

No. 19-6438

IN THE
SUPREME COURT OF THE UNITED STATES

Jose Luis Tapia Fierro — PETITIONER

vs.
William Barr, et., al. — RESPONDENT(S)

PETITION FOR REHEARING

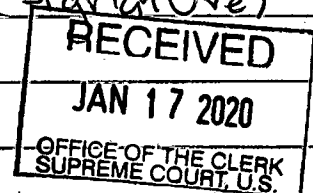
Jose Luis Tapia Fierro

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P.O. Box 8200

Florence, AZ 85132

Respectfully submitted this 28 day of December, 2019

Jose Luis Tapia Fierro
(Signature)



PETITION

Introduction:

On October 4, 2019, Petitioner submitted a petition for a writ of certiorari to this Court.

On December 16, 2019, this Court issued an order denying the petition for a writ of certiorari.

Reason For Granting the Petition For Rehearing

In this petition for rehearing, the Petitioner contends that the complaint (Bivens action) filed in the U.S. District Court in Arizona is an action for compensatory damages for the unlawful imprisonment Petitioner suffered by the actions of the federal government, and that these claims in the complaint should be cognizable under this Court's decision in *Heck v. Humphrey*, 512 U.S. 477, 487 (1994) because Petitioner (Mr. Tapia Fierro) succeeded in obtaining two (2) federal habeas corpus petitions based on the unconstitutionality of removal proceedings, and for the unconstitutional conviction, incarceration and detention by the federal defendants all in violation of Petitioner's Fourth

Amendment rights.

The June 12, 2001 removal order has had numerous collateral consequences for this Petitioner, which includes:

1) an unlawful federal conviction where the "erroneous 2001 removal order" was used and served as a "predicate element" for the illegal re-entry after deportation charge;

2) psychological damages before, during and after the wrongful removal and subsequent incarceration and detention by the federal government.

3) charges of inadmissibility; and

4) new [currently pending] charges of deportability.

Had Petitioner not been illegally/erroneously removed, [I] would not have been convicted, in a trial by jury, for the attempted illegal reentry charge. The federal government (Department of Homeland Security (DHS)) would not have been able to charge [me] with inadmissibility and deportability charges, nor would [Petitioner] would have had suffered irreparable harm, great prejudice and irreversible psychological damage(s).

Because Petitioner's [unlawful] illegal reentry conviction, the new inadmissibility and deportability charges stem from, and indeed would never have occurred but for his unlawful removal from this Country, in June 12, 2001, these are serious collateral consequences that this Supreme Court of the United States should not ignore.

The Petitioner Suffered Great Prejudice
As A Result of the Immigration Judge's
(IJ) Erroneous Interpretation of Law.

On the first and Second habeas corpus petitions, the federal government did not disputed the fact that Petitioner has been prejudiced by the IJ's error. Nor can it.

As a result of the, June 12, 2001, IJ's error here, Petitioner was not only unlawfully/erroneously removed, but [I] was wrongfully and unlawfully convicted for illegal reentry after deportation, where the [2001] removal order was used and served as a "predicate element" of the offense charged and spent ten (10) years, two (2) months of my life in the federal defendant's (DOJ and DHS/ICE) custody, most of the time serving the sentence for the illegal reentry conviction [Petitioner] did not commit.

There can be no doubt that Petitioner has had suffered great prejudice and a "manifest injustice."

This Petitioner submitted, to the lower court, in the November 16, 2017 initial complaint, a redacted version of those (2010-2011) government's (DOJ and DHS) e-mails, which clearly show[ed] an abdication of rights to Petitioner by the federal government's "above the law" actions and maneuverings. A redacted version that was submitted as "corroborative documentary evidence" that supports and backs-up the federal government's illegal actions and maneuverings.

The defendant's (DOJ and DHS) e-mails are no greater than other "material evidence" that tends to prove [their] misconduct and wrongful acts.

Petitioner expects that these ["uncovered"] actions and maneuverings, by the federal government, will bring light to the type of behavior—conduct that is been in those departments regarding the rights of legal permanent residents (LPRs) of the United States, such as Petitioner.

Petitioner have had suffered and continues to suffer a concrete and particularized injury as a result of [past] "premeditated misconduct" and wrongfulness by the federal government's defendants in and

with respect to irreparable harm, psychological damages(s), and a substantial and irreversible harm to Petitioner, Mr. Tapia Fierro.

In Mr. Tapia Fierro's case, the lower court (U.S. district court in Arizona) dismissed Petitioner's complaint on the issue of the Arizona statute of limitations found in Arizona Revised Statute (A.R.S.) §12-542.

Petitioner contends that A.R.S. §12-542 should be tolled because and due to the ~~govern~~ federal government's misconduct was not waived and because it was raised in first and second habeas corpus (28 U.S.C. §2241) proceedings in the U.S. district court for the central district of California. A proceeding "related" to the initial complaint in the U.S. district court in Arizona, and "because a 'clear-cut manifest injustice' resulted from it.

Mr. Tapia Fierro respectfully contends in this Petition For Rehearing that it does not matter if Petitioner filed a *pro se* complaint outside of the Forum State (of Arizona) statute of limitations. And that if this Supreme Court determines that it does, Petitioner respectfully challenges the application of the Forum State of Arizona statute of limitations found in A.R.S. §12-542 to a complaint

(Bivens action) against federal defendants.

Furthermore, Petitioner alleges that what matters here are the following basis/grounds in the complaint, such as:

A) that the "main basis" in the Bivens action is to have had been convicted of a crime [I] did not commit;

B) that Petitioner's complaint for damages is a complaint that involves federal agencies or departments (DOJ and DHS) not [any] State of Arizona agencies;

C) that the "federal" forum statute of limitations should be the applicable forum;

D) that the federal government's induced actions were a substantial factor of Petitioner's past and current irreparable harm; and

E) that Petitioner sticks to and ^{is} within the "four corners" of his, under penalty of perjury, complaint as well as to the "four corners" of his addendum to complaint that were filed on ~~Decem~~ November 16, 2017 and December 14, 2017, respectively.

These are the reasons and basis for the granting of this petition for rehearing. The petition for rehearing should be granted.

Respectfully submitted,
for Justina A. Ferro

December 28, '19

Dated

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William P. Barr, et., al — RESPONDENT(S)

CERTIFICATION OF A PARTY UNREPRESENTED BY COUNSEL

Petitioner Jose Luis Tapia Fierro submits this certification of a party unrepresented by counsel and hereby states that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented. Petitioner further states that the petition for rehearing presented is restricted to the grounds specified in Rule 44.2 and is presented in good faith and not for delay.

January 22, 2020

Dated

Jose Luis Tapia Fierro
Signature