

Supreme Court of The United States

No. 20-8358

IN RE Hector David Sanchez

To The Honorable Justices of The Court,

Petition For Rehearing

Comes Now, Hector David Sanchez, petitioner pro-se, who respectfully requests a rehearing pursuant to Rule 44 of this Court. Petitioner certifies the grounds presented in this petition are limited to intervening circumstances of substantial or controlling effect, also that this petition is presented in good faith and not to vex, harm, nor delay.

Ground One: A panel of The Fifth Circuit has overruled this Court's action of applying *Garza v. Idaho*, 139 S.Ct. 738 as a new rule to a case that was on collateral review, see *Fabian-Baltazar*, 139 S.Ct. 1289, 203 L.Ed.2d 412. The Fifth Circuit disagreed and held that *Garza* "...did not announce a new rule of constitutional law for the purposes of § 2244 (b)(2)(A)." The Fifth Circuit's usurpation of authority is in conflict and contrary to this Court's precedent, and has also created a split in the U.S. Court of Appeal Circuits.

Ground Two: The Fifth Circuit has created exceptional circumstances in both of petitioner's § 2254 petitions preventing him the ability to have his meritorious *Garza* claim reviewed on the merits. It is of no fault of petitioner the chronological order of events that prevented petitioner from being able to have raised his *Garza* claim in his first § 2254. Petitioner has demonstrated 'maximum feasible diligence' in both federal § 2254 petitions. The Fifth Circuit denied petitioner's motion to stay during his first § 2254, and then overruled this Court in his second § 2254.