

RECS

No. 18-7859

ORIGINAL

Supreme Court, U.S.
FILED

APR 21 2019

CLERK OF THE COURT

IN THE

SUPREME COURT OF THE UNITED STATES

Pro se Frank D. Monsegue sr. PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals, Eleventh Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR REHEARING

Frank D. Monsegue sr.
(Your Name)

(FPC) Federal Prison Camp

(Address) 2680 S U.S. Hwy 301

Jesup, Ga, 31599

(City, State, Zip Code)

(Phone Number)

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APR 16 2019
OFFICE OF THE CLERK
SUPREME COURT, U.S.

PETITION FOR REHEARING
(Sup, ct R.44)

Appellant presents its petition for a rehearing of the following-entitled cause, and, in support of it, respectfully shows:

Grounds for Rehearing

Fourth Amendment Constitutional Right,
It is clear, apparent and distinctly on two separate occurrence, 12-MAY-2015 @ 3:15 AM and 13-FEB-2014 @ 4:15 AM, U.S. Marshal's conducted an illegal warrentless arrest - in the petitioner's home, which violated the Petitioner's Fourth Amendment rights to be secure in their person, house, papers and effects. "Chief evil" Physical entry of the home.

U.S. Supreme Court: United States V. United States Dist. Court, 407 U.S. 297, 313, 92 S. Ct. 2125, 2134, 32 L. Ed. 2d 752 (1972).

Certificate of Good Faith

I, Frank D. Monsegue sr., certify that this petition for Rehearing is presented in good Faith and not for delay, and that it is restricted to the grounds specified in Supreme Court Rule 44 of the rules of this court.

Frank D. Monsegue sr
Frank D. Monsegue sr.

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

Executed on: 10-April-2019

Frank D. Monsegue sr
Frank D. Monsegue sr.

CERTIFICATE

I, Frank D. Monsegue sr. certify that petition is based on the limited grounds available for rehearing of an order denying a writ - intervening circumstances of a substantial grounds not previously presented.

Frank D. Monsegue
Frank D. Monsegue sr.

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

Executed on: 10-April-2019

Frank D. Monsegue
Frank D. Monsegue sr.

PETITION FOR REHEARING

(Sup. ct R. 44)

Appellant presents its petition for a rehearing of the above-entitled cause, and, in support of it, respectfully Shows:

Grounds for Rehearing

1) A rehearing of the decision in the matter is in the interests of justice because: On 12, May, 2015 @ 3:15 AM. (Petitioner) Frank D. Monsegue sr., was arrested without a warrant by U.S. Deputy Marshal, Jack Thomas and 6 unknown officers, Who forced entry thru his 3rd floor Kitchen window. They detained his brother (Grantley Bacchus) by handcuffing him with his hands behind his back. U.S. Deputy Marshal. Jack Thomas had NO warrant to enter plaintiff home or property and NO warrant to arrest plaintiff. SEE NEW EVIDENCE Attached FOIA search yeald NO document (arrest warrant or Affidvat) on file to effect a valid arrest,. In violation of plaintiff Frank D. Monsegue sr. 4th Amendment constitutional rights.

2) Heareto, On 13, February, 2014, on or about 4:15 AM Special Criminal Investigator for IRS. Andera Hernandez and 6 unknown officers executed a traumatizing,

emotionally warrentless arrest @ the home of the plaintiff, Frank D. Monsegue sr., in front of the plaintiff son, daughter and 2 grand babies, aged 5 and 2 1/2. Agent (IRS) Andra Hernandez had NO warrent to enter plaintiff home or property and NO warrant to arrest plaintiff. SEE NEW attached evidence (FOIA) Freedom of Information Act search which yield NO documents (Arrest warrant or Affidavit) on file to effect a valid arrest. In violation of plaintiff Frank D. Monsegue sr. 4TH Amendment constitutional Rights.

1. On 18, March, 2019 this court denied the petition for a writ of certorari.
2. Petitioner was not granted an opportunity by the court to distinguish this case from the PAYTON V. NEW YORK, 445 U.S. 573, 590, 100 S. Ct. 1371, 63L. Ed. 2d 639 (1980); SEE United States V. Kone, 591 F. supp. 2d 593, 601 (S.D. N.Y. 2008) ("Physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed"), or to suggest why they should be determined by the same rule.
3. This Case contains several crucial Factual and procedural distinction from the case of

Payton V. New York, and United States V. Kone that warrant its determination by a different or at least altered rule.

- a. Absent of Arrest Warrant
- b. Absent of warrant to enter property
- c. Absent of Exigency circumstances

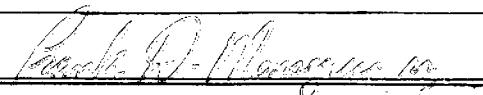
4. A rehearing tightly and squarely focused on the distinctions between this case and the Payton V. New York case, and whether these distinctions merit a different rule of law, is a matter of fundamental fairness to petitioner and would not unduly burden the court.

CONCLUSION

For the reasons just stated, Frank D. Monsegue sr. urges that this petition for a rehearing be granted, and that, on further consideration the petition for certiorari be granted or the judgment of the lower court be reversed or as appropriate.

Dated: 10-April-2019

Respectfully Submitted


Frank D. Monsegue sr.