

Num# 20-6492

IN THE SUPREME
COURT OF THE UNITED STATES

CALVIN JAMES - PETITIONER

vs.

UNITED STATES OF AMERICA - RESPONDENTS

PETITION FOR A REHEARING ON CERTIORARI

CALVIN JAMES ((PRO'SE)) ((INCARCERATED))
FCC COLEMAN USP-1
P.O. BOX 1033
COLEMAN, FLORIDA 33521

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"CERTIFICATE FOR GROUNDS"

I CALVIN JAMES, THE PETITIONER IN THIS CASE
AM REQUESTING A REHEARING OF AN ORDER
DENYING MY WRIT OF CERTIORARI # 20-6492
ENTERED ON MARCH 8, 2021.

I'M FILING THIS ACCORDING TO RULE 44
OF U.S. SUPREME COURT.

THIS COURT HAS JURISDICTION IN THIS MATTER.
THE GROUNDS IN THIS PETITION HAVE A CONTROLLING
EFFECT ON THE OUTCOME AS RULE 44.2 OF THIS
COURT REQUEST,

((DUE TO THE INTERVENING CIRCUMSTANCES OF A
SUBSTANTIAL AND CONTROLLING EFFECT.))

"THIS PETITION FOR REHEARING IS PRESENTED IN
GOOD FAITH AND NOT FOR DELAY."

I DECLARE UNDER PENALTY OF PERJURY THE FOREGOING
IS TRUE AND CORRECT.

(I)

Signature
Calvin James

CERTIFICATE OF UNREPRESENTED PARTY

I, CALVIN JAMES, THE PETITIONER IN THIS
CLAIM AM NOT BEING REPRESENTED BY COUNSEL
AND FILING THIS PRO'SE.

I DECLARE UNDER PENALTY OF PERJURY THE
FORGOING IS TRUE AND CORRECT.

Signature
Calvin James

"GROUNDS"

STATEMENT OF THE CASE

WARRANT #20-2492 I CONTENTED THAT U.S. SUPREME COURT ON BEHALF VS. UNITED STATES) COURTS "MUST PROVE" KNOWINGLY. AS U.S. DIST. COURT NETHER 11th CIRCUIT APPEALS COURT PROVED KNOWINGLY WHICH VIOLATES MY 5th AMEND "DUE PROCESS" AND 14th AMEND. "EQUAL PROTECTION" CLAUSE. (IF THIS WAS A CONVICTION NOT A PLEA.)

GOVT. DID NOT PROVE I KNEW GUN WAS IN OR AFFECTING COMMERCE BY OFFICERS STATING THEY "SEEN ME / MY PASS - DOESN'T PROVE ELEMENTS OF CRIME/STATUTE ONLY CIRCUMSTANTIAL FACTS. (AS FACTS ARE MERE - KNOWLEDGE CONCLUSIONS ERRONEOUS TO A CRIME'S LEGAL REQUIREMENTS, ELEMENTS OF CRIME/STATUTE ONLY ARE WHAT PROSECUTION "MUST PROVE" AS THEY DIDN'T) TO SUSTAIN A CONVICTION) MAKING MY CONVICTION UNLAWFUL. (ELEMENTS OF 18 U.S.C § 922(g)(1); #1) BEEN CONVICTED OF A CRIME PUNISHABLE BY ONE YEAR, #2) THAT DEFENDANT POSSESSED A FIREARM, #3) THAT FIREARM TRAVELED IN INTERSTATE OR FOREIGN COMMERCE, #4) AND THAT DEFENDANT "KNOWINGLY" KNEW THIS ERROR IS RELEVANT AND IS A STRUCTURAL ERROR AND NEGLECT MY RIGHT TO A FAIR TRIAL.

I ALSO CONTESTED THAT CONTRABAND USED TO CONVICT WAS FROM THE FRUITS OF AN ILLEGAL SEARCH OF SOME UNKNOWN PROPERTY WHICH OFFICERS HAD NETHER A WARRANT NOR CONSENT TO SEARCH PROPERTY AS BODY WEAR FOOTAGE INTRODUCED AS EVIDENCE SHOWS THEIR BREAK AND ENTER, AS SUBCHAPTER VI §23-591 PROHIBITS SUCH ACT. THIS UNLAWFUL BEHAVIOUR TO GAIN AN ARREST VIOLATES MY 14th AMEND. "EQUAL PROTECTION" CLAUSE AND 4th AMEND RIGHT AGAINST UNLAWFUL SEARCH AND SEIZURE.

I ALSO CONTEST THAT PER 28 U.S.C §2403(2) I'M CHALLENGING AN ACT OF CONGRESS. IF 18 U.S.C. § 922 BILL/STATUTE HAS NO TERM OF IMPRISONMENT AS GOVT. INDICTED AND CONVICTED ME UNDER 18 U.S.C § 922 (I SEE INDICTMENT AND OBLIGED CR 418-2051) AND BILL/STATUTE INFRINGES 2nd AMEND. U.S. CONST. RIGHT TO BEAR ARMS. THIS BILL/STATUTE IS UNCONSTITUTIONAL AND AFFECTS THE PUBLIC INTEREST, AND DOESN'T PROMOTE THE FAIRNESS, AND JUSTICE U.S. GOVT. PORTRAYS.

IN GOVT. FILE MY REPLY BRIEF I SENT FEB 9, 2021 WITH PROOF OF SERVICE? AS IT DOESN'T SHOW FILED ON MY FEB 27, 2021 STATUS REPORT.

Grounds Cont.

Courts didn't inform of all elements of crime, (see jury instructions on case #CR418-205) violating my 5th Amend. "Due Process" and right to a fair trial, which also neglects my 14th Amend. "Equal Protection from Law" clause.

To further my commitment to proving knowingly possessed. (knowingly defines as to possess the knowledge or understanding). Govt. did not prove knowingly, neither did they prove possession (i.e., actual, or constructive) the most essential requirements for firearm poss. conviction and sustaining conviction. This misapplication of justice can't and must not be overlooked.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1.) SUBCHAPTER VI SECTION §23-591 <REPEALED>; AUTHORITY TO BREAK AND ENTER UNDER CERTAIN CONDITIONS <REPEALED>
- 2.) 18 USCS 241, 242; CONSPIRACY TO OPPRESS, INJURY OF RIGHTS.
- 3.) 28 U.S.C 2403(2); TO CHALLENGE THE CONSTITUTIONALITY OF AN ACT OF CONGRESS. (CHALLENGING STATUTES 18 U.S.C § 922, EQUALITY OF STATUTE/BILL)
- 4.) UNIFORM MAGISTRATE COURT RULE 25
- 5.) 18 U.S.C § 922
- 6.) 18 U.S.C § 924
- 7.) 5th AMEND. U.S. CONST.; "DUE PROCESS" OF LAW.
- 8.) 14th AMEND. U.S. CONST.; "EQUAL PROTECTION" FROM LAW
- 9.) 4th AMEND. U.S. CONST.; THE RIGHT TO BE SECURE AGAINST UNREASONABLE SEARCHES AND SEIZURES; WARRANTS FOR SEARCH AND SEIZURE.

REASONS FOR GRANTING THE PETITION

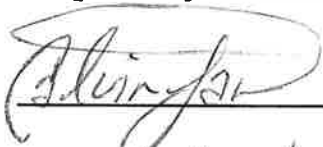
- 1) COURTS DEVIATED FROM PROPER PRACTICE OF LAW, AFFECTING THE FAIRNESS, AND REPUTATION OF JUDICIAL BRANCH
- 2) COURT DID NOT ADHERE TO OWN "MUST PROVE" ELEMENTS CLAUSE, MAKING DENIAL UNJUST AND PREJUDICE.
- 3) THIS COURTS NEGLECT OF U. S. CONST. DISHONORS WHOLE JUDICIAL BRANCH OF GOVT. AND PERCEIVES TYRANT BEHAVIOUR ACCEPTANCE
- 4) SUPPORTING THE CONVICTION OF IMPRISONMENT UNDER A STATUTE WHERE NO TERM EXISTS IS INSIDIOUS AND CRIMINAL.
- 5) COURTS CONSPIRING TO OVERLOOK THE SERIOUS CONSTITUTIONAL AND STATUTES VIOLATIONS-VIOLATES 18 U.S.C. 241, 242 CONSPIRACY TO INJURE, OPPRESS OF RIGHTS, A CRIME PUNISHED- AND MAKING BUT GRANTING MALICIOUS AND CONSPIRACY, COURTS CANT NEGLECT OR DENY THIS CLAIM, UNLESS CONDONING CRIMINAL JUDICIAL CONDUCT.

- 1) REQUEST REPLY ON PETITION FOR REHEARING
- 2) RELEASE PETITIONER (CALVIN JAMES) FROM CUSTODY.

CONCLUSION

The petition for a writ of ^{REHEARING} ~~certiorari~~ should be granted.

Respectfully submitted,



Date: 50/28/2021

May 28, 2021

NUM# _____

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COURT OF THE UNITED STATES

CALVIN JAMES - PETITIONER
VS.

UNITED STATES OF AMERICA - RESPONDENT

PROOF OF SERVICE

I, CALVIN JAMES, DO DECLARE THAT ON THIS DATE
MAY 28, 2021 AS REQUIRED BY SUPREME COURT, I
HAVE SERVED THE MOTION FOR LEAVE "IFP"
AND PETITION FOR REHEARING ON EVERY PERSON
REQUIRED TO BE SERVED BY DEPOSITING AN ENVELOPE
CONTAINING THE ABOVE DOCUMENTS IN THE UNITED
STATES MAIL PROPERLY ADDRESSED WITH POSTAGE
PREPAID.

I DECLARE UNDER PENALTY OF PERJURY THAT
THE FOREGOING IS TRUE AND CORRECT.

SIGNED ON MAY 28 2021

