



SUPREME COURT OF THE UNITED STATES

JESSE JEROME DEAN, JR.,

Petitioner,

vs.

NO:19-5463

UNITED STATES OF AMERICA,

Respondent.

PETITION FOR REHEARING

COMES NOW, Petitioner, Jesse Jerome Dean, Jr., and hereby files this Petition for Rehearing and, in support thereof, respectfully submits the following:

1. Petitioner has been confined in the Special Housing Unit now for 63 days and this document and his previously-submitted letter had to be hand-written and prepared without access to legal material or accessories.

2. Petitioner's Petition includes very serious claims of actual and legal innocence, a Brady-violation, fraud upon the habeas court and multiple Due Process violations.

3. One of these claims assert that the courts below have erroneously mischaracterized Petitioner's true Rule 60(d)(1)/60(b)(3) motion as an unauthorized second or successive §2255 and have refused to issue a Certificate of Appealability.

4. In June of this year, this court granted certiorari in Banister v. Davis (2019) which is precisely on point with one of Petitioner's claims. Specifically, Banister asserted that the Fifth U.S. Circuit erroneously mischaracterized his Rule 59(e) motion as an unauthorized second or successive §2255 and denied him a Certificate of Appealability.

5. In light of the foregoing, Petitioner respectfully requests that this court grant this Petition for Rehearing, hold Petitioner's Petition in abeyance pending a decision in Banister v. Davis (2019) and grant any other relief that it deems proper, necessary, just and equitable.

CERTIFICATES

I HEREBY CERTIFY that this Petition for Rehearing is limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

I ALSO HEREBY CERTIFY that this Petition for Rehearing is presented in good faith and not for delay.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was hand-delivered to prison officials for mailing, with proper, first-class postage affixed, addressed to the Solicitor General of the United States, 950 Pennsylvania Avenue, NW, Room 4322, Washington, DC, 20530-0001, on this 18TH day of November, 2019.

Respectfully Submitted, Date: Nov. 18, 2019

Jesse J. Dean &

Jesse J. Dean, Jr.,

44060-004 Z02-214U

McRae Correctional Facility

P.O. Drawer 55030

McRae Helena, Ga

31055