

No. 18-7756

Rehearing

IN THE
SUPREME COURT OF THE UNITED STATES

Roscoe Chambers — PETITIONER
(Your Name)

vs.

Nicholas A Sarcone — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Eighth Circuit

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Roscoe Chambers 13495-030
(Your Name)

USP Lewisburg P.O. Box 1000
(Address)

Lewisburg PA 17837
(City, State, Zip Code)

NA
(Phone Number)

QUESTION(S) PRESENTED

Whether the doctrine of qualified immunity protects non government officials from liability for civil Damages

(b) As their conduct violate clearly established statutory or constitutional rights,

LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

[] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982)	
Pearson v. Callahan 129, S.Ct 808, 817 (2009)	
Polk Cty v. Dodson 454 U.S. 312, 325 (1981)	
Townsend v. Jacks 417 Fed. Appx 577, 578 (8th Cir 2011)	
Sallens v. Carroll 446 F.2d 1392, 1393 (5th Cir 1971)	
Jones v. Warlick, 364 F.2d 828, 828 (4th Cir 1966)	
West v. Atkins, 487 U.S. 42, 48 (1988)	

STATUTES AND RULES

Sixth Amendment
28 U.S.C. § 2679 (b) (1)
28 U.S.C. § 2671

OTHER

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The right of a defendant to present a defense is a fundamental element of due process of law,

The right to be represented by counsel

The Subjective component of the Qualified Immunity Doctrine: whether the defendant's conduct unreasonable to protect the established rights

6th Amendment

42 U.S.C. 1983

The Conflict of Interest Clause:

STATEMENT OF THE CASE

The Eighth circuit Court granted Qualified Immunity to a non government employee, who clearly violated a right secured by the Constitution and laws of the United States, The District Judge had a conflict of Interest involved in the case. The Judge improperly allowed the plaintiff to be maliciously prosecuted and falsely charged in the federal court, and then the same Judge illegally sentence Chambers in United States VS ~~Proscoc~~ Chambers 3:12-CR-00071-SMR-TJS the defendant represented Chambers in a 28 USC 2255 motion, the attorney refuse to present evidence, refuse to say how the court mis calculated the sentencing guidelines, refuse to address the city police office did not have Jurisdiction to file a criminal complaint in the federal court or initiate a criminal charge in federal court, how the Government Attorney used false lab reports, Control Buy video's Control buy money, and how the court allowed the Government to use a false state search warrant, this attorney refuse to file a appearance in the Appeals court and told prison officials at USP McCreary not to allow Chambers/plaintiff to call Him, This is beyond a padilla charge.

REASONS FOR GRANTING THE PETITION

The doctrine of Qualified immunity protects government officials from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known, *Pearson v. Callahan*, 555 U.S. 223, 231, (2009). The defendant Nicholas A. Sarcone is not a government employee. The United States is liable under FTCA for harm done by a federal employee, 28 U.S.C. § 2679(b)(1), and for federal public defender organization under certain limited conditions 28 U.S.C. § 2671. The defendant is not a federal public defender; federal law will decide whether an individual is an employee or independent contractor, *United States v. Orleans*, 425 U.S. 807 (1976). This is true even if the person receives money and guidance from the United States, see *United States v. Orleans* and *Logue v. United States*, 412 U.S. 521, 527-28 (1973). The United States is not responsible under the FTCA for the negligent or wrongful acts or omission of private contractors. A person is a contractor and not a federal employee if the United States does not exercise physical day to day control over her activities. The Court must decide who is eligible for Qualified Immunity. These cases only state public defenders or government employees; *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982); *Pearson v. Callahan*, 129 S.Ct. 808, 817 (2009); *Polk City v. Dodson*, 454 U.S. 312, 325 (1981).

Continuing Reason for Granting the Petition

Townsend v. Jacks 417 Fed. Appx 577, 578 (8th cir 2011) Suller v. Carroll 446 F.2d 1392, 1393 (5th cir 1971) Jones v. Warlock, 364 F.2d 828, 828 (4th cir 1966)

The Court already knows A plaintiff must prove that he was deprived of rights, privileges, or immunities secured by the Constitution or laws of the United States due to the conduct of a person acting under color of state law West v. Atkins 487 U.S. 42, 48 (1988)

Therefore if everyone is secured by The doctrine of Qualified immunity what authorize a cause of action when rights secured by another source have been infringed,

The Court Judge was involved in the wrong doing that in itself must trigger the Conflict of Interest,

There is a Constitutional right to have a fair hearing

the Petitioner Prays this court grants this writ of certiorari to determine who is allow Qualified Immunity and who can give it to them not a party of Interest

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Roscoe Chambers

Date: April 1 2019

Certificate of Service

I Roscoe Chambers Hereby certify under penalty of perjury pursuant to title 28 U.S.C. §1746, the contents are true and correct, a complete copy of the following Motion was sent to the Court

Rehearing for writ of Certiorari

Which is deemed filed on the date that it is presented to prison official for forwarding to the United States Postal Service, see *Houston vs Lack*, 101 L. Ed. 2d 245 (1988) upon the Court and served parties to the litigation and/or his/her attorney's of record, by placing same in a sealed postage prepaid envelope addressed to: Clerk of the Supreme Court, 1 first street NE Washington DC 205 43-0001

And deposited same in the legal Mail Depository for the United States Post office at the USP Lewisburg
Signed this 7th day of April 2019

dated
4-1-19

respectfully submitted by
Roscoe Chambers
Roscoe Chambers 13495-030
USP Lewisburg
P.O. Box 1000
Lewisburg PA 17837

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

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

March 25, 2019

Mr. Roscoe Chambers
Prisoner ID 13495-030
U.S.P. Lewisburg
P.O. Box 1000
Lewisburg, PA 17837

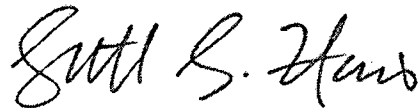
Re: Roscoe Chambers
v. Nicholas Sarcone
No. 18-7756

Dear Mr. Chambers:

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

The petition for a writ of certiorari is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Harris", written in a cursive style.

Scott S. Harris, Clerk

Certification of Counsel

I Roscoe Chambers am a pro se litigant

I state this request for rehearing is not filed
to delay or stall the mandate of this court,

but to search for a clear conclusion of the
law

Sincerely

Roscoe Chambers