

PAUL EDWARD DURAN
C.D.C.R. # AT 6464
California State Prison Corcoran
Po Box 3461, 3A-02, 133
Corcoran CA 93212
Attorney In Pro Per,
PAUL EDWARD DURAN

IN THE SUPREME COURT OF THE
UNITED STATES

PAUL EDWARD DURAN,
"Petitioner In Pro Per"

V.

RALPH DIAZ, sec of corr,
"Respondent"

No. 19-7489
Petition For
Rehearing
"En Banc"
Pursuant To Court,
Rule # 44

PETITION FOR REHEARING "En Banc"

Petitioner here by moves the Court by
way of Petition for Rehearing "En Banc" Pursuant
to (U.S.S.C Rule # 44) and (Fed R. App. Proc Rule 40),
in regards to the Courts order given on March 2, 2020
Case # 19-7489. see (Grounds For Rehearing "En Banc"),
Set in this instant Petition. Respectfully Submitted
Date: March 13, 2020 Attorney In Pro Per Paul Edward Duran

Certificate Of Interest And Counsel

Attorney of Record "In Pro Per":

PAUL EDWARD DURAN believes this Appeal regarding the Case at hand No. 19-7489 requires Rehearing "En Banc" and Application to Individual Justice because based on my Judgment the Court's denial given on March 2, 2020 is not sufficient to suffice being in compliance under the Court's Judicial discretion in Consideration to the Controversy revolved around the USSC decisions made in "Kurt" and "Leon" in coincidence with petitioners Appeal. I Believe its necessary for Rehearing "En Banc" and that intervention by way of Application to Individual Justice to order suspension of order denying Certiorari given on March 2, 2020 case # 19-7489 is warranted in the best interest of Justice... see Petition For Rehearing "En Banc" and Application to Individual Justice. I Believe the foregoing is true and correct.

Respectfully Submitted
Date 3 13 2020 Attorney In Proper Paul Duran

UPDATED STATEMENT OF THE CASE :

A needed Updated Statement of the Case is essential to establish the grounds for Rehearing "En Banc".

On January 4, 2020 petitioner filed for Petition For Writ of Certiorari in the Court presenting one uncertified question to the Court, "Whether the circumstances involved with the criminal Conviction case*BA 415427 consisted of the empirical data required to undermine the judgment made in the current Supreme Court decision made in Illinois V Krull and U.S. V Leon, the petition was denied as what's known as a postcard denial. The one relevant Fact that needs to be brought to the Courts attention is that in the Appeal at hand, Petitioner was and or has never been afforded a proper evidentiary hearing in state court appellate proceedings nor in Federal appellate court proceedings in order to establish factual merits of contended U.S. Const. Violations utilized to obtain the criminal -

Conviction that has resulted in this miscarriage of justice of an actual innocent person.

The Fact is that in order for the U.S.S.C, to give a post card denial in regards to such a case that is brought before the courts review today per case law of "Kroll and Leon" the court would have to distinguish the factual merits of the case with a specific denial supported by proper lower court rulings and in the case at hand it can never do because none of the "contended U.S. Constitutional Violations that where invoked by the government to obtain the criminal conviction" have ever be ruled out:

#1) the 4th Amendment exclusionary whether it can now be determined as unconstitutional and adjusted accordingly by the U.S.S.C

#2) Is magistraight judicarys

1
2 acting as rubber stamps a major
3 problem when issuing warrants
4 for arrest especially when the
5 the petty officers conduct is
6 relevant to be in bad faith and
7 or when such circumstances
8 arise case to case that any over
9 seeing judicial authorities wont part
10 take in the malicious procurement
11 of an arrest warrant. To make
12 my closing statement in the
13 UPDATED STATEMENT OF FACTS
14 I will cite the case law of
15 "Leon", 468 U.S. 978 when Holmes J
16 dissented in *Olmstead v. United States*
17 277 US 438, 470, 72 L Ed 944 4/8 S Ct 564,
18 66 ALR 376 <*pg 735> (1928) and Leon
19 468 US 978 (36) (37) and so on.

20
21 I beleive Justice Stevens gave
22 his Concurrings and dissenting in Leon
23 to above (Right on Point :-)

24 Date 3 14 20 Att ~~improper~~ Paul Dunn

Grounds Set... 1, 2, ect
Attorney of record, PAUL EDWARD DURAN
"In Pro Personia",

Believes this appeal
requires an answer to one or more
precedent - setting questions of
exceptional importance by the full Court.

Question # 1) That Rehearing "En Banc"
is nessary to secure and maintain unif-
ormity of the Courts decision made in
[Illinois V Krull, 480 U.S., 353, 354 (1987)],
because the circumstances involved in
the obtaining of the Conviction on appeal
conflict with standards set in "Krull".

Question # 2) That Rehearing "En Banc"
is nessary to secure and maintain unifor-
mity of the Courts decision made in
[United States V. Leon, 468 U.S.
at 916 n. 14 at 927-928 (1984)], because
the circumstances involved in the obtaining
of the Conviction on appeal conflicts with
the standards set in "Leon".

Petitioner demonstrates that
further explination is nessary because

1
2 the Complexity of the circumstances invol-
3 ved with the instant appeal revolves around
4 a conflict and or controversy with in the
5 U.S. Supreme Courts jurisdiction, therefore
6 Rehearing En Banc review by the full court
7 is warranted.

8
9 also the original writ never
10 sited accordingly in regards to Court
11 Rule 29 (4) (b) (c), which petitioner
12 is advising the court in this "En Banc"
13 petition that 28 U.S.C. § 2403 (b) may
14 apply calling into question the Constitut-
15 ionality of the Forth Amendment Exclusion-
16 ary Rules 20.08 Statute also 28 U.S.C § 451,
17 and Rule 14.1 (e) (v)

18
19 The foregoing is true and
20 correct to the best of my Knowledge.

21
22
23 Respectfully
24 Submitted

25 Date: 4/13, 20

26 Paul Edward Dunn

Grounds For Rehearing "En Banc"

Petition for Rehearing "En Banc"

Consideration in regards to the Case at hand is necessary to secure and maintain uniformity of the courts decisions made in [Illinois V. Krull, 480 U.S., 353, 354 (1987)] and [United States V. Leon, 468 U.S. at 916 n. 14 at 927-928 (1984)], because the courts determination of the factual merits involved with the case at hand would have to be adjudicated in order to ruling out that the circumstances involved with the case at hand dose not consist of the empirical data thats required to undermining the courts decision made in "Krull and Leon", and as it stands, an evidentiary hearing has never been held in state of Fed proceedings # 1) otherwise the court would be disregarding its duty under its judicial discession to not being a party of the unlawfull act of Knowing that the fourth Amendment exclusionary rule § 20.08 Statute is infact not unconstitutional, which is thus referncing to securing and maintaining uniformity of the courts decision made in Krull. also

2) otherwise the court would be disregarding its duty under its →

Judicial discretion to securing and maintaining uniformity of the Courts decision made in "Leon" that the Magistrates where not acting as rubber stamps in the process of an arrest warrant that was being obtained in bad faith by the petty officer. Its simplistic to say that any judiciary overseeing the safe guards that the exclusionary rule was designed for could simply disregard its duty, by the notion that the Forth amendment exclusionary rule was only designed to defer law enforcement from encroaching on it citizens 4th Amentment rights when in all reality it is a judicially created remedy to safe garde 4th Amentment values to its citizens rights. therefore its enevitably intangels overseeing judicial authorities with the malicious procurement of an unlawfully obtained warrant in "bad faith" which is the main focus set in "Leon" to determine whether the detective and or law enforcement agencie was

1
2 acting in bad or good faith when
3 obtaining a warrant for arrest
4 or any other kind and in the
5 case at hand, there has never
6 been a determination in state
7 or federal court appellate proceed-
8 ings regarding the exclusion of
9 evidence "THE SIX PACK LINE UP"
10 in the case at hand and to what
11 effect the exclusion holds on the
12 conviction.

13 Therefore En Banc
14 Review is warranted.

15
16 The foregoing is true and correct
17 to the best of my knowledge

18 Respectfully

19 Submitted

20
21
22 Attorney In Pro Per

23 Date: 3/14/20

24 Paul Edward Dunn

Certificate:

Persuant to U.S.S.C Rule # 44

Attorney of record: also known as Petitioner
PAUL EDWARD DURAN "In Pro Personia"
CDC # AT6464

California State Prison Corcoran

Po Box 3461, 3A-02-133

Corcoran CA 93212

Petitioner hereby presents "Certificate"
stating that the grounds presented in this
instant petition for rehearing "En Banc" are
limited to intervening circumstances of
substantial or controlling effect and or to
other substantial grounds not previously presented.

also petitioner certifies that the
instant petition for rehearing En Banc is
presented in good faith and not for delay.

Petitioner swears under oath of penalty
and perjury that the foregoing is true and correct
to the best of his knowledge.

Respectfully Submitted

Date: April 13, 2020 Attorney In Proper Paul E Duran

CDC # AT6464

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

March 31, 2020

Paul Duran
#AT6464
C.S.P.C., 3A-03-132
P.O. Box 3461
Corcoran, CA 93212

RE: Rehearing
No: 19-7489

Dear Mr. Duran:

The petition for rehearing in the above-entitled case was postmarked March 6, 2020 and received March 24, 2020 and is herewith returned for failure to comply with Rule 44 of the Rules of this Court. The petition must briefly and distinctly state its grounds and must be accompanied by a certificate stating that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

You must also certify that the petition for rehearing is presented in good faith and not for delay.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 15 days of the date of this letter, the petition will not be filed. Rule 44.6.

Sincerely,
Scott S. Harris, Clerk

By:



Clara Houghteling
(202) 479-5955

Enclosures

To The United States Supreme
Court Clerk Scott S. Harris

enclosed is the corrected
petition for Rehearing "En Banc" case
19-7489

Date: April 13 2020

Thank you

Sincerely

Paul Edward Dunn

