
In The Supreme Court of the United States

MICHAEL GEORGE KOGIANES, M.D.;
CECIL T. KINKADE, AND SUCH
OTHER SIMILARLY SITUATED INDIVIDUALS,
PETITIONERS,
v.

JOHN MACADOREY, WARDEN,
ARIZONA STATE PRISON COMPLEX-YUMA;
MARK BRNOVICH, ATTORNEY GENERAL,
STATE OF ARIZONA,
RESPONDENTS.

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

PETITION FOR REHEARING
(S.Ct.R.44.2)

RECEIVED

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SUPREME COURT, U.S.

MICHAEL G. KOGIANES, 104341
ASPC YUMA-CIBOLA, 682
P. O. Box 8909
SAN LUIS, 85349
Petitioner *pro se*

GROUND'S FOR REVIEW

THE PETITIONER HEREBY FULLY INCORPORATES AND REALLEGES THE CLAIMS PRESENTED ON CERTIORARI, WHERE THE DISCRETION OF THE COURT WAS ADDITIONALLY REQUESTED TO CONSIDER APPLICATION OF 28 USC 81651 IN AID OF ITS JURISDICTION. HE RESPECTFULLY REQUESTS THE PETITION TO HERE BE TAKEN ADDITIONALLY, WHERE PRESENTED AS A MATTER UNDER HABEAS CORPUS, AS UNDER 42 USC 1983, AS HAD BEEN THE PETITION APPARENTLY FAVORED BY BOTH THE DISTRICT AND CIRCUIT COURTS.

THE ISSUES PRESENTED ARE PROVIDED IN AN EFFORT TO REMEDY THESE CONCERNS UPON WHICH THE ORDER OF 22 FEBRUARY 2022 MAY HAVE BEEN ISSUED, AND TO FURTHER ASSIST THE COURT IN ITS DETERMINATION THE SUBSTANTIAL CONSTITUTIONAL RIGHTS HAVE BEEN VIOLATED IN THE ABSENCE OF JURISDICTION, CONTRARY TO ITS PRECEDENT DECISIONS, AND INDEED, CAN BE SHOWN TO PRESENT INSTANCES OF ACTUAL INNOCENCE.

CERTIFICATE OF RESTRICTION OF GROUNDS

THE UNDERSIGNED PETITIONER HEREBY CERTIFIES THAT THIS PETITION FOR REHEARING IS RESTRICTED TO THE GROUNDS ABOVE STATED, AS ARE MORE THOROUGHLY SET FORTH BELOW, IN COMPLIANCE WITH RULE 44.2, AND ARE LIMITED TO INTERVENING CIRCUMSTANCES OF A SUBSTANTIAL OR CONTROLLING EFFECT, OR TO OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED, AND PURSUANT TO ALL OTHER PERTINENT RULES, IN GOOD FAITH AND ARE NOT FOR DELAY.

RESPECTFULLY SUBMITTED UNDER 28 USC 51746 THIS 7th DAY OF MARCH, 2022.


15/ MICHAEL G. VOGTMAN
PETITIONER PRO SE

PETITION FOR REHEARING

MICHAEL G. KOCHANES RESPECTFULLY PETITIONS FOR REHEARING TO REVIEW THE ORDER OF THIS COURT IN KOCHANES V. MACADORE, 2636, N° 21-6470, LOCATION CHANGE FRAP 43(C)(2), § V. CERTIORARI I.

JURISDICTION

AS IN THE PETITION FOR CERTIORARI, THE PRIMARY BASIS FOR CHALLENGE TO THE MANNER IN WHICH PAROLE HAD BEEN DENIED IN A 25 YEAR TO LIFE SENTENCE, AND HERE POINTEDLY, AGAIN DENIED THE CHOSEN AND PROPER STATUTORY MEANS FOR ITS REVIEW UNDER ARS § 12-910(C), THAT PROVIDED FOR A TRIAL DE NOVO BEFORE A JURY IN THE ARIZONA SUPREME COURT, AND WHICH HAD BEEN ACCEPTED BY ITS SENIOR JUDGE, ARE AMENDMENTS V AND XIV OF THE CONSTITUTION, AS TO DUE PROCESS AND EQUAL PROTECTION CLAIMS.

IN ADDITION TO THE § 2241 BASIS FOR SUCH CLAIMS AS GRANTED BY THE US DISTRICT COURT IN MARTINEZ-BROOKS V. EASTER & CARVALHAL, N° CV 20-00569 (MB) (DCF 5/12/20), P. 34-36, HE HERE RESPECTFULLY REQUESTS REVIEW OF ALL CLAIMS UNDER 42 USC § 1983, AND 28 USC § 1257(2).

REASONS FOR GRANTING THE PETITION

THE SUBJECT ORDER OF 22 FEBRUARY 2022 WAS NOT RECEIVED UNTIL 2 MARCH 2022, BUT A SUPPLEMENTAL BRIEF, UNDER S. Ct. R. 15.8, IN REPLACEMENT OF A NOTICE OF CIRCUMSTANCES OCCURRING SUBSEQUENT TO FILING AND ACTION FOR ADJUDICAT AB INITIO, ORIGINALLY SUBMITTED 23 DECEMBER 2021, BUT RETURNED WITHOUT FILING DUE TO ISSUES OF FORM, WAS SUBMITTED FOR FILING ON 24 FEBRUARY 2022, PER LETTER OF 4 FEBRUARY. IT CONTAINED THE RAPIDLY PTERIORATING VITAL STATISTICS OF THIS PETITIONER, AS SHOWN IN BLOOD LAB RESULTS INDICATING ACUTE ANEMIA, WITH NEAR TERM MORTAL CONSEQUENCES. IT SEEMS THAT WITHIN THE SCOPE OF THE CONSTITUTIONAL AUTHORITY VESTED IN THIS COURT, WHICH HAS FAUCUSLY GRANTED LAST MINUTE REQUESTS TO THESE SCHEDULED FOR EXECUTION, A CONSIDERED SECOND LOOK AT THE PROPERITY OF THE ORIGINAL CHARGES MIGHT BE REVIEWED WHICH MAY MEET REDUCTION OF THE TERM; OR AN ORDER TO THE ARIZONA SUPREME COURT TO ORDER RELEASE ON PAROLE ON DUE PROCESS GROUNDS FOR FAILURE TO PROVIDE REVIEW OF THE PAROLE RELEASE DENIED; OR, AT AN ABSOLUTE MINIMUM, TO ORDER ADJUDICAT IN THE EVENT OF HIS DEATH, THAT ANY ASSETS MAY BE DISTRIBUTED TO HIS RIGHTFUL HEIRS AS REQUESTED IN THE SUBMITTED SUPPLEMENTAL BRIEF OF 2/24/22. ON THE DAY PRECEDING THAT OF COMPLETING HIS 70th YEAR.

RESPECTFULLY SUBMITTED THIS 7th DAY OF MARCH, 2022, AND UNDER 28 USC § 1746,

THIS DOCUMENT IS IN COMPLIANCE WITH ALL APPLICABLE RULES, AND HAS BEEN SERVED BY UNITED STATES MAIL THIS DATE UPON:

ARIZONA ATTORNEY GENERAL
CRIMINAL APPEALS SECTION
2005 N. CENTRAL AVENUE
PHOENIX, AZ 85004-1580

ATTN: MS. KELLY E. GILLIGAN, SHERIFF
ARIZONA ATTORNEY GENERAL

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PETITIONER PRO SE