



No.

19-6874

IN THE

SUPREME COURT OF THE UNITED STATES

IN RE: STEPHEN DANIEL LEONARD — PETITIONER
(Your Name)

ON PETITION FOR A REHEARING

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR REHEARING

STEPHEN DANIEL LEONARD #448091
(Your Name)

568 N.E. 255 St.
(Address)

Cross City, Fla. 32628
(City, State, Zip Code)

—
(Phone Number)

RULE 44 STATEMENT OF CERTIFICATION

Petitioner Stephen Daniel Leonard hereby certifies that the Petition for Rehearing is filed in good faith; the issues presented have not been previously presented; is not for delay.

Respectfully Submitted,

Stephen D. LEONARD #448091
February 11, 2020

LEGAL

QUESTION(S) PRESENTED

1. Did the Supreme Court of the United States unfairly and arbitrarily deny indigent Prisoner's Motion For Leave To Proceed In Forma Pauperis?
2. Did the Supreme Court of the United States violate Prose Prisoner's rights to Petition for Writ of Mandamus when denying Petitioner fair and impartial review of Prose Pleadings?
3. Did the Supreme Court of the United States violate Petitioner's due Process rights under Amendment 5 of the United States Constitution and Article's , of the Universal Declaration of Human Rights when denying Petitioner's Motion for Leave To Proceed In Forma Pauperis and dismissing the Petition for Writ of Mandamus on January 21, 2020?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[✓] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. Solicitor General of the United States, Rm. 5616 - 950 Penn. Ave. N.W.
Washington, D.C. 20530-0001
2. United States Court of Appeals for the Eleventh Circuit, 56 Forsyth St. N.W.
Atlanta, Ga. 30303 c/o David J. Smith Clerk.
- 3.

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR REHEARING

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix A _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article VI § 2 United States Constitution - "This Constitution and the laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the Contrary notwithstanding."

Amendment VII United States Constitution - "In Suits at Common law, where the value in Controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of Common Law."

* Article 6 Universal Declaration of Human Rights, (U.D.H.R. Ga. Res. 217A (III), U.N. Doc. A/810 (1948)) - "Everyone has the right to recognition everywhere as a person before the law."

* Article 7 Universal Declaration of Human Rights, (U.D.H.R. Ga. Res. 217A (III), U.N. Doc. A/810 (1948)) - "All are equal before the law and are entitled without any discrimination to equal protection of the law...."

* Article 8 Universal Declaration of Human Rights, (U.D.H.R. Ga. Res. 217A (III), U.N. Doc. A/810 (1948)) - "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the Constitution or by law."

28 U.S.C. § 1915 (a)(1) - "Subject to subsection (b), any Court of the United States may authorize the commencement, prosecution or defense of any suit, action or

proceeding, civil or criminal, or appeal therein, without prepayment of fees or security thereof, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress..."

28 U.S.C. § 1254 (1) - "Cases in the Courts of appeals may be reviewed by the Supreme Court by the following methods: By writ of Certiorari granted upon the petition of any party to any Civil or Criminal case, before or after rendition of judgment or decree;..." (June 25, 1948, C. 646, 62 Stat. 928; June 27, 1988, Pub. L. 100-352, § 2 (a), (b), 102 Stat. 662.)

LEGAL

STATEMENT OF THE CASE

Petitioner is a pretrial prisoner who has suffered Civil, Constitutional violations by State Prison Employees. Am. 14 §1 U.S. Const., Am. 8 U.S. Const., Am. 4 U.S. Const., and Am. 1 U.S. Const. See 19-CV-20527 (S.D. Fla. 2019). Petitioner filed the § 1983 Civil Rights Act Complaint and Motion for leave to proceed In Forma Pauperis (28 U.S.C. § 1915) in accordance to: (1) Order of the Eleventh Circuit Court of Appeals (17-CV-14248, S.D. Fla. 2018); and (2) 28 U.S.C. § 1331, 28 U.S.C. § 1343, Am. VII U.S. Const. See Leonard v. Florida, 2010 U.S. App. LEXIS 27868 (11th Cir. Oct. 01, 2010) (filing a new action).

The district Court Magistrate entered an RBR recommending that Petitioner be procedurally barred for "3 Strikes" per 28 U.S.C. § 1915(g). Petitioner timely filed objections to the RBR, which the district judge denied, and adopted the RBR. Petitioner then timely appealed the final order pursuant to 28 U.S.C. § 1291, and filed a Motion for leave to proceed In Forma Pauperis on Appeal. The Clerk of Court for the Eleventh Circuit Court of Appeals refused to docket Petitioner's appeal or the Motion for leave to proceed In Forma Pauperis on appeal and cite to some vague case that allegedly gives the Clerk authority to refuse appeal papers and Motions for I.F.P. on Appeal. Petitioner filed objections to the Clerk's actions under Fed. R. App. P. 24(b) and 27(b), which were futile, as the Clerk's refused to docket any appellate papers, or motions therein. The Clerk's closed the case falsely claiming "failure for want of prosecution."

Petitioner moved for rehearing in the matter and also filed a Mandamus petition in effort to force the Clerk to do its job and file the appeal. However, the Eleventh Circuit refused to accept the appeal and dismissed the Mandamus petition. Petitioner moved for rehearing which was denied.

Petitioner then filed a Writ of Mandamus to this Court, according to 28 U.S.C. § 1254(1),

and also filed a Petition / Motion for leave to Proceed In forma Pauperis. See 19-6874. On January 21, 2020, this Court denied Petitioner's motion for leave to proceed I.F.P., without any opinion, and, dismissed the Petition for writ of Mandamus.

This Petition for rehearing ensues.

LEGAL

REASONS FOR GRANTING THE PETITION

1. Petitioner, and prose prisoners in general, should not be totally foreclosed from redress of grievances. Townsend V. Sain, 372 U.S. 293, 312 (1963) ("Simply because detention so obtained is intolerable, the opportunity for redress, which presupposes the opportunity to be heard, to argue and present evidence, must never be totally foreclosed. See Frank V. Mangum, 237 U.S. 309, 345-50 (1915).")
2. Supreme Courts dismissal pursuant to Rule 39.8 of the Supreme Courts Rules is an abuse of discretion because Petitioner's appeal of the appeals Court action and district Courts order is not frivolous or malicious as claimed by this Court. See generally Bennet V. Spear, 520 U.S. 154, 162 (1997) ("To satisfy the 'case or controversy' requirement of Article III which is the 'irreducible Constitutional minimum' of standing, a Plaintiff must, generally speaking, demonstrate that he has suffered "injury in fact," that the injury is "fairly traceable" to the defendant, and that the injury will likely be redressed by a favorable decision. Lujan V. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992); Valley Forge Christian College V. Americans United for Separation of Church and State, Inc., 454 U.S. 464, 471-72, 474-75 (1982); Allen V. Wright, 468 U.S. 737, 751 (1984); Worth V. Seldin, 422 U.S. 490, 498 (1975).")
3. To address the Corruption in this Country, and; more specifically, the failures of the Federal Judiciary including the Partisan Political actions taken by this Supreme Court. Article VI § 2 U.S. Const., Article 6, 7, 8 U.D.H.R. See also: American Revolution History; Two Penny Act, Stamp Act, Sugar Act - Declaration of Independence.

CONCLUSION

The petition for a ~~REHEARING~~ should be granted.

Respectfully submitted,

Stephen Daniel Leonard

Date: 02-11-2020