

IN THE SUPREME COURT OF THE
UNITED STATES
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Exhibit B
COVER Page

Antwon Whitten, Pro SE, V. ATYIA, ET AL,
Petitioner Respondent(s)
NO. 19-6590

"PETITION FOR REHEARING"

TO THE UNITED STATES COURT OF APPEALS
4th Cir. VA.

ANTWON WHITTEN, PRO SE,
Red Onion State Prison
10800 H. Jack Rose Highway
P.O. Box 970
Pound, VIRGINIA. 24279-0970

Dated: MARCH 3, 2020

QUESTIONS PRESENTED

- 1) Whether the U.S. Dist. Ct. (W.D. Va.) in granting summary judgment in favor of defendants improperly decided genuine disputed material factual issues?
- 2) Whether the U.S. Dist. Ct. (W.D. Va.) overlooked Whitter's claim of properly following the VA. DOC., O.P. 866.1 steps asserted, in denying me summary judgment?
- 3) Whether the U.S. Dist. Ct. (W.D. Va.) Magistrate Judge, decision to deny Whitter, appt. of Counsel in such a complex case was an abuse of discretion and a 14th Amend. due process of law violation?
- 4) Whether the U.S. Dist. Ct. (W.D. Va.) & The USCA (4 Cir. Va.) in failing to answer Whitter's Fed. R. Civ. P. 56(c)(4) claim in his pleadings was an error of law/abuse of discretion and is reversible error of the Summary Judgment ruling?
- 5) Whether the U.S. Dist. Ct. (W.D. Va.) made an improper ruling in awarding defendants Summary Judgment when its ruling was based on a credibility determination of the facts in the record?
- 6) Whether Plaintiff, Whitter was prejudice by the impelling of his grievance and denied, U.S. Const. 14th Amend. due process right to be heard?
- 7) Whether the state law claims should be restored?

STATEMENT OF THE CASE

- ① Petitioner, Whitten, pro se, sued the defendants named herein under 42 U.S.C. § 1983, which provides relief for civil rights violations committed under color of State law. Jenkins v. Medford, 119 F.3d 1156, 1159-60 (4th Cir. 1997). Under § 1983, a plaintiff must establish three elements to state a cause of action: (1) the deprivation of a right secured by the Constitution or a federal statute; (2) acting under color of State law; (3) by a person. Whitten, pro se, claims that defendants, ATYFA, Fleming, Anderson, Dulaney, Cowden, Messer, Kelley, and Ravizee violated Whitten's constitutional rights under 42 U.S.C. § 1983, 42 U.S.C. § 1997e(2), Eighth Amend. Deliberate Indifference; FRCP 56(c)(4); State Law Claims alleged under 28 U.S.C. § 1367, as well as the Dist. Ct. Judge, rulings on Summary Judgment Standard; and the Exhaustion of Administrative Remedies, per O.P. 86-1, Va. DOC. (VI)(A)(2)(b)(i) & (VI)(A)(2)(b)(ii).
- ② The early morning of October 31, 2015, Whitten, pro se, was transported to (LPH) Longsight Pine Hospital for injuries suffered from a K-9 attack which required sutures. While in the (LPH) Emergency Room (E.R.) receiving suture by defendant, ATYFA, he was with Defendants Fleming, Anderson, and Kelly, and I made the statement that "the Prison's K-9 should be authorized." ATYFA, Fleming, and Anderson, gave each other the look of disapproval of my statement. Moments later, ATYFA claimed he pricked his finger thus, needed to change gloves, ATYFA, Fleming, and Anderson all exited the (E.R.) once they returned, I was asked by Dr. ATYFA, if I would take a Hepatitis & HIV blood test. I replied, "yes." Soon, defendant, Cowden, entered the room with a ready prepared needle and drew my blood. Cowden, claims the needle was not unpackaged. This is in dispute. Whitten, pro se, was returned to Wallers Ridge State Prison (WRSP) the same day. Defendant Dr. Dulaney of (WRSP) requested blood draws from me several times without explanation. Once transferred to Red Onion State Prison (ROSP) on Feb. 5, 2016, no word given to me on any blood testing results. However, on Feb. 11, 2016, Dr. Miller of (ROSP) informed me, I contracted Hepatitis B. Dr. Dulaney of (WRSP) was my primary treating physician, in possession of my medical records and condition before 10-31-2015. see: Id at 7. and ECF no. 1, Compl. @ 4.

- 3) Defendant, Dukorey's actions were deliberate indifference to my known medical need and done with bad faith in concealing the (Hepatitis B) testing results known to (LPH) on 11-2-2015, SEE: ECF. 90-91, EX. #T. 2. Whitten, pro se, made a plausible deliberate indifference allegation at ECF. no. 1, & 10, EX. 22, DECL. in supp. Mot. Summ. J. Amend. Compl. EX. #Aa. and ECF. no. 1, EX. #U. All allegations to this civil action against each defendant calls for this courts interpretation of alleged Const. violations.
- 4) Defendants, Messer & Ravizee conspired to cover up this violation by impeding my timely ability to file adequate required pro se pleadings, all levels of the filing procedure was interfered with. SEE: ECF. no. 72, Interrogatories, Messer #1, pg. 3, P#6. This show clear and convincing impediment.
- 5) Whitten, pro se submitted properly supported decl., which were in direct contradiction of the unsupported Decl. & Aff. submitted by defendants. SEE: ECF. no. 112, EX. #RBG, EX. J. K. and 8 & 9; ECF. no. 50. The (U.S. C.A. 4th Cir. Va.) failed to response to the merits of, Whitten's, FRCF 56(c)(4) claim of defendants failure to conform to said rule. SEE: ECF. no. 23-24, Informal reply brief; Also the U.S. Dist. Ct.'s failure to respond to same claims. SEE: ECF. no. 94, EX. #A1J, #3; A1K, #4; ECF. no. 50; ECF. no. 112, EX. #RBG, #7 and ECF. no. J. K. P#8-9.
- 6) The U.S. Dist. Ct. factual determinations were not fairly supported by the record as a whole; thus, the fact finding procedure employed was not adequate in abiding, Whitten, pro se, a full and fair Summary J. process. Prejudice resulted as I was not heard per the 14th amend. No relevant findings were decided by U.S. Dist. Ct. (U.D. Va.) Judge, Jones, as the FRCF 56(c)(4) allegation was not tendered on the merits. The (USCA 4th Cir. Va.) must determine whether the U.S. Dist. Ct., has impliedly found material facts in order to decide judgment. The record reveals genuine disputed facts which ECF. no. 1, pg. 7 P EX. #N, pgs. 1-3 creates disputed facts which preclude summary J. in defendants favor, and the courts failure to acknowledge, Whitten's, claims aforementioned. The U.S. Dist. Ct.'s ruling was based on credibility which is not allowed, and ignored the records genuine dispute over material facts. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252, 106 S. Ct. 2505, 91 L.Ed. 2d 202 (1986). SEE: claims attached.

REASONS FOR GRANTING THE PETITION FOR REHEARING

A. Conflicts with Decisions of other Courts

Arguments - Errors

- 7) 1A- Summary Judgment Standard - Where a case is decided on summary judgment, and there have not yet been factual findings by a judge or jury, and the appellant's version of events... differ substantially from the appellee's... courts are required to view the facts and draw reasonable inferences in light most favorable to the party opposing the motion. Scott v. Harris, 550 U.S. 372, 127 S.Ct. 1769, 167 L.Ed.2d 686 (2007)

The court does not weigh the evidence, consider credibility, or resolve disputed issues, it decides only whether the record as a whole reveals a genuine dispute over material facts. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986).

- 8) A "material fact is one that might affect the outcome of the suit under the governing law." Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 106 S.Ct. 2505 (1986). The disputed facts alleged by Whittier, pro se, are material. Whittier's Decl., ECF no. 1-2, Ex. #11, 10/3/17, ECF no. 10, Ex. #AA, 10/23/17, are in direct conflict/contradiction with all defendants aff's & Decl., @ Dulaney, Mem, Sup. Mot. Summ. J., Decl. #3 @ ECF no. 100-1; Messer, Aff. 5-8 and enclosure A, ECF no. 106-3.

9) Ravizee, Aff., enclosure C, ECF, no. 106-4, Fleming, Aff. #2, ECF, no. 106-2, Anderson, Aff., #1, ECF, no. 106-1, ATYIA, Decl. #A, ECF, no. 79, USCA4, ECF, no. 19, pg. 2, para. 7-8, 5/12/19, (#19-6481, USCA4, ECF, no. 31, pg. 2-3, Dulaney, Decl.), Cowden & Kelly, ECF, no. 83, 84-85, #1-2, 8/23/18, Cowden & Kelly, ECF, no. 102, Aff. #1-2, Renewal of Mot. Summ. J., ECF, no. 83, see: Whitten's reply @ ECF, no. 112, Decl. # R.R., F.D.R., A.L., J.M., R.B.G., and J.K., 10/9/18. The U.S. Dist. Ct. decision failed to adhere to F.R. Civ. P. 56(c) as genuine issues of material facts exist and its ruling was based on credibility. Defendants have not presented any verified proof by way physical evidence which could entitle them to Summary Judgment. Plaintiff, Whitten, prose, claims were supported by certified Decl.'s and his verified compl. ECF, no. 1 and Amend. Compl. #10, thus, the facts alleged would have supported a judgment in my favor under all claims alleged. Summ. J. was improper in favor of defendants base solely on self-serving statements, when viewing the record as a whole. Whitten, was prejudiced by this ruling as it denied due process and the right to present my case before a judge or jury. The decision should be reversed in the interest of justice. My injury is life threatening and it's not acceptable just because I'm an inmate & self represented against such a large number of professional legal minds.

10) The act demonstrated upon, Whitten, prose, by the aforementioned defendants has caused severe physical and emotional harm, the seriousness of these deprivation is surely cruel and unusual. Punishment, based on the constitutional violations. Being intentionally infected by way of a conspiracy with a dirty needle is beyond an emotional injury and, the Hepatitis A & B shots/vaccine will not cure this disease, my body is going through it, as I am constantly fatigued and pains in my side & stomach areas.

#2A-Exhaustion of Administrative Remedies- Plaintiff-

- 10) Petitioner relies on the holdings of the courts below, 42 U.S.C. §1997e(a), and (Va.DOC) Operating Procedure 866.1 VI(A)(2)(b)(i); VI(A)(2)(b)(ii) which dictates the policy and procedure inmates must follow and defendants shall be held to follow as well the courts. Once this exhaustion steps are followed and proven by the inmate, a court abuses its discretion if it makes an error of law. Koon v. United States, 518 U.S. 81, 116 S.Ct. 2035, 2047 (1996). The exhaustion requirement is mandatory. Ross v. Blake, 136 S.Ct. 1850, 1856 (2016), and applies to all inmate suits about prison life. Porter v. Nussle, 534 U.S. 516, 532 (2002). The court states, To comply with §1997e(a), an inmate must properly follow each step of the established grievance procedure that the facility provides to prisoners and must meet all deadlines within that procedure. Woodford v. Ngo, 548 U.S. 81, 90-94 (2006). (VA DOC) Operating procedure 866.1, is the written administrative remedies procedure that inmates use to comply with 42 U.S.C. §1997e(a). O.P. 866.1 (V)(B)(2); VI(A)(2)(b)(i); and VI(A)(2)(b)(ii) dictates the properly mandated exhaustion requirement in (VA DOC), in this case. Plaintiff asserts he filed under each step aforementioned. see: ECF no. 110-111, ex. # K. & M.G.; & 81-ECF no. 1, pg. 7, para. 28, ex. N, original copy, USCA4, internal brief pg. 7, para. 15, Record no. 19-6481, ex. # 100, ECF no. 17, 5/3/19.

12) Plaintiff, Whitten, pro se, has shown cause and prejudice to overcome the alleged procedural default and, that if this court were to look past defendant(s) Messer & Lavieze's intentional conduct to impede my exhaustion of administrative grievance remedies, it would be manifest error and a miscarriage of justice. Murray v. Carrier, 477 U.S. 478, 106 S. Ct. 2639, 91 L.Ed. 2d 397 (1986). This law applies to §1983 suits for justice is priority as a matter of law. Plaintiff also met the prison mailbox rule, despite defendants efforts to frustrate my timely filings. Houston v. Lack, 487 U.S. 266, 108 S. Ct. 2379, 101 L.Ed. 2d 245 (June 24, 1988). Defendant, Messer had every opportunity to inform Whitten of any error's or misunderstanding concerning issues involving his claims or she simply should have mailed my informal & grievance out to (WRSP) at the first step of the process. Waiting until the last moment and forwarding it to (LOSP) medical was a clear violation of the grievance policy and prevented, Whitten, pro se, from any and all corrections/timely filing. The very same reason, the U.S. Dist. Ct. gave to claim I failed to file timely, is the true reason why I was hindered from doing so. I met every requirement of the O.P. 866.1 policy & procedure. See: O.P. 866.1 (II)(A)(6)(i), (II)(A)(6)(ii).

13) #3A- 42 U.S.C. §1985(3) - Being intentionally infected with the deadly Hepatitis C disease is a serious deprivation of a federal Const. right. Glassman v. Arlington Cnty., Va., 628 F.3d 140, 150 (4th Cir. 2010). See: ECF no. 1, compl., pg. 3-5 overview, and Amended Compl. ECF no. 10, ~~Ex. #14~~ pg. 3 @ #32, pg. 4 @ 33, pg. 6 @ 37, pg. 7 @ 39, ECF no. 90-91, Ex. #14A & F2, which is compelling & plausible evidence of defendant's guilt. Lee v. Johnson, 793 F. Supp. 2d 798, 802-03 (W.D. Va. 2011); citing Garciga v. [redacted], 239 F.3d at 654 (Va.). Individually each defendant named herein in this conspiracy has deprived me of a protected liberty interest, while acting under color of state law. This disease creates and imposes atypical and significant hardship on me in relation to the ordinary incidents of prison life and effects the duration of my sentence. Sandin v. Conner, 515 U.S. at 484, 487, 115 S. Ct. 2293.

#4 B. IMPORTANCE OF EXCEPTIONAL QUESTION PRESENTED

14) This case brings a fundamental question for this court's interpretation concerning the U.S. Dist. Ct. Magistrate Judge decision to deny appointment of Counsel to a pro se, indigent prisoner in a highly complex litigation? Hodge v. Police Officers, 802 F.2d 58 (2d Cir. 1986); Maclin v. Freake, 650 F.2d 885 (7th Cir. 1981) (per curiam). This question is of great public importance because it affects the rights to counsel and a fair trial of a large number of litigation over prison civil actions, guidance on the question is also of great importance to prisoners, because their ability to receive fair decisions in the course of litigation. The denial of counsel by the Magistrate Judge, Robert S. Ballou, ECF no. 6, case no. 7:17-cv-465 (10/11/17) Per 28 U.S.C., sec. 636 (b)(1)(A), creates the disposing of pertinent issues relevant to, pro se litigants cases, that if the court would have exercised its discretionary authority and appointed counsel, the playing field would have balanced. Prejudice resulted.

15) This ruling was also based on credibility rulings in defendants favor at Summ. T. Mot. level; thus, had an attorney been provided such a determination would not have occurred or a better avoid it. Maclin, 650 F.2d at 888. Attorneys are trained litigators of evidence sufficiency and cross-examination. Manning v. Lockhart, 623 F.2d 536, 540 (8th Cir. 1980). The exhaustion of administrative remedy question ~~was~~ unchallenged due to defendants impediment and the courts failure to respond to Whitten's Fed. R. C. P. 56(c)(4) claims before making its ruling. All affirmative defenses raised by defendants on the issue became moot.

#5.C - Importance of Exceptional Question Presented

46) This case brings a fundamental question to this court for its interpretation concerning: A, U.S. Dist. Ct., Judge, failure to answer plaintiff's claims and same error of law at the (USCA4 Cir Va.). SEE: ECF no. 112, Ex. #RB6, Decl. Whitten, pg. 4, para. 5, 10/9/18, went unanswered by U.S. Dist. Ct., Judge, James P. Jones, Decl. #5, Ex. #J-M, Decl. #7, Messer, Ex. #JK. ALL are Decl. in Supp. Mot. Summ. J. from Whitten, SEE: ECF no. 19, 21, Informal response brief of defendants: ATYIA, and Dulaney. SEE: Informal reply brief of Plaintiff, Whitten @ ECF no. 23-24, and Whitten's Informal opening brief @ ECF no. 17, ALL record no. 19-6481 @ USCA4 (Cir. Va.) claim went unanswered. SEE: ECF no. 21, reply brief, pg. 2-3, 5/17/19. Prejudice resulted as I was not heard.

47) Whitten, ask this court, if my claim that defendants decl.'s and Affidavits do not conform to Fed. R. Civ. P. 56(c)(4) in my Pleading and the court makes a ruling to deny me Summary Judgment without answering certain claims of plaintiff's defense, is it reversible error and prejudicial error which denies U.S. Const. due process of law XIII Amend. As a failure of Whitten to be heard, fully and fairly in the proceedings before the court? Antonio v. Barnes, 464 F.2d 584 (C.A. 4 (Va.) 1972) dictates that declarations and affidavits be supported by the requirements of Fed. R. Civ. P. 56(c)(4). Does the court have a legal obligation to address each claim presented? Is it an abuse of discretion when a court makes an error/plain error of law? SEE: Koon v. United States, 518 U.S. 81, 116 S.Ct. 2035, 2047 (1996).

Whitten ask this court to reverse the U.S. Dist. Ct. order, civ. no. 19-cv-00465, entered: March 29, 2019.

#6 Deliberate Indifference Standard

- 18) Plaintiff, Whitten, made out a plausible deliberate indifference claim in his verified compl. & Amended Compl. ECF no. 1 & 10, Ex. # 20, decl. in supp. Mot. Amend Compl, Ex. # A-H. SEE: ECF no. 1, Ex. # U. Each defendant named herein individually violated plaintiff, Whitten's clearly established Const. rights, thus this claim is properly before this court for its interpretation of alleged violations.
- 19) Defendant Dulaney failed to provide adequate medical care, and defendants, ATYIA, Kelly, and Cowden failed to do so. The medical document presented to the U.S. Dist. Ct. for evidence sufficiency on Summary Judgment by Whitten, was sound proof of this claim. SEE: ECF. # 90-91, Ex. T-2, which shows defendants had verified knowledge of (Hepatitis B) findings from the Chosen lab used by Lonesome Pine Hospital, (LPH) on Nov. 2, 2015. This was a result of Dr. ATYIA's claim of his fear of possible exposure to either Hepatitis or HIV, during his finger pricking claim while suturing my head in the (E.R.). Once the lab report came back neither defendant informed me of the findings. Defendant Dr. Dulaney of (WRSP) kept testing my blood for this same virus on Feb. 9, 2016, she confirmed a (Hepatitis C) virus positive result from testing of a different lab chosen then that of the lab used by defendant ATYIA. This created a dispute early on. SEE: ECF. no. 90-91, Ex. # 14-A @ # 5, case no. 7:17-cv-465, U.S. Dist. Ct. (W.D. Va.); Dulaney denies knowing of the Nov. 2, 2015 results but, Whitten does not believe her, as her rationale for continued testing is not plausible from the record. SEE: ECF. no. 90-91-Ex. 14A, 1-14. The U.S. Dist. Ct. decision on summ. J. should be reversed as a genuine material factual dispute exist. Treatment was delayed. Prejudice resulted as I was denied my right to be heard, 14th U.S. Const. Amend. violation, and 8th Amend violation accrued.

STATE LAW CLAIMS

#7E-

20) Whitten, prose, ask this court to renew all his state law claims, as I remain injured mentally and physically due to this traumatic and life threatening experience caused by defendants, ATTYIA, Fleming, Anderson, Lowder, Messer, Dulaney, Ravizee, and Kelly, while acting under color of state law when violating my constitutional rights... this matter is applicable under supplemental jurisdiction. pursuant to 28 U.S.C. §1367, while before the U.S. Dist. Ct. (W.D. Va.).

21) Each defendant aforementioned has steadfastly denied any wrong doing, but have not supported any of their claims with factual content. Self-serving denials, with conflicting Decl.'s & Aff.'s, medical records and the genuine material disputed facts in the pleading/record, show, Whitten, prose, has alleged a course of shocking conduct from these defendants that is beyond doubt, and unconstitutional. The U.S. Dist. Ct. ruling was erroneous and against logical judgment. It was an abuse of discretion. Koon v. United States, 518 U.S. 81, 116 S. Ct. 2035, 2047 (1996).

Whitten, prose, wants to be treated fairly in the court of law, as this intentional act deserves due process, as this court has the ability to correct this prejudicial error.

Respectfully,

Arthur Whitten

Arthur Whitten, prose

March 3, 2020

LIST OF PARTIES

ATIF ATYIA, Medical Doctor - Lonesome Pine Hospital.
LESLIE FLEMING, Warden - Wallens Ridge State Prison.
DAVID ANDERSON, Major, Wallens Ridge State Prison.
BILLIE COWDEN, Lab Tech - Lonesome Pine Hospital.
REBECCA D. KELLY, Registered Nurse - Lonesome Pine Hospital.
ROSE DULANEY, Doctor - Wallens Ridge State Prison.
J.B. MESSER, Ombudsman - Red Onion State Prison.
B.I. RAVIZEE, WALLENS RIDGED STATE PRISON - Institutional
ombudsman.

DEFENDANTS/RESPONDANTS.

Antwon Whitten, pro se counsel,
Plaintiff/Petitioner. 3/5/2020

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P.S. Attached: Letter to Clerk.

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 - 2) Judgment of United State District Court, case no. 7:17-cv-00465,
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 - 3) Judgment of THE SUPREME COURT OF THE UNITED STATES, at
Record no. 19-6590, at Appendix #C.
- ALL AT: Whitten v. ATYIA, et al.

In compliance with Rule 44 & 28 U.S.C. § 1254

Pro SE counsel: Antwon Whitten, 1138537

Antwon Whitten

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Constitutional Provisions and Statutes, Rules.

VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. _____ 11

XIV. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the law. _____ 11

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IN THE SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK

PETITION FOR REHEARING

Petitioner, respectfully prays that a Petition for Rehearing issue to review the judgments below.

OPINION(S) BELOW

FOR CASES FROM FEDERAL COURTS:

The opinion of the United States Court of Appeals (4th Cir. Va) appears at Appendix A, to the petition and is [✓] reported at: Whitten v. AT&T, et al., #19-6481 (7:17 CV-00465), 2019 WL 1430005, at *1 (W.D. VA, Mar. 29, 2019), aff'd. 776 App'x 817 (4th Cir. 2019) denied.

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The opinion of the U.S. Dist. Ct. (W.D. VA.), appears at Appendix B to the petition and is reported at: Whitten v. AT&T, et al., 7:17-CV-00465 (W.D. Va. Mar. 29, 2019) denied.

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The opinion of the SUPREME COURT of the United States, appears at, RE: Antwan Whitten v. AT&T AT&T, et al., NO. 19-6590 - cert. denied, 1-21-2020.

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JURISDICTION

For cases from Federal Courts:

The date on which the United States Court of Appeals
(4th Cir. VA.): decided my case was filed on: September
12, 2019 @ Whitten v. ADYIA, ET AL., 7:17 CV 00465, 2019
WL 1430005 at *1 (W.D. VA, Mar. 29, 2019), aff'd, 776 App'x
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The jurisdiction of this court is invoked under
28 U.S.C. § 1254.

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Conclusion

The factual legal matters, and questions overlooked were plain
error, the conflict in question has denied Whitten, pro se, his right
to be heard in a fair tribunal, before an impartial judge, thus, I
pray this court will interpret these applicable issues of
fact and law in the interest of justice, the petition for
rehearing shall issue. Due process was denied.

Respectfully submitted,

Antwon Whitten

Antwon Whitten, pro se.

3/3/2020

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CERTIFICATE PURSUANT TO RULE 44 OF COURT

I, Antwon Whitten, pro se, do hereby certify that on this 5 day of March, 2020, I mailed a true copy of this Petition for Rehearing with Attached Motion to file Voluminous Documents pursuant to FRCP, 5 (C)(1)(A) and Motion to proceed in forma Pauperis, for this court's consideration, to THE SUPREME COURT OF THE UNITED STATES, SUPREME COURT BUILDING, OFFICE OF THE CLERK, 1 FIRST STREET, N.E. Washington, D.C. 20543-0001. VIA: 1st class mail.

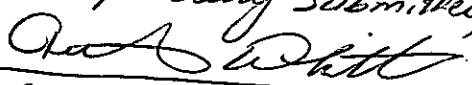
Petitioner, Whitten, pro se, do hereby declare and certify that the grounds presented are limited to the intervening circumstances of substantial controlling effect.

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

The petition's 15 page limitation is in compliance with U.S. Sup. Ct. R. 33.2(b); the exclusions specified in subparagraph 1(d) of this rule apply.

VERIFICATION

I, Antwon Whitten, pro se, do hereby declare under penalty of perjury that the foregoing is true and correct, pursuant to 28 U.S.C. §1746.

Respectfully Submitted,

Antwon Whitten, pro se, 1138537,
Red Onion State Prison
P.O. Box 970
10800 H. Jack Rose Highway
Pound, Virginia. 24279-0970

3/5/2020

CERTIFICATE

I, Antwon Whitten, pro se, do hereby certify that on this 5th day of March, 2020, I mailed a true and accurate copy of this Motion for Voluminous Documents Pursuant to FRCP 5(C)(1)(A), to the OFFICE OF THE CLERK, SUPREME COURT OF THE UNITED STATES @ 1 First Street, N.E. Washington, DC. 20543-0001. VIA: 1st class mail, by way of the (EOP) mailbox.

This motion for Voluminous Documents is presented in good faith and not for delay.

I, do hereby declare under penalty of perjury that the foregoing is true and correct, pursuant to 28 U.S.C. §1746. 3/5/2020.

Respectfully

Antwon Whitten

Antwon Whitten, pro se, 1138537,
Red Onion State Prison
P.O. Box 970
Pound, Virginia. 24279-0970

3/5/2020