

No. 20-7261

Supreme Court of the United States

RANDELL JOSEPH REDMOND - Petitioner

vs.

United States Court of Appeals for the
Fifth Circuit - Respondent

On Petition For Rehearing of an order denying
a Petition for a Writ of certiorari

Randell Joseph Redmond

LeBlanc Unit #727110

3695 FM 3514

Beaumont, TX. 77705

Appeal No.:

IN THE SUPREME COURT OF THE
UNITED STATES

RANDELL JOSEPH REDMOND - Petitioner

vs.

UNITED STATES COURT OF APPEALS for the
Fifth Circuit - Respondent

PETITIONER RANDELL JOSEPH REDMOND'S
PETITION for REHEARING

RANDELL JOSEPH REDMOND
LeBlanc Unit #727110
3695 FM 3514
Beaumont, Tx. 77705

On January 13, 2021, Mr. Redmond's petition for a writ of certiorari for a COA was filed as case no. 20-7261 and was docketed February 26, 2021.

On March 8, 2021, Mr. Redmond served & notified opposing counsel that they had until March 29, 2021, to file an opposing brief.

On April 12, 2021, Mr. Redmond notified the clerk of this court that opposing counsel failed to respond.

On April 26, 2021, Mr. Redmond was notified that this Court denied the petition for a writ of certiorari.

Here now, Mr. Redmond files this petition, in prose, seeking a rehearing in order to obtain a COA.

Reasons for Granting the Petition

Mr. Redmond claims in his writ of certiorari that the circuit court mischaracterized his COA; thereby sidestepping the two-step process set forth by this court: (1) an initial determination whether a claim is reasonably debatable, and (2) then if it is an appeal in the normal course.

This court has told the Fifth Circuit that it has exceeded the limited scope of the C.O.A. analysis. But the Fifth Circuit continue to snub at Supreme Court

that it is possible for someone to react the way he did. Mr. Redmond points out that trial counsel was ineffective in presenting this evidence even ~~tho~~ though he had it; Mr. Redmond had no counsel on appeal; and he demonstrates "plain error" which suppose to be readdressable under Fed. R. Crim. Proc.

The whole purpose of Fed. R. Civ. Proc. 60(b) is to make an exception to finality (Roberts, Ch. J., joined by Kennedy, Ginsburg, Breyer, Sotomayor, + Kagan, JJ).

Mr. Redmond contends that had the forbidden evidence been presented to the jury, it would not have voted to find Mr. Redmond guilty of the greater offense and at the most probably of the lesser instead.

The Supreme Court has decided that appellate leave is not required before Federal District Court may reopen a case, 425 U.S. 17, 97 S.Ct. 31. Chief District Judge Orlando L. Garcia finds that it is. And the Fifth Circuit Court of Appeals leaves it up to this Court - The Supreme Court.

This Court has decided in *McQuiggin v. Perkins*, 135 S.Ct. 1019, Actual Innocence, if proved, held to be gateway through which state prisoner petitioning for federal habeas corpus relief might pass, regardless of ~~whether~~ whether impeded by procedural bar or ~~except~~

The United States Supreme Court holds allegations of a pro se complaint to less stringent standards than formal pleadings drafted by lawyers.
Pleading § 130 - pro se complaint #1

Yet Mr. Redmond wrote a letter thanking the clerk and case analyst for accepting his case. But it was not meant to be a formal pleading. This letter was not held to less stringent standards.

Even though this court's decision has nothing to do with the merits of this case, Mr. Redmond is asking...

Conclusion

... the Petition for Rehearing is GRANTED.