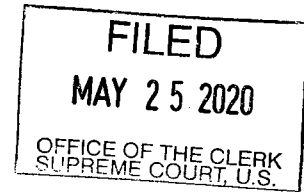
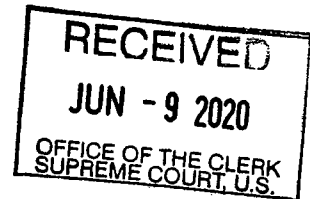


19-7841  
NO.



IN THE

SUPREME COURT OF THE UNITED STATES



IN RE ELLOYD JOHNSON

PETITION FOR REHEARING UNDER S.C. RULE 44.

PETITIONER MOVES INCOMPLIANCE WITH SUPREME COURT RULE 44 WHEN THIS COURT JUDGMENT ON THE MERITS DENIED PETITIONER'S EXTRAORDINARY WRIT UNDER S.C. RULE 20. 28 U.S.C. § 1651(a) . . . REQUESTING ENTRY OF MANDAMUS AND PROHIBITION BOTH IN ALTERNATIVE.

#### LEGAL ANALYSIS

THE COURT OR THE LAW CLERK UNSPECIFIED RELIEF FACTOR IS HIGHLY QUESTIONABLE ON ITS FACE WHEN THE WRIT ENTRY IS LEAVE TO PROCEED WHERE ALL THREE WRITS ARE . . . AVAILABLE AT THE COURT'S DISCRETION.

RELIEF SOUGHT IS LITIGATED IN THE PETITION AT IMMEDIATE RELEASE DUE TO SENTENCE AND CONVICTION NOTED AT THE CONTROLLING CASE TO BE NULL AND VOID. SEE *HERROD V STATE* 650 S.W. 2d 814 (TEX. CRIM APP. 1983).

PETITIONER SEEKING ENTRY UNDER THE THREE EXTRAORDINARY WRITS SHOULD HAVE BEEN . . . DECIDED BY THE COURT'S DISCRETION ON DECIDING THE PROPER ENTRY FOR . . . HABEAS . . . MANDAMUS AND PROHIBITION THAT WAS NEVER LITIGATED BY ANY STATE OR FEDERAL COURT OR RESPONDENT HOLDING SUCH POSTURE.

THE GROUND SHOULD BE CONSIDERED AS THE WRIT RULE 14(W)(i) INCOMPLIANCE WITH SUPREME COURT RULES ON PARTIES SOUGHT TO BE REVIEWED.

#### FURTHER, LEGAL ANALYSIS

UNDER GROUND LIMITED TO INTERVENING CIRCUMSTANCES OF A SUBSTANTIAL OR CONTROLLING EFFECT SHOWS THIS GROUND TO BE RELATED IN LEGAL FORM THAT "WATER SHED" RETRICTED TO THE GADUNDS SPECIFIED IN PARAGRAPH 2. OF SUPREME COURT RULE 44.

THE GOOD-FAITH PERSPECTIVE WITH DELAY FACTOR SHOULD BE WELL SETTLE FOR REASONABLE... CONSIDERATION OF BEING PRESENTED IN GOOD FAITH AND NOT FOR DELAY.

#### JURISDICTION

BRING THIS COURT AID OF THE COURT'S APPELLATE JURISDICTION DISCRETIONARY POWERS WHERE ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM OR FROM ANY OTHER COURT.

#### CONSTITUTIONAL STATUTORY

PETITIONER PROVIDED MANDAMUS FILING IN STATE PROCEEDING THAT STATE APPELLATE LITIGATION PRESCRIBED BY THE CONSTITUTION A [LAWFUL] OR DE FACTO [ACTUAL] JUDGE THAT WAS PROHIBITED UNDER STATUTE TO NOT PRESIDE WITHOUT TAKING OATH OF OFFICE OR ASSIGNED.

#### STATEMENT OF THE CASE

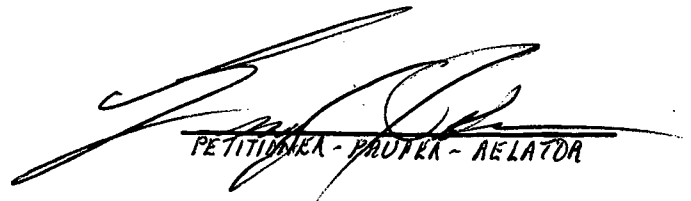
THE STATE OF TEXAS JUDICIAL POSTURE WAS MET THROUGH DOCUMENTARY EVIDENCE PRESENTED WHEN FILING COMPLAINT IN PROPER STATE AND FEDERAL COURTS OF TEXAS AND CIRCUIT COURT... ACCORDINGLY.

#### REASON FOR GRANT

WHERE NO OTHER JUDGE OR STATE CAN GO WITHOUT HAVING LEGAL POWER TO PRESIDE... ABOVE THE LAW AND THIS SUPREME COURT OF THE UNITED STATES.

### CONCLUSION

FOR THE FOREGOING REASONS SET OUT IN THIS "PETITION FOR REHEARING UNDER SUPREME COURT RULE 44" PETITIONER ASK THIS SUPREME COURT OF THE UNITED STATES OF AMERICA TO GRANT OR MODIFY IMMEDIATE RELEASE FROM PRISON FOR RELIEF SOUGHT SUA SPONTE.



PETITIONER - PRUTER - RELATOR