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~~PLA~~

SUPREME COURT OF THE UNITED STATES

VERNON WAYNE MCNEAL

Plaintiff

NO. 19-8648

Plaintiff's Petition For Rehearing
Of An order Denying A Petition
For A Writ Of Certiorari

v.

FLEMING, et al.,

Defendants.

Plaintiff a state prisoner proceeding Pro se petitioning for a rehearing of an court order dated 10-6-20 denying Plaintiff petition for a writ of certiorari. see Exhibit A. The grounds for this rehearing is limited to intervening circumstances of a substantial or controlling effect or ~~new~~ to other substantial grounds not previously presented. Plaintiff never had the opportunity to present in the writ of certiorari. That in 2008-2009 the former section 68511.3 was repealed and replaced by a series of statutory provisions beginning with section 68630. (State, 2008 Ch. 462, § 2, pp. 3309-3320.)

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1 The 2008 legislation explicitly and forcefully confirm this
2 states policy of providing equal access to justice to all persons.
3 regardless of their economic means. see Jameson v. Desta 5
4 Cal. 5th 594 at 607 (2018.) also see People v. Hicks 40 Cal.
5 App. 5th at 325 (2019.) due process requires state to waive
6 court report fees for civil litigants for use on appeal; see also
7 Gov. Code, § 68630, subd (a) articulating California's policy to
8 give "all persons access to the courts" and to ensure that court fees
9 are not a barrier to court access; see also id., § 68631
10 Creating mechanism for waiver of court fees.) Question
11 was plaintiff court fees a barrier to access to the courts
12 to file appeal in Ninth Circuit in the McNeally v. Fleming
13 et al., lawsuit? Also see waiver of court fees and
14 costs § 174.110 Governing law Gov. Code § 68511.3, On waiver
15 of court fees and costs was repealed in 2009 and
16 replaced by Gov. Code § 68630-68641. (see Stats. 2008
17 Ch. 462 § 1, 2) The wording in the new statutes replaces
18 the former phrase in forma pauperis with initial waiver
19 of court fees and costs or initial fee waiver. see Exhibit
20 B.

21 In 2009 the former phrase In forma pauperis was
22 repealed and replaced with initial waiver of court fees
23 and costs or initial fee waiver. What do this really mean?
24 Defendants in there May 13, 2019 motion state "Appellees
25 Motion To Revoke Appellants In forma pauperis Status and
26 To Dismiss Appeal Absent payment of filing fees" see
27 Exhibit C. Defendants clearly in there revoke motion
28 to revoke plaintiff In forma pauperis that has been

1 repealed and replaced are using court fees as a barrier
2 to access to the court which Gov. Code §§ 68630 and 68631
3 clearly prohibits. Defendants motion to revoke plaintiff's
4 repealed and replaced In forma pauperis status should
5 have been denied in the Ninth circuit. ~~the~~ The question
6 should be why Ninth circuit didn't deny Defendants motion
7 to revoke plaintiff In forma pauperis knowing that
8 in 2008-2009 that the former phrase In Forma
9 Pauperis was repealed and replaced through Gov. Code §§
10 68630-68641, to initial waiver of court fees and costs or
11 initial fee waiver. Ninth circuit should have already knew
12 this but fail to deny Defendants motion to revoke plaintiff
13 In forma pauperis that was repealed and replaced in 2008-
14 2009 with initial fee waiver of court fees and costs or
15 initial fee waiver.

16 Defendants motion to revoke contain no other issues
17 but to revoke a repealed and replaced term In forma
18 pauperis. Defendants motion to revoke violate plaintiff
19 due process under both the California State Const. and
20 the United States Const. Amendment 14. Which People v. Hicks
21 and Jameson v. Desta States.

22 On July 7, 2020 plaintiff did a supplement Brief
23 under Supreme court Rule 15. Briefs in opposition; Reply
24 Briefs; Supplemental Briefs. Stating the above mention, U.S.
25 Supreme Court have not responded to his supplemental brief
26 calling attention to new intervening matter not available at
27 the time of plaintiff filing the writ of certiorari.

1 Plaintiff is requesting a response from courts to the
2 Supplement brief and this Rule 44 Rehearing petition.

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4 Dated: Oct 28, 2020

5 Respectfully Submitted

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