

UNITED STATES SUPREME COURT

Samuel R. Toliver,
Petitioner,

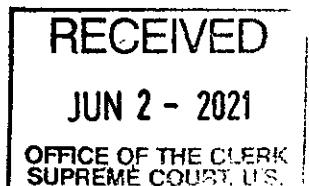
MOTION FOR RECONSIDERTAION
DOCKET# 20-7384
WRIT OF CERTIORARI

V.
K. Ander,

Respondent

Petitioner has submitted, a Writ of Certiorari, was DENIED, by this Court in violation of Petitioner's U.S.C.A. Const. First Amendment, and his U.S.C.A. Const. Fourteenth Amendment, which mandates equal treatment under the law,..Petitioner Civil rights claim produces: certificate documents attesting to a "fact") that distinctly is unmistakalbe- substantial-real-true-solid which fits the entire "category" of a petition must be briefly and distinctly state its grounds and must be accompanied, by a certificate stating that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not presviously presented. In petitioner original civil rights claim and his reconsideration claim!

Civil claims that shows "plausible" seemigly true trustworthy on its "face" See, Bell v. Atl. Corp v. Twombly, 550 U.S. 544, 570 (2007), that petitioner DENIED, claim and entry into this Court, of 12 Justice panel, is in confilct with its own law/ litigation, under cited case and in violation of the petitioner



U.S.C.A. Const. First Amend, right to redress government of
grievances, U.S.C.A. Const. 14th. Amend. equal treatment law
protection Clause, Rule 44.6 is stated by the Court, clerk
and is in clear violation of U.S.C.A. Const. First Amend.
if DENIED, by a rule which already has been met in petitioner's
original-reconsideration civil claim. Due Process Rights, violated!

A DENIAL, under a rule is in violation of petitioner U.S.C.A.
Const. First Amend, Fourteenth Amend,. It is impossible for a law
which violates the Constitution to be valid. This is succinctly
stated as follows: " All laws which are repugnant to the
Constitution are null and void". See, Marbury v. Madison,
5 US (2 cranch) 137, 174, 176 (1803), which would be therefore
Unconstitutional and in conflict with its own laws/litigation under
cited case! and U.S.C.A. Const. First Amend. Fourteenth Amend.
and shows no equal treatment under the law of the land, and
prejudice towards pro-se colored prisoners, by this Court if
DENIED, by a rule over the U.S.C.A. Const. 14th. Amend. invoked
by petitioner to the justice of 12 and not a court/clerk or a
court analyst. to decide this Civil rights violation by the
respondents!

reconsideration GRANTED, will show good faith under Article IV of the Constitution of the United States "mandates" that all the judges" of every state are bound to the Supreme Law of the Land, all judicial officers shall take a oath or affirmation to support the Constitution. The office of the judge is an office of Public Trust under the constitution and this duty and obligations on the judges. This Court will be in Breach of that duty,. See, Public Trust: section (a)(7)(12), Title 5 Chapter XVI in oath of Public Trust.

Petitioner civil rights claims shows all requirements that require to be placed in "front of the justice of 12 panel" See, Bell v. Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007), with all Appendixs attached! to support! OF "FACTS" or substantial-andore distinctly-which all means plausible on its face, cited case!

RECONSIDERATION: Should be GRANTED, under "facts" and good faith all under the petitioners U.S.C.A. Const. 1st, 14th, Amend. his Due Process Rights, to appeal and petition be heard by a justice of 12 for his Civil rights violations that govern by his human rights and the Federal-State Constitution as this colored-pro-se prisoner is entitled to in this Court.

TITLE OF CIVIL CALIM CASE# 20-7384, Civil Claim 428U.S.C. 1983
sum \$900,000dollars , being placed into solitary confinement for
arrserting petitioner U.S.C.A. Const. First Amend. Fouth Amend.
was GRANTED, in claim. See, original claim and appendix(s).

OATH PURSUANT TO UNAVAILBILITY OF NOTARY SERVICE!

Since Notary Service is currently not avaible in the 15 day
deadline set by Court on May 18, 2021, petitioner recevied on
May 21, 2021, on a Friday, by via legal mail.. I Samuel R. Toliver
declare under the penalty of perjury that the declaration(s) in
the attached documents of RECONSIDERATION TO APPEAL!, are true
and correct based upon my personel knowledge. Further, I
respectfully request that this Court accept this oath pursuant to
28 U.S.C.A. 1746,

The petitioner also states under the "mailbox rule", a pleading
is consider "FILED" by a prisoner on the date it was given to a
prison offical for mailing. Houston v Lack, 108 S.Ct. 237 (1988).
to met the deadline by this court!

^d
Dated: May 21, 2021

Samuel R. Toliver,
Colored-Pro-Se-Petition
Prisoner of NYS.

Samuel R. Toliver

UNITED STATES SUPRME COURT

Samuel R. Toliver
Petitioner,

v.

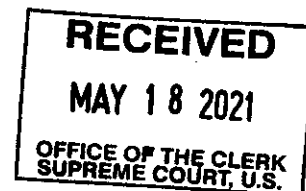
K. Adner,
Respondent,

MOTION FOR RECONSIDERATION
DOCKET# 20-7384

Writ of Certiorari

Petitioner Writ of Certiorari was DENIED, by this Court, in violation of his U.S.C.A. Const. First Amend. and his Fourteenth Amend. under equally treatment Clause, right to redress court which is the right for petitioner Civil claim violation to be herd and judged by the panel of 12 judges not by a case analyst which no judges has decided, in petitioner case!

United States Surprme Court "cannot be in conflict" with its own law/litigation under case of Bell Atl. Corp v. Twombly, 550 U.S. 544, 570 (2007), A claim must not be dismiss if its stated enough "facts" and plausible on its face" AND shows factual content that defendant is liable for the misconduct alleged" see, "Ashcroft v. Iqbal" 556 U.S. 622, 678 (2009), most favorable to plaintiff supported by Appendix (D)+(F).



The opening of the petitioner sealed mailed legal mail was not accidental, information contained in letter was used against the petitioner in form of relation, placed in "Solitary Confinement" for asserting his First Amend. right to petition the court of redress, against respondents, supported by Appendix (D). See Mitchell v. Forsyth, 472 U.S. 511 (1985), who the Solicitor General waived counsel upon Respondents March 29, 2021.

Petitioner invokes the Fourteenth Amendment, that was violated under Equal Protection Clause which mandates equal treatment under the law. Which was violated due to Color-status-indigent, place in Solitary confinement for asserting his U.S.C.A. Const. First Amend. confirm by Federal Court judge NUARD((N.D.N.Y), under the Fourth Amend. GRANTED, in Appendix (D)+(F), and also violated by this Court, for DENIAL, of access to panel of 12, judges! for the violations of his civil human rights!

Essential to that protection is the guarantee that similiary situated persons be treated equally, See, City of Cleburne, Tex v. Cleburne Living Ctr., 473 U.S. 432, 439 (1985). Petitioner has indeed has met the "criteria" of its own law/litigation in cases of Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007) "facts on its face" see, Appendix (D) & (F), that the defendant is liable for the misconduct alleged! "Ashcroft v. Iqbal", 556 U.S. 622, 678 (2009), In Appendix (D).

IN CONCLUSION OF LAW

Toliver, is a colored-pro-se-indigent temporary prisoner until July 12, 2021, release date, and has a right to the panel of justice of 12, in this Court under U.S.C.A. Const. 14th. Amend. that the petitioner invokes! under the law, to be treated equally as this court has done for the LGBT, community, that prisoners of the State, colored be treated just as equally as that community!

A DENIAL, of reconsideration is a DENIAL, of the petitioner U.S.C.A. Const. 14th, Amend. that colored-pro-se-prison community has no civil human rights, and are not equal in this Court, also will show "conflict with its own law and litigation under the cases of Bell Atl. Corp v. Twombly, 550 U.S. 544, 570 (2007); and Ashcroft v. Iqbal, 556 U.S. 622, 678 (2009). Which this Court has DENIED, Petitioner Writ of Certiorari and showed that conflict!

The lower courts are indeed in conflict with all other appellant courts regarding Exhausted Remedies supported by Appendix (E), and See, in conflict of Ross v. Blake, 136 Sup. Ct. 1850 (2016); and Mitchell v. Forsyth, 472 U.S. 511 (1985), conflicting with Bell Atl. Corp. v. Twombly, and Ashcroft v. Iqbal, (because petitioner fits both criteria see, Appendix (D), (F).


RECONSIDERATION:, should be GRANTED, by this Court civil rights claim violation by RESPONDENTS, be place in front of the 12 justice panel of this court, upon petitioner U.S.C.A. Const. 14th. Amend. Equal treatment under the law, his Due Process rights, and his First Amend. right to redress the government against respondents for violating his civil human rights!

Petitioner is entitled to 42 U.S.C.A. 1983 Civil Suit for \$900,000 dollars, or as this court see deem fair and justice for petitioner Civil human rights violation.

I declare under the penailty of perjury that this civil rights claim is true and I seved a copy of RECONSIDERATION, to the Solicitor General: Sarah Rosenbluth: Office of the Attorney General: The Capitol Albany N.Y. 12224

AND TO: United States Supreme Court Clerk of Court Hon. Scott S. Harris Washington D.C. 20543-0001

DATED: May 21, 2021


Respectfully Submitted,
Samuel R. Toliver 09-B-2037
Wyoming Correctional Facility
P.O. Box 501
Attica, N.Y. 14011-0501