

IN THE SUPREME COURT OF THE UNITED STATES
OF AMERICA

In re Johnny Ray Bennett

Plaintiff

vs.

Mr. Eddie Bell

Mrs. Leah Ransbottom

Mr. Michael Hutcheson et al.

Defendants

Case NO. 20-7817

Case NO. 18-5991

Low Case NO. 20-14505-D

Case NO. 6:12-CV-01716-GAP-KRS

Provided To Johnny Bennett
On 8/16/21
For Mailing, by CFRC
ORB

REHEARING RESUBMITTED

Dear Honorable Clerk; Johnny Ray Bennett, Pro se moves this Honorable Court pursuant to U.S. Sup. Ct. Rule 44.1 for a rehearing on Writ of Prohibition filed 4-6-2021 and denied on 6-14-2021. There are several points of Substantial Significance that was overlooked, and its of Great Public Importance that these erroneous Judgments be vacated and reversed in favor of me, the accused.

Plaintiff states that:

- 1.) Bennett filed the previous Rehearing on 7-2-2021 as required by the Certificate of Service Oath and the Mail-Box Rule in Thompson vs. State, 761 So 2d 324, 326 (Fla. 2000); F.R.C.P. Rule 60(b) Excusable Neglect.
- 2.) Haines vs. Kerner, 404 U.S. 519, 92 S. Ct. 594 (U.S. Ill. 1972), Petitioner is a pro se litigant, layman in the Science of Law and should not be held by stringent standards of formal pleadings drafted by Lawyers; F.R.C.P. Rule 60(b).
- 3.) The denial to Writ of Prohibition as Decision (A).

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STATEMENT OF FACTS

First; Bennett involuntarily plead nolo contendere a Trial to Armed Burglary F.S. 810.02(b)(2); Sexual Battery; F.S. 794.011(3) on May 22, 2000, and convicted and sentenced on June 20, 2000 to two Concurr. 35 yr. Sentences and two 10 yr. Min. Man. Sentences and designated a Sexual Predator; F.S. 775.24(3)(C) all the while (21) twenty-one statutes in Taylor vs. State, 818 So. 2d 544, 546, 550 (Fla. 2d DCA 2002) were under Constitutional scrutiny and later became Unconstitutional as violating Art. VII, Sec. 6 of the Fla. Const.; see pg. 7, 8 of Certiorari/All Writs filed May 31, 2018 and Writ of Prohibition pg. 8 First Par.; 28 U.S.C. § 2241(C)(3); Art. I, Sec. 10, Fla. Const.; 28 U.S.C. § 1343(2)(3); 14th Amendment U.S.C.A.

JURISDICTION

Reference on Jurisdiction is Postponed in Writ of Prohibition filed 4-6-2021 and denied 6-14-2021; F.R.C.P. Rule 56(e)(3); Rule 54(c); see Attached Decision (A); Certification of Counsel (B); and Letter for permission to Resubmit (C).

CONTINUED:

Second; the Respondents committed fraud on the Federal Courts when it failed to relinquish the documents to show his true cause of detention. See F.R.C.P. Rule 60(b)(3); eg. Thompson vs. Greene, 427 F.3d 263 (4th Cir. 2005); 14 Amendment U.S.C.A.; see Certiorari/All Writs, last par. page 5, first Par. page 6.

Third, The U.S. District Court ultimately granted Summary Judgment for the Respondents/Defendants on 7-18-13 and 7-19-13; dismissing with prejudice his § 2254 petition filed November 9, 2012. see C.F. Blackledge vs Allison, 431 U.S. 63, 52 L. Ed. 2d 136, 141 (1977); in accordance the District Court misapplied 28 U.S.C. § 2254(d) & statute of limitation. See 28 U.S.C. § 2244(B)(i)(ii); Gonzalez vs. Crosby, 545 U.S.

524; 125 S. Ct. 2641; 162 L. Ed. 2d; id. at 488 (2005); See Writ of Prohibition filed 4-6-2021; at pg. 6.

Fourth, the 11th Circuit had a defect in one of its Orders; see No. 13-10291-B as Appx. (A) in Writ of Prohibition filed 4-6-2021 in this Court in addition to fraud on the Court by the Respondents makes me qualify and eligible for the "reopening" and/or vacatur of the judgments particularly from the District Court. The 11th Circuit and the U.S. District Court barred Bennett from their Court unless he pay the Statutory filing fee. See Smith vs Bennett, 365 U.S. 708, 712, 81 S. Ct. 895 (1961); 28 U.S.C. § 1915(2)(D)(4); 14th Amendment, U.S.C.A. The 11th Circuit Court also violated the integrity of judicial proceedings as in filing a "Summary Dismissal Order" as forbidden in Coleman vs Thompson, 501 U.S. 722, 735, 740, 115 L. Ed. 2d 640, 111 S. Ct. 2546 (1991).

Fifth, A (COA) should have issued in my case, because Bennett has shown that Jurists of reason would find it debatable whether the Petition states a Valid claim of a denial of a Constitutional Right, and Jurist of reason would find it debatable whether the District Court was correct in its procedural ruling. Cf. Jimenez vs Quarterman, 555 U.S. 113, 118 no. 3, 129 S. Ct. 681, 172 L. Ed 2d 475 (2009).

Sixth, Its been (9) years since the Original Judgment, but Ritter vs Smith, 811 F. 2d 1398, 1401 (CA. 11th Cir. 1987), would allow(s) five years or more in extraordinary circumstances... 28 U.S.C. § 1343 (2)(3);

THEREFORE, pursuant to F.R.Crim.P. Rule 52(b), Bennett is aware that even a Murderer was exonerated; charges dropped and Case dismissed, because of a "Speedy Trial Violation." Bennett was charged August 28, 1999, and was forced to trial on May 22, 2000, which is (9) nine months; bypassing the 180 day law. see 18 U.S.C. § 3161(h). Bennett is respectfully requesting this Honorable Court to take Judicial notice of these Complex, and Wholly

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unusual extraordinary Circumstances pursuant to Rule 60(b)(6) by Utilizing your Superior Discretionary Powers to grant the relief requested; to be exonerated; Charges dropped and case dismissed; to Intervene pursuant to all cases Surrounding Taylor vs. State, Supp. of the Conflict of Analysis of the (21) twenty-one invalid statutes of Retroactivity and Ex Post Facto of State and Federal Constitutions. 28 U.S.C. § 2403(a)(b); see Certiorari/All Writs filed May 31, 2018; pg. 78.

IN CONCLUSION, this Civil Rights Suit is another "extraordinary Circumstance". Rule 60(b)(6) applies only in exceptional and extraordinary Circumstances which are not addressed in the first five Subsections of the Rule. The exceptional Circumstances under Rule 60(b)(6) require usual and extreme Situations where "Principles of equity mandate relief." 42 U.S.C. § 1983. Furthermore, according to the "Preiser Puzzle", Bennett has diligently followed and applied the dictates of Heck vs. Humphrey, 512 U.S. 477, 114 S.Ct. 2364 at no. 5 (1994); Preiser vs. Rodriguez, 411 U.S. 475, 36 L.Ed.2d 439, 93 S.Ct. 1827 at no. 15 (1973); and Wilkinson vs. Dotson, 544 U.S. 74, 81, 125 S.Ct. 1242; 161 L.Ed.2d 253, 254 (2005). See also Section 2 Chambers, Course of Lectures on English Law 1767-1773, at 6 ("Liberty may be violated by arbitrary imprisonment without law or the appearance of law, or by a Lawful Magistrate for an Unlawful Reason"); This is so.... even where the prisoner is detained after a Criminal Trial Conducted in full accordance with the production of the Bill of Rights. See 18 U.S.C. § 3161(h).

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With Sincerity and truth, in
regards to a Second chance
Johnny R. Bennett # 623036

Petitioner is a prose litigant, layman in the science of law and should not be held by stringent standards of formal pleadings drafted by lawyers.

See Haines vs. Kerner, 404 U.S. 519, 92 S. Ct. 594 (U.S. 11/1972)

The complete review is necessary to prevent a fundamental miscarriage of justice. See Coleman vs. Thompson, 501 U.S. 722, 735-740, 115 L. Ed. 2d 640, 111 S. Ct. 2546 (1991) (declining to apply long presumption dismissal Order).

WHEREFORE, Bennett respectfully request a "second chance" at liberty, and for this Honorable Court to use its Superior Discretionary Powers to Vacate all judgments that is inconsistent with relief; to exonerate him by dropping the charges above and release him from Unlawful Custody; and adjudicate it on the merits to Finalize this cause of action to close this case.

I DECLARE (or Certify, verify or State) under penalty of perjury that the foregoing Rehearing Resubmitted is true and correct.

Executed on August 13th 2021

Johnny R. Bennett
Johnny Ray Bennett #629036
CPRE-MU
7000 H.C. Kelly Road
Orlando, FL 32831