

JUN 05 2019

OFFICE OF THE CLERK

NO. 18-8551

IN THE
SUPREME COURT OF THE UNITED STATES

IKEMEFULA IBEABUCHI - PETITIONER

Vs

STATE OF ARIZONA - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPREME COURT OF ARIZONA

ON PETITION FOR REHEARING, SUPREME
COURT RULE 44.

(Ikemefula Ibeabuchi, 177007)

(ASP/South Unit, P.O. Box 8400)

(Florence, Arizona, 85132-8400)

(Telephone: N/A)

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The Petitioner, alleges, that the Respondent, resis-

ted the lawful writ, process, order, rule, decree or

Command of this Court, qua Jurisdiction, entitled

to it, to hear the case in fact, under 28 U.S.C. § 1257

(a), When, the Respondent, by the Court of Appeals,

refused to grant the Petitioner's Motion for stay of

issuance of Mandate, in an ORDER DENYING MOTION

1 filed on, March 15, 2019. (See, attached, ORDER, as
2
3 evidence, at-law).

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5 Petitioner, therefor, claims, Prejudice as a result
6
7 of the alleged, Crime by the Respondent(s), which,
8
9 might had affected the Out-Come of the Lawful
10
11 Writ, in the Petition for writ of Certiorari, as, filed
12
13 on, March 5, 2019, qua PROOF OF SERVICE, to the
14
15 Respondent(s), at-law, and as denied by this Court.
16

17 Accordingly, the Respondent(s) contumaciously
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19 disobeyed (even though, the Order to file the Motion,
20
21 in the Court of Appeals, was ordered by the State
22
23 Highest Court,) or resisted the lawful writ, process
24
25 order, rule, decree, or Command of this Court, to
26
27 an extent of review. (See, attached, ORDER as, evi-
28

dence, at-law)

2. 18 U.S.C. ss. 402. Contempts Constituting Crimes

"Any person, Corporation or association willfully disobeying any lawful writ, process, order, rule, decree, or command of any district Court of the United States or any Court of the District of Columbia, by doing any act or thing therein or thereby forbidden, if the act or thing so done be of such character as to constitute also a Criminal offense under any statute of the United States or under the laws of any State in which the act was committed, shall be prosecuted for such Contempt as provided in Section 3691 of this title and shall be punished by a fine under this title or imprisonment, or both."

"Such fine shall be paid to the United States or to the Complainant or other party injured by the act constituting the Contempt, or may, where more than one is so damaged, be divided or apportioned among them as the Court may direct, but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of \$1,000,

1 nor, shall such imprisonment exceed the
2 term of six months."

3
4 "This section not be construed to relate to
5 Contempts Committed in the presence of the Court
6 or so near thereto as to obstruct the adminis-
7 tration of justice, nor to Contempts Committed
8 in disobedience of any lawful writ, process,
9 order, rule, decree, or Command entered in
10 any Suit or action brought or prosecuted in
11 the name of, or on behalf of, the United States
12 but the same, and all other Cases of Contempt
13 not specifically embraced in this section may
14 be punished in conformity to the prevailing
15 usages at-law."

16
17 "For purposes of this section, the term "State"
18 includes a state of the United States, the District
19 of Columbia, and any Commonwealth, territory,
20 or possession of the United States."

21
22 (June 25, 1948, C. 645, 62 Stat. 701; May 24, 1949, C. 139,
23 E. 8 (C) 63 Stat. 90; Pub. L. 101-647, Title XII, § 1205 (C), Nov.
24 29, 1990, 104 Stat.)

25
26 The Petitioner, or Complainant, Standing on
27
28 Appeal, was, injured by intimidation, in this Appeal,

1 when, the Subject Matter, therein, Coincides with a dis-
2
3 posed, Petition for writ of Certiorari, in this Court, in
4
5 No. 18-7957, where, the respondent, therein, Conspired
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7 with the State or Parties, herein, to re-appoint, him as
8
9 Public Defender, to the Petitioner, notwithstanding,
10
11 the Petitioner's Complaints against such, Thrust.
12

13 See, *Farese V. Scheren*, 342 F.3d 1223, 1229-30
14
15 (11th Cir. 2003) (Pro se prisoner had standing to sue
16
17 former business partners and attorneys under § 1985
18
19 for conspiracy to intimidate parties in lawsuits be-
20
21 cause Complaint sufficiently alleged all elements of
22
23 Standing: Injury, intimidation, Causation and like-
24
25 lihood of relief)
26

27 / This Court should grant the Petition for Re-
28

1 hearing, for the above, similar scenario, to review,
2
3 the causation as, alleged, which might had caused
4
5 Contempts of the foregoing writ.
6
7

8 Respectfully submitted,
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10 Coeula. (Ibeabuchi.)
11

12 Date: 6/4/19
13
14

15 Enclosures: Supreme Court of Arizona, ORDER
16 Filed, 02/20/2019, Honorable Justice John Pelander.
17
18 Court of Appeals of Arizona, ORDER DENYING MOTION
19 Filed 3/15/19, Honorable Judge Pro Tempore Benjamin A.
20 Armstrong
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SUPREME COURT OF ARIZONA

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-18-0521-PR
 Appellee,)
) Court of Appeals
 v.) Division One
) No. 1 CA-CR 18-0098
 IKEMEFULA CHARLES IBEABUCHI,)
) Maricopa County
 Appellant.) Superior Court
) No. CR1999-095310
)
 _____)
 FILED 02/20/2019

O R D E R

On February 15, 2019, Appellant Ibeabuchi filed a motion "Rule 31.23(b)(2)(i)(ii)(iii) and (iv), Filed 02/05/2019" requesting the Court of Appeals or this Court stay the issuance of the mandate. After consideration and pursuant to Rule 31.22(b), Ariz. R. Crim. P.,

IT IS ORDERED denying the motion without prejudice to Appellant filing the motion in the Court of Appeals.

DATED this ____ day of February, 2019.

/s/
John Pelander
Duty Justice

TO:
Joseph T Maziarz
Elizabeth B N Garcia
Ikemefula Charles Ibeabuchi, ADOC 177007, Arizona State Prison,
Florence - Eyman Complex-Meadows Unit
Amy M Wood
pm

IN THE
COURT OF APPEALS

STATE OF ARIZONA

DIVISION ONE

STATE OF ARIZONA,

) Court of Appeals
) Division One
Appellee,) No. 1 CA-CR 18-0098
)

v.

IKEMEFULA CHARLES IBEABUCHI,

) Maricopa County
) Superior Court
) No. CR1999-095310
)
Appellant.)
)
)



DIVISION ONE

FILED: 3/15/19

AMY M. WOOD,

CLERK

BY: RB

ORDER DENYING MOTION

The court has received a motion for stay of issuance of mandate filed by appellant *in propria persona*. A review of the record indicates that appellant is represented by counsel on appeal. Appellant has no right to hybrid representation. *State v. Dixon*, 226 Ariz. 545, 553, ¶ 39 (2011). Appellant may not file motions on his own behalf while he is represented by counsel. Therefore,

IT IS ORDERED denying the motion.

IT IS FURTHER ORDERED that, in addition to the usual distribution, this order be sent to the appellant personally.

_____/s/_____
Benjamin A. Armstrong, Judge Pro Tempore

A copy of the foregoing
was sent to:

Elizabeth B N Garcia

Mikel Steinfeld

Ikemefula Charles Ibeabuchi ADOC 177007 (mailed)

CERTIFICATE OF PARTY UNREPRESENTED BY COUNSEL

The Petitioner, Certifies that, the foregoing, Petition is Submitted under the Word Limits, not exceeding, 3,000, as required, in, Rule 33.1 (g), (xiii), and, that, the Petition For Rehearing, Stated, Grounds, briefly and distinctly, that are limited to intervening Circumstances of Substantial or Controlling effect or to, other Substantial grounds not previously presented.

The Petitioner, further, Certifies that, the Petition For Rehearing is presented, in-good faith and not for delay, and declares, in-Compliance with 28 U.S.C. § 1746

Cæula (Ibeabuchi)
Party unrepresented by Counsel

