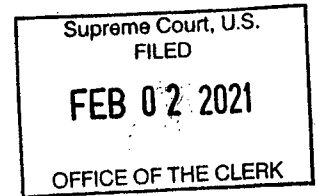


R/KS

No. 20-6039



IN THE  
SUPREME COURT OF THE UNITED STATES

EARL McBRIDE Jr., PETITIONER V LORIE DAVIS, RESPONDENT

PETITION FOR REHEARING

Petitioner respectfully prays that a PETITION FOR REHEARING be granted to review the January 15, 2021 ORDER denying a PETITION FOR WRIT OF CERTIORARI in the above case number. Petitioner can demonstrate THIS COURT has overlooked its long announced and well-established principles.

OPINIONS BELOW

The Opinions of the United States Court of Appeals shows clear disregard for (1) the due process principle announced in *Morrissey v. Brewer*, 408 U.S.477, 482-84 (1972); And (2) clear disregard for the concise statutory authority of 28 U.S.C. SECTION 2244(d)(1).

JURISDICTION

Petition for Rehearing of an ORDER denying a Petition for Writ of Certiorari is authorized pursuant to Rule 44 – RULES OF THE SUPREME COURT OF THE UNITED STATES, This COURT’S jurisdiction is invoked under 28 U.S.C. SECTION 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves the Fourteenth Amendment, Section 1 Clause 3 of the United States Constitution which provides;

“Nor shall any State deprive any person of life, liberty, or property without due process of law”.

This case also involves 28 U.S.C. SECTION 2244 (d)(1)-(2) which provides;

"A 1-year period of limitation shall apply to an application for writ of habeas corpus by a person in custody pursuant to the judgment of a State court. (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward a period of limitation under this subsection".

## STATEMENT OF THE CASE

Texas state prisoner Earl McBride achieved 'parole status on May 14, 2014 and his PAROLE CERTIFICATE ISSUED May 30, 2014.

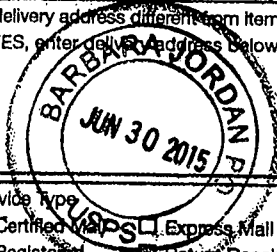
### BOARD OF PARDONS AND PAROLES MINUTES

NAME			TDC	SID
MO	DAY	YEAR	BOARD ACTION	REASON AND /OR INSTRUCTIONS
McBride Earl Jr			315371	02151517
5	27	14	IMPOSE SISP AND WITHDRAW "T" IF PREVIOUSLY IMPOSED.	SCANNED OIMS MAY 28 2014 AKN
5	30	14	PAROLE PLAN OF <u>52114</u> APPROVED, ISSUED PAROLE CERTIFICATE <u>LE</u>	S, SISP, V, O- Gangrel employment.

McBride is currently incarcerated after achievement of parolee status; Texas Parole Board has not provided McBride a "revocation hearing process".

McBride was informed by a Board employee on August 6<sup>th</sup>, 2014 that his "parole status achievement" had been changed without a revocation hearing process. On June 22, 2015 McBride properly filed State Habeas Corpus Application. On July 1, 2016 exactly 16 days after State Court denial of his State

Habeas Petition he filed his SECTION 2254 Habeas Petition in Federal District Court.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature X <i>Arthur Simpson</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Print Name) <i>ARTHUR SIMPSON</i> C. Date of Delivery	
1. Article Addressed to: <i>Cltus Daniel-Clerk  Harris County, District  Clerk's Office  P.O. Box 4651  Houston, Texas  77210-4651</i>		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No 	
2. Article Number (Transfer from service label) <i>7009 2820 0002 9554 9208</i>		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input checked="" type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1043

## REASONS FOR GRANTING PETITION FOR REHEARING

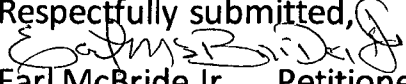
First: This SUPREME COURT has not announced that a State Parole Board's failure to afford certified parolee a revocation hearing process does not violate due process requirements announced in *Morrissey v. Brewer* 408 U.S. 477. The collateral consequences of the State's actions has resulted in years of continued incarceration without "due process"!

Second: This SUPREME COURT has not announced that a U.S. District Court or Court of Appeals can exercise a discretionary practice of procedural denial of constitutional habeas claims by disregarding the statutory limitation/(tolling) clause of 28 U.S. C. SECTION 2244 (d)(1)-(2).

Final: Extreme departure from Supreme Court authority is clear. The importance of the issue is to prevent the erosion of well-established constitutional due process principle as announced by the Supreme Court of the United States!

## CONCLUSION

In view of the above, a Petition For Rehearing should be granted in this case.

Respectfully submitted,  
  
Earl McBride Jr., Petitioner

FEBRUARY 2, 2021

No. 20-6039

IN THE  
SUPREME COURT OF THE UNITED STATES

EARL McBRIDE Jr., PETITIONER V. LORIE DAVIS RESPONDENT

PROOF OF SERVICE

I, Earl McBride Jr., do hereby certify under penalty of perjury that the foregoing PETITION FOR REHEARING was served upon the Clerk of the Court and State Attorney General pursuant to Rule 29 of Rules of the Supreme Court on this 2 day of ~~FEBRUARY~~ 2021 addressed to:

Clerk – SUPREME COURT OF THE UNITED STATES

1 First Street, NE, Washington D.C. 20543

Certified Return Requested Receipt

No. 7019 1120 0001 8646 4723

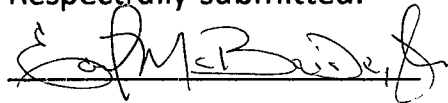
And one copy: First Class Mail Postage Prepaid

Jennifer Wissinger Asst. Atty. General

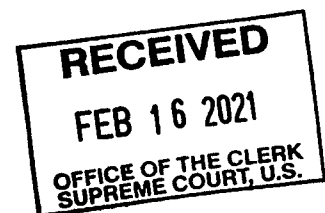
Criminal Appeals Division

P.O. Box 12548, Austin, Texas 78711-2548

Respectfully submitted.



Earl McBride Jr.,



IN THE  
SUPREME COURT OF THE UNITED STATES  
EARL McBRIDE, JR., PETITIONER V. LORIE DAVIS, RESPONDENT

CERTIFICATE OF GOOD FAITH

PURSUANT RULE 44, RULES OF THE SUPREME COURT OF THE UNITED STATES:  
The grounds are limited to intervening circumstances of substantial, controlling effect to other substantial grounds not previously presented.

United States Postal Service Form 3811 Domestic Certified Returned Receipts demonstrate Federal Habeas Petition met 28 U.S.C. Section 2244. The State of Texas intentionally withheld State Official document(s) Mail Log I-156 for June 22, 2015., as well as failed to summoned Mail Records at the Harris County, Texas Clerk's Office, that recorded said Habeas Corpus by Court Clerk Arthur Simpson. This specifically demonstrated a denial of Due Process. See Moya V. U.S. 35 F3d 501, 504 - Hanger V. U.S. 285 U.S. 427, 430.

Texas Parole Board Business Records demonstrate that the SISF was granted on 5-27-14., and the Parole Plan granted on 5-30-14., was approved; Both documents are in McBride's Parole file. On 5-30-2014 - Approved Issued Parole Certificate L.E. was placed in McBride's file in accordance to Board of Pardons and Parole Minutes Business Record. This document has been removed from McBride's Parole file, Angela Nation, director over Processing/Release stated, this document has never been "PRINTED or ISSUED", that does not coincide with Board's Official Business Records. The Parole Board not only denied McBride a Revocation Hearing, the Board circumvented their own Board Policy BPP.145.301, Section IV as well as Morrissey V. Brewer 408 U.S. 477 by denying McBride due process. Angela Nation, Director of Processing/Release intentionally mislead the court(s), tampered with tangible information and records, and either removed, destroyed or withheld State Official documents from this Court. Executed on April 7 ,2021.

No. 20-6039

---

IN THE  
SUPREME COURT OF THE UNITED STATES  
EARL McBRIDE Jr., PETITIONER V. LORIE DAVIS, RESPONDENT

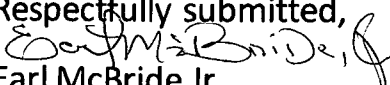
CERTIFICATE OF GOOD FAITH

Pursuant Rule 44 Rules of the Supreme Court of the United States

I, Earl McBride Jr., do hereby certify under penalty of perjury that the foregoing PETITION FOR REHEARING filed by (me) an unrepresented party in these proceedings; Is filed in GOOD FAITH with no intentions to delay nor harass any parties nor the Court.

FEBRUARY 21, 2021

Respectfully submitted,

  
Earl McBride Jr.,