

No. 19-7509

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF HABEAS CORPUS

In Re: LAWRENCE E. MATTISON;

PETITION FOR REHEARING

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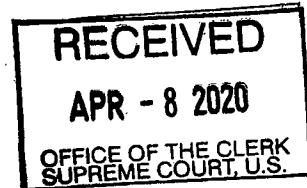


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IN THE
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PETITION FOR REHEARING

JURISDICTION

The Jurisdiction of this Court is invoked under U.S Supreme court rule 44

RELATED CASE

Mattison v. Janie D. Willis, et al , U.S. Sup ct. case No. 19-7669 (4th Cir Ct. case 19-1020; E.D.V case 4:17-CV-134)

GROUNDΣ AND REASΟNS FOR GRANTING REHEARING

The circumstances for the Writ for Habeas Corpus requires this Courts intervening powers based on a previous ruling of the 4th Circuit in relation to actions of a Department of Veterans Affairs (“DVA”) police officer which interfered with the judicial authority of the DVA. The 4th Circuit’s opinion of the DVA officer is in contradiction to Federal law, the DVA’s statutory authority and its policies & procedures, which is a good faith reason for the void ab initio argument, the manifest injustice argument and the Supremacy Clause violation argued in the Habeas Corpus Petition.

- 1. Well-settled Federal Statute Administrative law and Virginia Law specifically tailored to the Department of Veterans Affairs and related to a federal police officers authority.**
 - A. 38 U.S.C. §901 state in relevant part:**
38 U.S. Code § 901. Authority to prescribe rules for conduct and penalties for violations
 - (a)**

- (1) The Secretary shall prescribe regulations to provide for the maintenance of law and order and the protection of persons and property on Department property.
- (2) In this chapter, the term "Department property" means land and buildings that are under the jurisdiction of the Department and are not under control of the Administrator of General Services.

(Added Pub. L. 102-83, § 2(a), Aug. 6, 1991, 105 Stat. 397; amended Pub. L. 112-154, title I, § 109, Aug. 6, 2012, 126 Stat. 1174.)

Id. 38 U.S.C §901

B. 38 U.S.C. §902 states in relevant part:

38 U.S. Code § 902. Enforcement and arrest authority of Department police officers

(a)

(1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property—

(A) enforce Federal laws;

(B) enforce the rules prescribed under section 901 of this title;

(C) enforce traffic and motor vehicle laws of a State or local government (by issuance of a citation for violation of such laws) within the jurisdiction of which such Department property is located as authorized by an express grant of authority under applicable State or local law.....

(Added Pub. L. 102-83, § 2(a), Aug. 6, 1991, 105 Stat. 397; amended Pub. L. 111-163, title X, § 1001, May 5, 2010, 124 Stat. 1181.)

Id. 38 U.S.C. §902

C. 38 CFR §1.201 states in relevant part:

38 CFR § 1.201 - Employee's duty to report.

§ 1.201 Employee's duty to report.

All VA employees with knowledge or information about actual or possible violations of criminal law related to VA programs, operations, facilities, contracts, or information technology systems shall immediately report such knowledge or

information to their supervisor, any management official, or directly to the Office of Inspector General.

(Authority: 5 U.S.C. App. 3, 38 U.S.C. 902)

[68 FR 17550, Apr. 10, 2003]

Id. 38 CFR §1.201

D. 38 CFR § 1.203 States in relevant part:

38 CFR § 1.203 - Information to be reported to VA Police.

§ 1.203 Information to be reported to VA Police.

Information about actual or possible violations of criminal laws related to VA programs, operations, facilities, or involving VA employees, where the violation of criminal law occurs on VA premises, will be reported by VA management officials to the VA police component with responsibility for the VA station or facility in question. If there is no VA police component with jurisdiction over the offense, the information will be reported to Federal, state or local law enforcement officials, as appropriate.

(Authority: 38 U.S.C. 902)

[68 FR 17550, Apr. 10, 2003]

Id 38 CFR §1.203

E. 38 CFR §1.205 state in relevant part:

38 CFR § 1.205 - Notification to the Attorney General or United States Attorney's Office.

§ 1.205 Notification to the Attorney General or United States Attorney's Office. VA police and/or the OIG, whichever has primary responsibility within VA for investigation of the offense in question, will be responsible for notifying the appropriate United States Attorney's Office, pursuant to 28 U.S.C. 535.

(Authority: 5 U.S.C. App. 3, 38 U.S.C. 902)

[68 FR 17550, Apr. 10, 2003]

Id. 38 CFR §1.205

F. Relevant chapter(s) of Department of Veterans Affairs Washington, DC 20420 VA HANDBOOK 0730 Transmittal Sheet AUGUST 11, 2000 states:

SECURITY AND LAW ENFORCEMENT

Chapter 1. REASON FOR ISSUE:

This handbook establishes procedures that implement the policies contained in VA Directive 0730, Security and Law Enforcement.

Chapter 7. LAW ENFORCEMENT PROCEDURES

b. Statutory Arrest Authority

(1) Employees who are duly appointed as VA police officers will have the authority to enforce Federal laws and VA regulations with respect to acts occurring on Department property, to arrest persons on Department property for offenses committed on that property, and to make arrests on warrants issued by a proper Federal authority for those offenses.

(3) VA police may enforce the traffic and motor vehicle laws of the state or local government within the jurisdiction of which the VA property is located as authorized by an express grant of authority under the applicable state or local law. This enforcement is limited to the issuance of a citation.

(4) VA police officers will exercise arrest authority only following the issuance of VA Form 1479, Police Officer Appointment Card, and a police badge set.

(e) VA police officers will not be deputized or appointed as special police officers or otherwise empowered with law enforcement authority by state, municipal, county, or other non-VA agencies for the purpose of enforcing state laws and local ordinances on VA property.

(f) Any state or local law enforcement authority held by a VA police officer will not be exercised during scheduled tours of duty.

c. Classification of Crimes

(1) The most commonly occurring acts constituting crimes against the United States at VA facilities are contained in Title 38 CFR § 1.218, and Titles 18 and 21 U.S.C.

(2) The Assimilative Crimes Act, Title 18 U.S.C. §13, will be used at facilities having exclusive or concurrent jurisdiction in those instances where a crime has been committed and no specific Federal law exists defining the offense. The local U.S. Attorney will be consulted when considering use of the Assimilative Crimes Act.

This Handbook can be found at the Hampton Veterans Hospital police station in Hampton Virginia. see Fed. r. Evid. 901(a)(b)(7)

G. 38 CFR §14.560 and 38 CFR §561 have been previously cited to this Court and relate to the procedures of a federal police officer after investigation of alleged crimes committed on DVA property.

H. Code of Virginia Law related to a federal law-enforcement officer's authority.

Title 15.2. Counties, Cities and Towns » Subtitle II. Powers of Local Government » **Chapter 17.** Police and Public Order » **Article 2.** Interjurisdictional Law-Enforcement Authority and Agreements » § 15.2-1726. Agreements for consolidation of police departments or for cooperation in furnishing police services

Code of Virginia §15.2-1726 State in relevant part:

§ 15.2-1726. Agreements for consolidation of police departments or for cooperation in furnishing police services.

.....Subject to the conditions of the agreement, all police officers, officers, agents and other employees of such consolidated or cooperating police departments shall have the same powers, rights, benefits, privileges and immunities in every jurisdiction subscribing to such agreement, including the authority to make arrests in every such jurisdiction subscribing to the agreement; **however, no police officer of any locality shall have authority to enforce federal laws unless specifically empowered to do so by statute, and no federal law-enforcement officer shall have authority to enforce the laws of the Commonwealth unless specifically empowered to do so by statute.**

1970, c. 271, § 15.1-131.3; 1978, c. 9; 1984, c. 622; 1989, c. 294; 1994, c. 268; 1997, c. 587; 2008, c. 437; 2013, cc. 250, 472, 594, 775; 2014, c. 581.

Id.¹ code of Va. §15.2-1726

¹ Bold print added for emphasis.

Petitioner's purpose is to point clearly at the fact that a DVA police officer has absolutely no authority to seek criminal probable cause warrants from a Virginia State court magistrate, and this State's magistrate has no authority to issues criminal probable cause warrants to a DVA police officer. There is no Federal or State law, rule or policy to the contrary. To assume the E. D. Va. court will "change their ruling" when there was no law rule of policy relied on to make the ruling seem impracticable.

2. Justice should not be denied by ignoring petitioner's legal claims simply because petitioner is not an attorney.

I ask this Court to read exhibits 1, it will be clear the E. D. Va. Was tipping the scales. A police officer --- federal or State --- has never had "absolute immunity". I supplied this court issues I believed were well-settled on the Supremacy clause, ends of justice exception and void ab initio doctrine. I do believe the wrongful use of the Virginia courts by HVAMC employee has been corrected, but this has not served me one bit of justice. In this area, when opposing a pro se litigant, the U.S. Attorney has made claims inconsistent with law, the E. D. Va. Accepted those claims regardless of petitioner's legal claims. Fed Attorneys can tell a federal judge that $1+1=3$ and a judge will believe it, that's been the problem in pending case 19-7669.

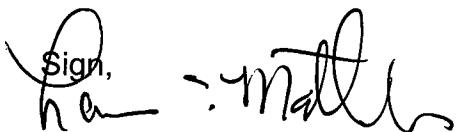
3. This court should not decline to use it's supervisory powers in this case without full briefing and argument

I do believe, and I believe the law is clear that the Code of Federal Regulation (CFR) has just as much weight as the United State Code (USC) under the Supremacy clause's expressed and field preemption. It would be unfair to Not inquire to Virginia to

interpret §15.2-1726, *supra*. It would not be unfair to say this Court needs to be briefed on a case as outrageous as this.

CONCLUSION

The facts related to these type Petitions require this Court's supervisory power and raise valid concern whether the facts, the Federal Constitution and the Law run parallel or in opposite direction And whether the Sup Ct. of Virginia applied the Law and the Federal Constitution to the facts of their lower court's interference.



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CERTIFICATE AND CLOSING

Under U.S. Sup Ct. r. 44 I, Petitioner; Lawrence E. Mattison, do by sign certify to the best of my knowledge, information and belief that this Petition For Rehearing Of A Habeas Corpus Petition: (1) is limited to intervening circumstances of substantial effect requiring this Court's supervisory power; (2) this petition for Rehearing is presented in good faith and not being presented to cause unnecessary delay; (3) the Rehearing Petition otherwise complies with the requirements of U.S. Sup Ct. rule 44.

A. Parties without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.