

IN THE SUPREME COURT OF THE UNITED STATES

ASATA D. LOWE

v.

MIKE PARRIS, et al.

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Case No. 19-7229

PETITION FOR REHEARING

Comes now Asata Dia Lowe, Petitioner, pursuant to *Rule 44 of the Rules of the Supreme Court of the United States*, to request that this Court grants this petition to permit a ruling and determination on the other motions attached to the Writ of Certiorari filed in this court. Accompanying this filing is an Motion for Leave to Proceed In Forma Pauperis.

GROUNDS

- I *The Court failed to make a ruling and determination on the Motion for Leave to Proceed In Forma Pauperis, filed pursuant to 28 U.S.C.A. § 1915 et. al., in violation of my Right to be heard secured by the Due Process Clause of the United States Constitution. (see 5th and 14th Amendments)*
- II *The Court failed to make a ruling and determination on the Petition for Prospective Relief Pursuant to 28 U.S.C.A. § 1651/28 U.S.C.A. § 1915(d), filed pursuant to 28 U.S.C.A. § 1651 et. al., in violation of my Right to be heard secured by the Due Process Clause of the United States Constitution. (see 5th and 14th Amendments)*

1. In January 2020 I filed a Petition for the Writ of Certiorari.
2. I did not have the money to pay the filing fee in this court.
3. Accompanying the petition was a document titled Motion for Leave to Proceed In Forma Pauperis.
4. Also accompanying the petition was a document titled Petition for Prospective Relief Pursuant to 28 U.S.C.A. § 1651/28 U.S.C.A. § 1915(d).
5. On March 9th, 2020 the I received a letter in the mail from Scott S. Harris, Clerk of the Court, giving notification that the writ of certiorari was denied.

6. The letter from the clerk did not address the Motion for Leave to Proceed In Forma Pauperis and did not address the Petition for Prospective Relief Pursuant to 28 U.S.C.A. § 1651/28 U.S.C.A. § 1915(d).
7. The Court did not make a ruling or determination on the Motion for Leave to Proceed In Forma Pauperis nor the Petition for Prospective Relief Pursuant to 28 U.S.C.A. § 1651/28 U.S.C.A. § 1915(d).
8. In regards to the two undecided motions filed pursuant to the applicable statutes, the Court arbitrarily refused to provide adequate procedures to remedy the otherwise procedurally flawed deprivation of protected interest.
9. There is no other way I can obtain the relief I seek.
10. This is my last chance to receive a ruling on the merits of my procedural due process claims.
11. If the court would have made a decision on the undecided motions, this Court would have granted the Writ of Certiorari and the outcome of the proceeding would have been different.
12. 28 U.S.C.A. 452 states, “All courts of the United States shall be demmed always open for the purpose of filing proper papers, issuing and returning process, and making motion and orders. The continued existence or expiration of a session of a court in no way affects the power of the court to do any act or take any proceeding.”
13. 28 U.S.C.A. 453 states, “Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: ‘I, _____, do solemnly swear (or affirm) that I will administer justice without respect to person, and do equal right to the poor and to the rich and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ under the Constitution and laws of the United State. So help me God.’”

In Forma Pauperis - Facts

14. I filed the Motion for Leave to Proceed In Forma Pauperis pursuant to Rule 39 of the Rules of the Supreme Court of the United States and 28 U.S.C.A. § 1915 et. al.
15. Attached to the motion was an Affidavit in Support of Motion for Leave to Proceed In Forma Pauperis
16. 28 U.S.C.A. § 1915A states in part “(a) Screening. – The court shall review before docketing if feasible or in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks

redress from a governmental entity or officer or employee of a governmental entity. (b) Grounds for dismissal. – On review the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint – (1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or (2) seeks monetary relief from a defendant who is immune from such relief.”

17. The court did not follow the screening process or identify cognizable claims as required by statute.
18. 28 U.S.C.A. § 1915(d) states, “The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases and the same remedies shall be available as are provided for by law in other cases.”
19. Attached to the Motion for Leave to Proceed In Forma Pauperis was a petition for prospective relief.
20. This Court has authority to award prospective relief requested pursuant to 28 U.S.C.A. § 1915(d).
21. I have a property interest in 28 U.S.C.A. § 1915 et. seq. and was deprived of this interest without notice, a hearing, or a written determination that I waived such right.
22. I am entitled to proceed with this case in forma pauperis and obtain the requested relief.
23. The respondents in the case did not file a response to the Motion for Leave to Proceed In Forma Pauperis.
24. The court did not make a merits based ruling or determination on the entire case.
25. *Rule 16 of the Rules of the Supreme Court of the United States* states, “After considering the documents distributed under Rule 15, the Court will enter an appropriate order. The order may be summary disposition on the merits.”

Petition for Prospective Relief – Facts

26. I filed the Petition for Prospective Relief Pursuant to 28 U.S.C.A. § 1651/28 U.S.C.A. § 1915(d) (hereafter Petition for Prospective Relief) pursuant to Rule 20 of the Supreme Court Rules and 28 U.S.C.A. § 1651.
27. 28 U.S.C.A. § 1651, states, “The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.”

28. The Supreme Court has jurisdiction of my case pursuant to 28 U.S.C.A. § 1257 and has authority to issue the appropriate writ to inquire into or remedy the deprivation of my liberty/property interest without procedural safeguards, pursuant to 28 U.S.C.A. § 1651 et. seq.
29. In the Petition for Prospective Relief, I made a substantial claim for relief for the deprivation of my liberty/property interest secured by the Due Process Clause of the United States Constitution without procedural safeguards, which required prospective relief from this court.
30. In the complaint, I requested that this court issue a writ to require the Blount County Court to inquire into my liberty/property interest secured by the Due Process Clause, to conduct a hearing and make a final decision to determine if I made an intentional and knowing waiver of any of my liberty and/or property interest, to conduct a hearing and make a final decision to determine if I was deprived of such interest without procedural safeguards, and to determine what process, if any, is due.
31. I am entitled to the relief I seek.
32. I have not been informed by this Court as to why I am not entitled to the relief I seek.
33. The Court did not make a merits based ruling or determination on the Petition for Prospective Relief.

VERIFICATION

I Asata Dia Lowe, do hereby declare, swear, and affirm, under penalty of perjury, that the contents herein are true and exact to the best of my information, knowledge, and belief. Executed this the 27th day of March 2020.



Asata D. Lowe, Pro Se