

No. 21-1497

In The  
**Supreme Court of the United States**

SCOTT LOUIS YOUNGBEAR,

*Petitioner,*

v.

ATTORNEY GENERAL TOM MILLER,

*Respondent.*

PETITION FOR A WRIT OF CERTIORARI TO  
THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

**PETITION FOR REHEARING**

Pro Se Petitioner

Scott L. YoungBear  
337 Red Earth Drive  
Tama, Iowa 52339  
641-351-2912

The Court on October 3, 2022, denied without comment the pro se Petition for a Writ of Certiorari.

## STATEMENT

At one time the State of Iowa had a faith-based treatment program in one of its prisons, a pre-release “unit-based residential treatment program.” See *Americans United for Separation of Church & State v. Prison Fellowship Ministries*, 432 F. Supp. 862 (S.D. Iowa 2006), *aff’d in part and rev’d in part on other grounds*, 509 F.3d 406 (8th Cir. 2007). The program was voided on Establishment Clause grounds and Iowa never followed up with another program. This simple fact asserts that Iowa believed faith-based treatment could help in relieving the burdens imposed on offenders by their incongruous thought and behavior.

As such, I believe I have a constitutional right to faith-based treatment. But no court has declared I have such a right. *Vitek v. Jones*, 445 U.S. 480, 488 (1980)(emphasis added), “We have repeatedly held that *state statutes may create liberty interests* that are entitled to the procedural protections of the Due Process Clause of the Fourteenth Amendment.” The statute in question here is Iowa Code § 692A (2019) Sex Offender Registry (SOR). Any offender may request a status modification before a district court judge. §

692A.128; *State v. Iowa District Court*, 843 N.W.2d 76, 81 (Iowa 2014) (“Subsection 6 grants any ‘sex offender’ required to be on the registry ‘as a result of an adjudication for a sex offense’ an opportunity for modification”). The Equal Protection Clause may attach here as well. *Willowbrook v. Olech*, 528 U.S. 562, 564 (2000), “Our cases have recognized successful equal protection claims brought by a ‘class of one,’ where the plaintiff alleges that she has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment.” See also *Yick Wo v. Hopkins*, 118 U.S. 356, 373-74 (1886) (emphasis added), “Though the law itself be fair on its face and impartial in appearance, yet, if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution.”

In *Frazee v. Illinois Dept. of Employment Sec.*, the Court recognized that a standalone person has protection under the First Amendment. “[W]e reject the notion that to claim the protection of the Free Exercise Clause, one must be responding to the commands of a particular religious organization.” 489 U.S. 829, 834 (1989). I stand alone here because I be-

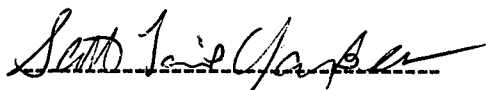
long to no church, Protestant, Catholic or otherwise.

The ecclesiastical abstention doctrine has no application here because no sect is implicated in the matter, so a court may adjudicate here. The issue is the *conduct* of the State of Iowa regarding myself. *Burri Law Pa v. Skurla*, No. 21-15271, slip op. at 11 (9th Cir. June 3, 2022), “Burri is not asking us to adjudicate the sort of issues covered by the ecclesiastical abstention doctrine. ‘Rather, [he] seeks relief for the harms [he] has suffered as a result of conduct engaged in by’ the Defendants, regardless of whether the conduct was ‘consistent with the governing law of the Church.’ Id. The ecclesiastical abstention doctrine has no application to this case.”

### CONCLUSION

For the reasons stated, Petitioner respectfully requests that the Court grant the Petition for Rehearing.

Respectfully submitted,



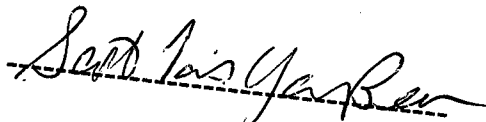
Scott Louis YoungBear  
337 Red Earth Drive  
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(641) 351-2912

October 20, 2022

**CERTIFICATION OF PETITIONER  
(RULE 44)**

I certify that the Petition for Rehearing from Denial of Certiorari is presented in good faith and not for delay and is restricted to the grounds specified in Supreme Court Rule 44.2.

Dated: October 20, 2022

A handwritten signature in cursive script, reading "Scott Louis YoungBear", written over a horizontal dashed line.

Scott Louis YoungBear

No. 21-1497

**PROOF OF SERVICE**

**SCOTT LOUIS YOUNGBEAR,**

*Petitioner,*

*v.*

**ATTORNEY GENERAL TOM MILLER,**

*Respondent.*

I, Scott Louis YoungBear, do swear or declare that on this date, November 7, 2022, as required by Supreme Court Rule 29 I have served the enclosed motion for Petition For Rehearing on the party required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Office of the Attorney General of Iowa  
Hoover State Office Building  
1305 E. Walnut Street  
Des Moines IA 50319

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 7, 2022

