

No. 21-5408

IN THE  
SUPREME COURT OF THE UNITED STATES

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Bruce A. Rutherford - pro se Petitioner

Vs.

UNITED STATES of AMERICA

ON PETITION FOR REHEARING TO THE UNITED STATES COURT  
OF APPEALS FOR THE 5TH CIRCUIT

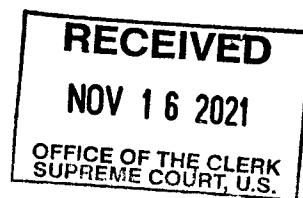
ON PETITION FOR REHEARING

Bruce A. Rutherford - 27006-078

FCI Texarkana

P.O. Box 7000

Texarkana, Texas 75505



ON PETITION FOR REHEARING

Appellant presents his petition for a rehearing of the above entitled cause, and, in support of it, respectfully shows:

A rehearing of the decision in this matter is in the interest of justice because:

1. On October 12, 2021, this court denied my petition for writ of certiorari for unspecified reasons.

2. The denial of my petition for Certiorari came as a surprise due to the serious nature of the issues presented and the indisputable evidence attached. I had very carefully briefed and provided the evidence to support each claim. I had shown several violations of my Fifth and Sixth Amendment rights as well as 2 plain or structural errors that were ignored by the district court.

As ruled by the United States Supreme Court, the court will consider questions passed upon by the courts.

42 K Ed 2d 946 Issue Not Raised - Supreme Court, Section III §16, Questions passed upon by the court;

In *Arizona v. Fulminante*, 499 U.S. 279, 113 L Ed 302 111 S.Ct 1246 (1990)

A plain or structural error is defined:

1. Finding of coercion need not depend upon actual violence.
2. Credible threat is sufficient.
3. Coercion can be mental as well as physical.
4. The blood of the accused is not the only hallmark of an unconstitutional inquisition. § 840.5 due process - confession.

"An error may be ranked as plain or structural if the right, at issue, is not designed to protect the defendant from an erroneous conviction..."

McCoy v. Louisiana, 138 S.Ct. 1500; 200 L Ed 2d 821 (2018).

The United States Supreme Court has held, or recognized, that it has the power to notice plain or fundamental error appearing on the record especially in criminal cases if the errors are obvious, or if they otherwise effect the fairness, integrity or public reputation of the judicial proceedings. Silber v. United States, 370 U.S. 717, 8 L Ed 2d 798, 82 S.Ct. 1287 (1962) §1084(1), III, 1319 - Errors apparent on the record.

A fundamental miscarriage of justice, inherently results in a complete miscarriage of justice. Davis v. United States, 417 U.S. 533 (1974).

The prejudice of the judge in this case, is demonstrated by the 22 months and a writ of mandamus to the Supreme Court it took to get my §2255 ruled on only to have it denied without regard for its contents or merits and the existence of 2 plain or structural errors.

This seems like a way for the court to add additional punishment because they don't like the charge.

The fact that I am actually innocent and the evidence in my §2255 shows it, doesn't seem to matter.

In violation of their oath of office in Article VI, clause 2 and clause 3 of the Constitution, the judge, the prosecutor, and even your attorney, take unfair advantage of the common citizen's lack of knowledge of the law in the name of expediency of the court. Screws v United States, 325 U.S. 91, 129-130 (1944).

The court gave little credence to the Constitution or the rights of the common citizen.

Is it not the duty of the Supreme Court to correct these unlawful actions, uphold the Constitution of the United States and ensure that a fair

and honest system of justice is served to every citizen?

If the Supreme Court does not correct this injustice, then it is in essence giving the lower courts permission to continue to make unlawful and unconstitutional rulings at will and without consequence.

Where can a citizen go to get the justice guaranteed by the Constitution of the United States?

This is the end of the line for any kind of hope for fair and honest justice.

I have always believed that the prosecutor's job was to ensure justice was served, not only for the guilty, but more importantly, to protect the innocent. Apparently I was wrong.

#### Conclusion

For the reasons stated above, and to preserve the fairness, justice, integrity, and public trust and confidence in the courts and the legal system, I urge that this petition for rehearing be granted and that under further consideration the certioari be granted and the judgment of the lower court be reversed and vacated.

Respectfully submitted on 11-8, 2021.

By: Bruce A Rutherford  
Bruce A. Rutherford - 2006-078  
FCI Texarkana  
P.O. Box 7000  
Texarkana, TX 75505

I, Bruce A. Rutherford, certify that this petition for rehearing is presented in good faith and not for delay, and that it is restricted to the grounds specified in Supreme Court Rule 44 of the rules of this court.

Bruce A Rutherford  
Signature