

No. 20-6366

IN The
Supreme Court Of The United States

James W. Riley - Petitioner
VS.

State Of Delaware,
Respondent

ON Petition For A Writ Of Certiorari
To The State Of Delaware

Petition For Rehearing

James W. Riley
James T. Vaughn Correctional Ctr.
1181 Paddock Road
Smyrna, Delaware 19977

Dated: Feb. 22, 2021

Reason For Rehearing

This Court issued a totally unfair Order in this case on January 11, 2021. Petitioner did not receive the court's Order until February 8, 2021.

This Court ruled that petitioner repeatedly abused the process of Writ of Certiorari by filing a number of repetitious and frivolous requests for relief.

However petitioner filed only 3 or 4 Writ of Certioraries, i.e., 1) From direct review of conviction and sentence; 2) Another one based upon *Martinez v. Ryan*, 132 S.Ct. 1399 (2012); 3) Again based upon *McCoy v. Louisiana*, 138 S.Ct. 1500 (2018); and 4) Finally based upon *Hurst v. Florida*, 136 S.Ct. 616 (2016).

None of these cases were frivolous or repetitious. For support of its erroneous ruling, this Court cite to *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992). The defendant in *Martin* filed 45 petitions compared to petitioner's 4.

The *Martin* rule do not apply here and that's why the dissenting opinion of Justice Stevens in *Martin* should persuade this Court to adopt his opinion.

Wherefore this Court should grant rehearing for the reasons stated above.

Certificate Under Rule 44

Petitioner Certify that the grounds for rehearing are limited to intervening circumstances of substantial and controlling effect or to other substantial grounds not previously presented by implication of the court order pursuant to *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) barring petitioner's future filing of Writ of Certioraries on a false claim that he abused the Writ.

James W. Riley
petitioner

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