Constitution and laws of this Country, as required and held in U.S. v Payner, supra, US at 742; by this Court allowing the lower courts to commit "manifestly improper conduct" which this Court should exercise its supervisory powers, Id, US at 746, opens the door to allow the misconduct to continue, which invites influence upon this Court to not apply its supervisory powers and correct a petitioner's grave miscarriage of justice conviction.

According to this Court's Rule 44, presenting that the grounds for rehearing "shall be limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented"; a claim of corrupt influence to cause this Court to deny review of a case with identical claims its never denied review of before, stands as grounds for this Court to rehear Petitioner's case.

Accordingly, for these reasons, this Court should grant this petition for rehearing.

Date: April 18, 2019

Respectfully Submitted,



Anthony Ciavone #317010
Petitioner, In Pro Per
Chippewa Correctional Facility
4269 West M-80
Kincheloe, Michigan 49784

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

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

April 1, 2019

Mr. Anthony Ciavone
Prisoner ID # 317010
Chippewa Corr. Fac.
4269 West M-80
Kincheloe, MI 49784

Re: Anthony Ciavone
v. Connie Horton, Warden
No. 18-7731

Dear Mr. Ciavone:

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

The petition for a writ of certiorari is denied.

Sincerely,



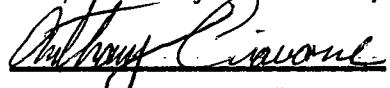
Scott S. Harris, Clerk

CERTIFICATE THAT PETITION FOR REHEARING
IS PRESENTED IN GOOD FAITH AND NOT FOR DELAY

I, Petitioner, Anthony Ciavone, certify under the penalty of perjury, 28 U.S.C. § 1746, that my Petition for Rehearing pursuant to U.S. Supreme Court Rule 44, is restricted to the grounds specified in Rule 44(2) and is presented in good faith and not for delay.

Date: April 18, 2019

Respectfully Submitted,



Anthony Ciavone #317010
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Chippewa Correctional Facility
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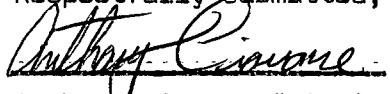
Respondent,

PROOF OF SERVICE

I, Anthony Ciavone, do swear under the penalty of perjury, 28 U.S.C. § 1746, that on this date of April 18th, 2019, as required by Supreme Court Rule 29, I have served the enclosed PETITION FOR REHEARING on Respondent's counsel, by mailing the above documents through the United States Postal Service by way of first class mail, upon:

Attorney, John S. Pallas
Attorney General's Office
525 West Ottawa Street
Lansing, Michigan 48909

Respectfully Submitted,



Anthony Ciavone #317010
Petitioner, In Pro Per
Chippewa Correctional Facility
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Kincheloe, Michigan 49784