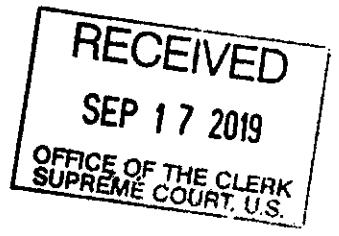


NO. 18-8422



IN THE  
SUPREME COURT OF THE UNITED STATES

JOHNNY M. YOUNG-PETITIONER

VS.

STATE OF ALABAMA-RESPONDENT(S)

ON PETITION FOR WRIT OF CERTIORARI TO  
THE SUPREME COURT OF ALABAMA CASE NO:1180079

PETITION FOR WRIT OF CERTIORARI

APPLICATION FOR REHEARING

JOHNNY M. YOUNG, Pro se  
AIS# 090679 E1-63A  
HOLMAN UNIT 3700  
ATMORE, ALABAMA 36503

NO. 18-8422

SUPREME COURT OF THE UNITED STATES

JOHNNY M. YOUNG V. STATE OF ALABAMA

IN RE: YOUNG V. ALABAMA

ALSC NO.: 1180079

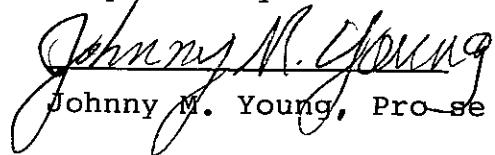
APPLICATION FOR REHEARING

I, Johnny M. Young, Petitioner, pro se, hereby certify that the foregoing petition is restricted to Article 6 Clause 2 of the United States Constitution.

I further certify that this petition is presented in good faith, and not for delay.

SEPTEMBER 10, 2019

Respectfully Submitted

  
Johnny M. Young, Pro se

SUPREME COURT OF THE UNITED STATES

NO.: 18-8422

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SUPREME COURT, U.S.

JOHNNY M. YOUNG V. STATE OF ALABAMA

IN RE: YOUNG V. ALABAMA

ALSC NO.: 1180079

APPLICATION FOR REHEARING

Comes now Johnny M. Young, and prays this Honorable Court rehear the above cited matter, and as grounds for the same, says the folowing.

On May 13th, 2019, this Honorable Court denied the petition for certiorari.

Petitioner was not informed of the Court's action until August 20th, 2019. It was then that he learned of the decision, and only because the prisons legal computer was updated. The Clerk did not notify Petitioner of the Court's action, or if the Clerk did sent notice, the Alabama Department Of Corrections did not, and has not given that notice to the Petitioner. The Petitioner certify that this Application is presented in good faith.

The grounds for this Application is Article 6 Clause 2 to the Constitution of the United States and the Federal In Forma Pauperis Statute. Alabama's in forma pauperis statute is in direct conflict with that of the Federal informa pauperis

statute, and courts in Alabama are using it to deny Petitioner and other state prisoners access to the courts. This has become a consistent trend in the Alabama courts. Most recently, the courts have used the state's *in forma pauperis* statute to deny, and foreclose access to challenges on the it's prison system's conditions.

18 USCS 3626 allows prisoners to challenge the conditions of confinement in violation of the Eighth and Fourteenth Amendments before a three-judge court, and if the merits are proved then the court may order. Under this statute a prisoner must exhaust state remedies. In April 24th, 2013, Alabam Legislature passed an equivalent statute, 14-15-10 et seq., but the courts of Alabama has prohibited prisoners from arguing the merits of their petitions by denying every petition presented by denying *in forma pauperis*. Such denials also forecloses access to 18 USCS 3626, because Petitioner can not exhaust state remedies.

The conflict which begs resolution is Alabama's *in forma pauperis* statute requires a judge to grant *in forma pauperis* or that filing fees be paid before that judge can review the merits of a petition. Under 28 USCS 1915(b)(4) holds that [i]n no event shall a prisoner be prohibited from bringing a civil ...for the reason that the prisoner has no assets and means by which to pay the initial partial filing fee.

In *Bounds v. Smith*, 430 U.S. 817, 822, 97 S. Ct. 1491, 52 L. Ed. 2d 72 (1977), this Court held that to prevent "effective foreclosed access" to the courts, indigent prisoners must be allowed to file appeals and habeas corpus petitions. Here, Title 14-15-10 et seq., is equitable to habeas corpus, in that it seeks release from custody in violation of the Constitution

of the United States.

Like a habeas corpus petition, 14-15-10 et seq., is the remedy where the condition of confinement can be by a release from confinement when it is shown that he is in custody in violation of the Constitution. The essence of 14-15-10 et seq, Code of Alabama 1975, is an attack by a person in custody upon the legality of that custody and that the sole function of 14-15-10 et seq., Code 1975, is to secure release from illegal custody. See *Brown v. Plata*, 563 U.S. 493, 560, 131 S. Ct. 1910, 179 L. Ed. 2d 969 (2011). The Alabama Prisoner Litigation REform Act is the same as that of the Federal Priosner Litigation Reform Act. Alabama can not establish a law then foreclose access to that law because of poverty. See *Smith v. Bennett*, 365 U.S. 708, 81 S. Ct. 895, 6 L. Ed. 2d 391 (1961).

WHEREFORE the above, Petitioner prays this Honorable Court the excuse the delay in filing this Application as the delay in no way is the fault of the Petitioner, as the delay is occasioned by a failure of notice. The delay has injured Petitioner and a number of state prisoners from seeking release from custody in violation of the Constitution. Petitioner prays this Honorable Court find it in the best interset of the public to reconsider It's May 13th, 2019 decision and cause this case to be considered on its merits.

Respectfully Submitted

Excused this 22nd day of  
August 2019

/s/Johnny M. Young  
AIS #090679 E1-63A  
Holman Unit 3700  
Atmore, AL. 36503