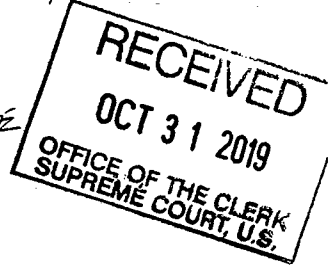


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Docket #'s 195626 & 195627



IN THE SUPREME COURT OF THE
UNITED STATES

VINODH RAJATHUR V. SECRETARY, DEPARTMENT
OF CORRECTIONS
PETITIONER / PLAINTIFF V. U.S. COURT OF APPEALS
U.S. JUDICIARY
DISTRICT COURT
JUDICIARY
RESPONDENTS / DEFENDANTS

ON PETITION FOR REHEARING FOR ERROR +
MOTION TO SHOW CAUSE WITH
DEMAND FOR JURY TRIAL & ADMISSIONS

VINODH RAJATHUR, PRO SE
X92396
TAYLOR CORRECTION
8501 HAMPTON BRUNES RD.
PERRY, FLORIDA 32348

V. R.
10.23.19

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 2. BOUMEDIENE V. BUSH: JAN. 5 2007 VS S. CT 2019
 3. E.G. COOPER INDUSTRIES INC V. AVIAN SERVICES INC 543 US 157, 169, 125 S. CT. 574, 160 LHD 2D 548
 4. SEPERATION OF POWERS DOCTRINE

STATEMENT OF CASE, FACTS, ARGUMENT, CONCLUSION

"OVERLOOKED", "THE GRAVITY OF THE SEPERATION OF POWERS ISSUES RAISED BY THESE CASES AND THE FACT THAT THESE DETAINEES < IN THIS INSTANCE DETAINEE > HAVE BEEN DENIED MEANINGFUL ACCESS TO A JUDICIAL FORUM FOR A PERIOD OF YEARS, RENDER THESE CASES EXCEPTIONAL < BOUMEDIENE V BUSH >.

THE U.S. SUPREME COURT, "USUALLY REMAINS FOR CONSIDERATION OF QUESTIONS NOT DECIDED, BUT DEPARTURE FROM THIS RULE IS APPROPRIATE IN EXCEPTIONAL CIRCUMSTANCES." < E.G. COOPER >

PERUSAL OF THE COURT TO ADDRESS THE GRAVE CIRCUMSTANCES HERE DEMONSTRATES THE COURTS APPROVAL OF THE MOST EGREGIOUS VIOLATIONS OF THE SEPERATION OF POWERS

DOCTRINE, DESCRIBED IN PART AS "THE CONSPIRACY TO PREDETERMINE THE OUTCOME OF JUDICIAL PROCEEDINGS."

FURTHER, THE CONDUCT DEMONSTRATED WITHIN THE PETITION IS CONTRARY TO CASPER V. UNITED STATES 540 US 375, 157 LAD 21 778 184 S. CT 786 2003, AS EVERY PLEADING, AB INITIO, PRIOR TO ISSUANCE OF ARREST WARRANTS WAS "IMPERMISSIBLY RECHARACTERIZED", WITHOUT NOTICE, WITH THE INTENT TO DEFEAT THE CLAIMS.

CERTIFICATE

I VINODIT RAICHUR, SWEAR UNDER PENALTIES OF PERJURY THAT THE FOREGOING IS TRUE, CORRECT AND NOT MEANT TO MISLEAD. I ALSO CERTIFY THAT A TRUE, CORRECT COPY HAS BEEN FORWARDED. 11.8.19

11.8.19 ATTORNEY GENERAL 444 SHARBREER BLVD DAYTONA FL 32118
11.8.19 USCA11 JUDICIARY + ATT GEN 56 FOREMAN STREET NW ATLANTA
11.8.19 USDC JUDICIARY + ATT GEN 401 W. GUNWAL BLVD 1200
11.8.19 US ATTORNEY GENERAL 950 PENNSYLVANIA AVE NW
WASHINGTON D.C. 20543

I ALSO CERTIFY THAT "THE GROUNDS ARE LIMITED TO INTERVENING CIRCUMSTANCES OF SUBSTANTIAL OR CONTINUING EFFECT OR TO OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY RAISED", "PRESENTED IN GOOD FAITH."

V. R. VINODIT RAICHUR TAYLOR CT 8501 HAMPTON
SPRINGS RD, PALM
FLORIDA 32348

195 140 17
Docket #

IN THE SUPREME COURT OF THE
UNITED STATES

VINODH RAGHUBIR
PETITIONER / PLAINTIFF

V.

SECRETARY, DEPARTMENT OF CORRECTIONS
U.S. COURT OF APPEALS 11TH CIRCUIT
U.S. DISTRICT COURT

RESPONDENTS / DEFENDANTS

ON PETITION FOR REHEARING
"EN BANC" WITH DEMAND FOR
JURY TRIAL & ADMISSIONS

ARISING FROM USCA11 CASE #

VINODH RAGHUBIR, PRO. SE
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8501 HAMPTON SPRINGS ROAD
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V. R.

10.16.19

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5. BARDWIN COUNTY WILLOWE CTR. 460 A.2D 157, 104 S. CT. AT 1726
6. IRWIN V. DEPT. OF VETERAN AFFAIRS 498 US 59, 96, 111 S. CT 453,
458 112 LAD 2D 435 1990
7. OTT V. JOHNSON 192 F.3D 50 1573 5TH CIR 1999
8. WALKFIELD V. RR RET. BD. 131 F.3D 967, 969 11TH CIR 1697
9. SHANTON V. HARNANDEZ 504 US 25 118 LAD 2D 340 112 S. CT 1215 1992
10. NITZKE V. WILLIAMS 1989 490 US 319 104 LAD 2D 338 109 S. CT. 1122
11. GISH V. US. 2017 US DIST LEXIS 8207 29 2017 USDC 11
12. ASKREMAN V. POPPE
13. 28 USC 455

THE PETITION FOR WRIT OF HABEAS CORPUS,
PRESENTED IN THIS CASE WAS FORWARDED ON THE
PREMISE, THAT RELIEF IS UNAVAILABLE FROM ANY
OF THE LOWER TRIBUNALS PURSUANT TO
"THE CONSPIRACY TO PREDETERMINE THE OUTCOME
OF JUDICIAL PROCEEDINGS" ^{SEE ASHLEMAN V. POPE},
WHERE UPON THE MERIT CONSIDERATION OF
IMPROPRIETY, A JUDGE MUST RESIGN/DISAVOW
THEMSELVES, "TO AVOID EVEN THE APPEARANCE OF
IMPROPRIETY," WHERE THE CONSPIRATORS INCLUDE ALL
STATE, US DISTRICT, & US COURT OF APPEALS, CIRCUIT
& JUDICIAL, AND IN THIS CASE COMMENCED "AB INITIO",
PRIOR TO ISSUANCE OF ARREST WARRANTS UPON FRAUDULENT
EVIDENCE & AFFIDAVITS. EVERY "ORDER" DEMONSTRATES FRAUD, DECEIT, COLLUSION

AS PRESENTED TO THE COURTS, DILIGENTLY &
MULTIPICIOUSLY, PURSUANT TO THE "CONSPIRACY TO PRE-
DETERMINE THE OUTCOME OF JUDICIAL PROCEEDINGS", DENYING
MEANINGFUL ACCESS TO THE COURTS, INTENTIONALLY MIS-
CONSTRUCTIVE, INTENTIONALLY MISFEINING, ABRUPTING,
ABRIDGING, ALTERING, IMPEACHING, MODIFYING, ENLARGING,
RULES OF PROCEDURE, & SUBSTANTIVE RIGHTS, THE
COURTS EXERCISED ABUSE OF DISCRETION, OVERSIGHT,
MISAPPREHENSION, & USURPTION OF POWER, DEMONSTRATING
BY THE RECORDS AS PRIMA FACIE EVIDENCE, AN

"EXTRAORDINARY CIRCUMSTANCE"
REQUIRING THE OPINION OF THE U.S. SUPREME
COURT, AS NO STANDING PRECEDENT EXISTS.

<sup>SEE RECORDS ATTACHED TO PETITION FOR WRIT
OF HABEAS CORPUS</sup>

* PURSUANT TO THE CONSPIRACY, IT HAS BEEN
PREDETERMINED BY THE COURTS THAT
NO RELIEF WILL BE GRANTED.

AS TO EVERY PLEADING, FILED IN EVERY CASE,
THE COURT SEEMS PRE-DISPOSED TO DENY RELIEF
RATHER THAN APPLY THE USUAL RULES IN A
FORWARD MANNER TO THE UNCONTESTED FACTS."

< 2017 vs DIST LEXIS 61411 V. U.S. SUP. 2012 vs 11 >
THUS THE RECORDS & ADMISSIONS DEMONSTRATE AN
"EXTRAORDINARY CIRCUMSTANCE",

< THE SUPREME COURT RULE 44(3) >

PROWIPER PRE-POSITIONING OF DENIALS OF THE
CASES IN AND OR ARISING FROM THE DOUBLE JEOPARDY
VIOLATING CASES 2016 CR 1833 / 6:18-W-1016-ORC-3720 &
2016 CR 5031 / 6:18-W-1017-ORC-MURS/WRIT.

"WHAT CONSTITUTES AN EXTRAORDINARY CIRCUMSTANCE IS
A FACT SENSITIVE ANALYSIS; IN SHORT THE CIRCUMSTANCES
MUST BE EXCEPTIONAL AND COMPELLING" < SEIDON V.
RABENHEIM ARIZONA & MASLOV LEP 5412 APPX 213, 215
3 D OR 2013 >

"AN EXTRAORDINARY CIRCUMSTANCE IS ONE THAT IS BOTH
BEYOND THE MOVANT'S CONTROL AND UNAVOIDABLE EVEN
WITH DILIGENCE" < SIZ FRI APPX 1001 WORE V. U.S.
MARCH 18 2013 U.S. 511 > "THE U.S. SUPREME
COURT HELD THAT ATTORNEY MISCONDUCT THAT GOES
BEYOND "GARDEN VARIETY" NEGLIGENCE AND IS
SUFFICIENTLY BLATANT MAY CONSTITUTE AN EXTRAORDINARY
CIRCUMSTANCE", AND HAVE THE DESIRED RESULT
OF THE CONSPIRACY IS FIRST "DELAY", SECOND
TO "WEAR DOWN" THE PETITIONER, IN VIOLATION OF
PROTECTION AFFORDED BY THE DOUBLE JEOPARDY
CLAUSE.

"THE MOST COMMON EXAMPLE OF AN EXTRAORDINARY CIRCUMSTANCE IS WHEN THE DEFENDANT'S MISCONDUCT INDUCED THE PLAINTIFF INTO ALLOWING THE FILING DEADLINE TO PASS" < 322 F.2D 816 ROBINSON V. U.S. OCTOBER 15 2007 USCA 5+11 > < STATE BARBOWIN COUNTY WELCOME CTR. 466 US AT 157, 604 S. CT. AT 1726 > PERMISSIBLE TO DO IF AFFIRMATIVE MISCONDUCT ON THE PART OF A DEFENDANT LED THE PLAINTIFF INTO ACTION >. < STATE IRWIN V. DEPT. OF VETERAN AFFAIRS 498 US 89, 96, 111 S. CT 453, 458 112 LHD 2D 435 1990 > "STANDARD REQUITABLE DOUBT APPLIES WHEN "THE CLAIMANT HAS ACTIVELY PURSUED HIS JUDICIAL REMEDIES BY FILING A DEFECTIVE PLEADING, DURING THE STATUTORY PERIOD, OR WHERE THE COMPLAINANT HAS BEEN INDUCED OR TRICKED BY HIS ADVERSARIES MISCONDUCT INTO ALLOWING THE FILING DEADLINE TO PASS. < OTT V. JOHNSON 192 F 3D 50 1513 5TH CIR 1999 > "WE RECENTLY EXPLAINED THAT REQUITABLE DOUBT APPLIES PRINCIPALLY WHERE THE PLAINTIFF IS ACTIVELY MISLED BY THE DEFENDANT ABOUT THE CAUSE OF ACTION OR IS 'PREVENTED IN SOME EXTRAORDINARY WAY FROM ASSERTING HIS RIGHTS'. IN FACT, WITHOUT DEFENDANT MISCONDUCT, COURTS HAVE USUALLY BEEN MUCH LESS FORGIVING IN GRANTING LATE FILING WHEN THE CLAIMANT FAILED TO EXERCISE DUE DILIGENCE IN PRESERVING HIS LEGAL RIGHTS." < IRWIN 198 US AT 96 111 S. CT AT 458 WAILEFIED V. RR. RET. Bd 131 F 3D 962, 969 11th CIR 19997.

ALTHOUGH IN THIS INSTANCE, IT IS NOT

EQUITABLE TO UNLAWFUL, RATHER IF IN
RELATION TO A FINE, THE LOGIC STILL APPLIES.
< See DANTON V. HERNANDEZ 504 US 25 118 LEd 2d
340 112 S. Ct 1215 1992 > HOLDING ...

(A) "THE INITIAL ASSESSMENT OF AN INFORMA PAPERIS
PLAINTIFFS FACTUAL ALLEGATIONS MUST BE WEIGHED
IN FAVOR OF THE PLAINTIFF"

✓ "THE COURTS INTENTIONALLY MISCONSTRUED THE FACTUAL
ALLEGATIONS."

(B) "A COMPLAINT MAY NOT BE DISMISSED UNDER 1915(d)
SIMPLY BECAUSE A COURT FINDS THE PLAINTIFFS
ALLEGATIONS UNLIKELY."

✓ "BECAUSE THE COURTS INTENTIONALLY MISCONSTRUED
THE ALLEGATIONS, PURSUANT TO THE CONSPIRACY, IN ORDER TO
DEFEAT THE CLAIMS, THE COURTS FINDINGS WERE
ENTERED IN COMPLETE ABUSIVE USE OF JURISDICTION AS
PREREQUISITE TO EVEN CONSIDER THE IMPROPERITY
THE JUDGES SHOULD HAVE REFUSED THEMSELVES TO
"AVOID EVEN THE APPEARANCE OF IMPROPERITY."

(C) "A DISMISSAL OF AN INFORMA PAPERIS ACTION AS ...
FRIVOLOUS UNDER 1915(d) IS PROPERLY REVIEWABLE ON
ON APPEAL FOR ABUSE OF DISCRETION BECAUSE A
FRIVOLOUSNESS DETERMINATION UNDER 1915 IS DISCRETIONARY"

✓ "BECAUSE THE COURTS, PURSUANT TO THE CONSPIRACY,
ARE PREDISPOSED TO DENY RELIEF AT ALL COSTS,
APPEALATE REVIEW, AT LEAST "MEANINGFUL APPEALATE
REVIEW" IS UNAVAILABLE IN THE LOWER COURTS.

" A COMPLAINT IS FAVORABLE UNDER 1915 (d) WHEN THE COMPLAINT LACKS AN ADEQUATE BASIS IN EITHER LAW OR FACT " < NITZKE V. WILLIAMS 1989 490 US 319 104 LEd 2d 338 109 S.Ct 1877 >.

THE TRUE NATURE AND SUBSTANCE OF THE PLEASIBLE FACT MATTER, HOWEVER THE INTENTIONALLY MISCONSTRUCTED VERSION, THE VERSION DRAFTED BY THE COURTS, OR INTENTIONALLY MISFILED BY THE COURTS, IS, THUS THE PETITIONER AB INITIO, PRIOR TO ARREST WARRANT WAS 'PREVENTED' IN SOME EXTRAORDINARY MANNER FROM ASSERTING HIS RIGHTS! < IRWIN >.

THE COURTS FINDINGS WERE "BASED ON OBJECTIVELY UNREASONABLE, AND IN SOME INSTANCES SIMPLY FALSE FACTUAL FINDINGS ... AND THEREFORE ITS APPLICATION ... RESTS ON A FAULTY FACTUAL PREMISE AND MERITS NO DEFERENCE!"

< WILLIAMS V. TAYLOR 509 US 363, 398. 99, 120 S.Ct. 1495 1146 LEd 2d 389 2000 >.

FAILURE TO GRANT RELIEF WILL DESTROY PUBLIC CONFIDENCE IN THIS COURTS JUDICIARY, AS RESTRICTION OF PUBLIC CONFIDENCE IN THE JUDICIARY OF THE LOWER COURTS IS INEVITABLE, PRESENT TO UNLIMITED RESOURCES, AND PUBLICATION OF THE TRUTH, < SEE "PREFACE TO" FIND IN ALL CASES >, WHERE "THE GOVERNMENT MAY PROVE A CONSPIRACY WITH CIRCUMSTANTIAL EVIDENCE ALONE, BECAUSE THE ESSENTIAL NATURE OF CONSPIRACY IS SECRECY" < US. V. BURK 732 F2d 963 11th Cir 1984 > JUNE 14 2018 >.

I Vinodit Raghavir, swear under penalties or perjury
that the foregoing is true, correct and not meant
to mislead. I also certify that a true, correct
copy has been forwarded 10.16.19

10.16.19. ATORPHEM WENKAM 444 SEABREEZE BLVD 500
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