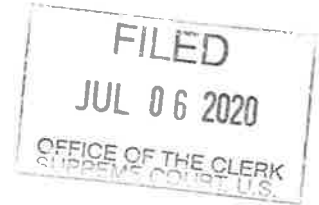


No. 19-8356



In the Supreme Court of the United States

[Henry and Hannah Logan], Petitioners

v.

{Peggy Logan}, Respondents

On Petition for Writ of Certiorari

To the United States Supreme Court

PETITION FOR REHEARING EN BANC

Henry Logan and Hannah Logan

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The decision of the division conflicts with controlling authority (with citation to the conflicting case or cases) and consideration the full court is therefore necessary to secure and maintain uniformity of the court's decisions.

A change in law occurred after the case was submitted and was overlooked by the panel. Found in (Appendix A).

The court of appeal has decided the case based on an issue not proposed or briefed by either party.

A material factual or legal matter was overlooked in the decision.

EN BANC REVIEW IS WARRANTED BECAUSE THE OPINION'S of the court of appeal because there is a fundamental error (or errors) in the opinion of the Court of Appeal which skews the analysis and result, or an erroneous finding of procedural default by the Court, and there is a reasonable possibility of a cure by means of a en banc petition.

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STATEMENT OF WHY EN BANC CONSIDERATION IS SOUGHT

I express a belief, based upon a reasoned and studied professional judgment, that the precedential opinion issued in this appeal by a panel on December 19, 2019, (the "opinion") raises questions of exceptional importance for several reasons, The Parental Rights stated in the amendment of The Us Constitution.

The Supreme Court recognized that the United States Constitution "protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.

The fundamental right is implicated in grandparent visitation cases, and as such, it struck down the Washington visitation statute because it unconstitutionally infringed on the right.

State courts considering non- parent visitation petitions must apply "a presumption that fit parents act in the best interests of their children.

The 324 District Court of Tarrant County did not find the parents unfit.

Giving a Third Party the right to Petition for custody over biological parents.

The Parental Rights Amendment to The United States Constitution

STATEMENT OF WHY EN BANC CONSIDERATION IS SOUGHT (Continue)

SECTION **1**
The liberty of parents to direct the upbringing, education, and care of their children is a fundamental right.

SECTION **2**
The parental right to direct education includes the right to choose, as an alternative to public education, private, religious, or home schools, and the right to make reasonable choices within public schools for one's child.

SECTION **3**
Neither the United States nor any State shall infringe these rights without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served.

SECTION **4**
The parental rights guaranteed by this article shall not be denied or abridged on account of disability.

SECTION **5**
This article shall not be construed to apply to a parental action or decision that would end life.

ARGUMENT

The decision of the division conflicts with controlling authority (with citation to the conflicting case or cases) and consideration the full court is therefore necessary to secure and maintain uniformity of the court's decisions.

Texas Supreme Court Ruling was made June 26,2020 by Justice Jane N. Bland and LEHRMANN and our petition was denied on June 29, 2020 after their ruling.

The court of appeal has decided the case based on an issue not proposed or briefed by either party.

A material factual or legal matter was overlooked in the decision.

Introduction

The reason we are appealing is the Family Court decisions is that, when the case was trial, the father was working nights and the family court said that .H.L. shall not be left alone with her mother because she takes meds that make her not able to take care of .HL. So, the father of .H.L. , made a change from working nights to working days because Hannah Logan can take care of .H.L. , without no influence of meds and when Henry Logan get home from work she can take her meds because she only take her meds, before she goes to bed.

The Family Court did not deem Henry and Hannah Logan unfit, overlooking constitutional rights of parents, of the upbringing of a child (14th Amendment). The Family Court cannot use a freestanding in best interest of the child "standard to overturn parental rights. The Family Court allowed a third party (grandparent) to petition to the family court for visitation and custody rights over parental objections, unconstitutionally infringes on this right.

State courts considering non-parent visitation petitions must apply" a presumption that fit parents act in best interest of their children." Troxel requires that state courts must give "special weight" to a fit parent's decision to deny non-parent visitation, as well as other decisions made by a parent regarding the care and custody of their children.

The Fourteenth Amendments Due Process clause has a substantive component that, provides heightened protection against government interference with certain fundamental rights and liberty interests.

The Fourteen Amendment to the United States Constitution states, all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Fifth Amendment to the United States Constitution states, The guarantee of due process for all persons requires the government to respect all rights, guarantees, and protections afforded by the U.S. Constitution and all applicable statutes before the government can deprive any person of life, liberty, or property. Due process essentially guarantees that a party will receive a fundamentally fair, orderly, and just judicial proceeding. While the Fifth Amendment only applies to the federal government, the identical text in the Fourteenth Amendment explicitly applies this due process requirement to the states as well.

Introduction (Continue)

EN BANC REVIEW IS WARRANTED BECAUSE THE OPINION'S of the court of appeal because there is a fundamental error (or errors) in the opinion of the Court of Appeal which skews the analysis and result, or an erroneous finding of procedural default by the Court, and there is a reasonable possibility of a cure by means of a en banc petition.

They said filling the associate judge notice for appeal for September 17, 2019 report, they do not have jurisdiction over the associate judge report, because it is not a final order.

They said filling the final judgement from the district judge and we said it was a restricted appeal from the May 30, 2019 and we cannot meet the Rule 30 requirements for filling a restricted appeal from the May 30, 2019 final judgment, so they dismiss this appeal for want of jurisdiction.

The court of appeal has decided the case based on an issue not proposed or briefed by either party.

A material factual or legal matter was overlooked in the decision.

Conclusion.

For the reasons stated above, The Petitioners request that this Court grant en banc review.

Hannah and Henry Logan feel that our constitutional rights have been violated, by letting a third party (grandparent) over-rule over parent rights. And not letting the law take its course protected by the constitution of the United States of America.

Respectfully submitted.

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