

RKR /

21-6531

IN THE UNITED STATES SUPREME COURT

Billy Mack Nichols Jr. # 92713

PETITIONER

vs.

CASE NO. 21-6531

Gary R. Kerstein, et. al.

RESPONDENTS

Supreme Court, U.S.  
FILED

MAR 14 2022

OFFICE OF THE CLERK

PETITION FOR REHEARING

By: Billy Mack Nichols Jr. # 92713

P.O. Box 470

MARIANNA, Ar., 72360

Billy Mack Nichols # 92713  
pro-se Petitioner

## INTERVENING CIRCUMSTANCES OF A SUBSTANTIAL OR CONTROLLING EFFECT

1) This case involves a fundamental question of the this Court's decision in *Estelle v. Gamble*, 429 U.S. 97, 104, 97 S.Ct. 285 (1976). The question is of great public ~~importance~~ importance because it affects the operation of the prison of this state. ~~new medical~~ In view of the need of prisoners of this State of Arkansas to receive adequate medical care for serious medical needs

2) The issue's importance is enhanced by the fact that even in this case at hand, the lower courts have seriously misinterpreted *Estelle v. Gamble* or either have ~~refuse~~ wrongly refused to honor it. ~~The Court reiterated this point~~ This Court held in *Estelle v. Gamble* that "deliberate indifference to serious medical needs of prisoners constitutes the unnecessary and wanton infliction of pain" ~~as~~ proscribed by the Eighth Amendment." The Court reiterated this point in *Erickson v. Pardus*, 551 U.S. 89, 94, 127 S.Ct. 2197 (2007) (per curiam) (allegation that a prison doctor stopped plaintiff's Hepatitis C medication even though he had commenced a one-year treatment program and needed treatment for the disease pled an Eighth Amendment claim).

3) The common sense to not being deliberately indifferent to the serious medical needs of prisoners, such as myself, is so that the custodians of ~~the~~ the prisoner be not a ~~cause~~ cause of unnecessary and/or prolonged pain and suffering and/or even ~~death~~ death of the prisoner, such as myself, that has the serious medical ~~needs~~ needs)

4) That the interest of justice will be served by the granting of this Petition for rehearing to remedy the wrongs of the ~~lower~~ lower courts.

allowing the defendants/respondents to have the Petitioner under the imminent danger of serious physical injuries that even other courts have ruled are serious physical injuries, as listed in my Petition For Writ of Certiorari

5) My life is in danger, please look into the matter

#### CONCLUSION

6) Herefore the intervening circumstances of substantial or controlling effect or to other grounds not previously presented, this Petition For Rehearing should be granted.

7) The Petitioner is without legal counsel and I have done the best I can in presenting my case, nor am I a licensed attorney.

#### CERTIFICATE

I, Billy Mack Nichols JR #92713, do hereby certify that the grounds herein are ~~restricted~~ limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

#### PROOF OF SERVICE

Executed to Clerk of U.S. Supreme Court on day of 4-11-22 by  
U.S. mail

#### VERIFICATION (18 U.S.C. §1621)

I, Billy Mack Nichols JR #92713, pro-se Petitioner, do hereby declare under the penalty of perjury that the foregoing is true and correct, to the best of my knowledge

Respectfully Submitted, Billy Mack Nichols JR #92713 pro-se Petitioner

TO: Clerk of U.S. Supreme Court

DATE: 4-11-22

FROM: Billy Mark Nichols Jr. #92713

RE: Nichols v. Kerstein, et al., NO. 21-6531

Dear Clerk of Court,

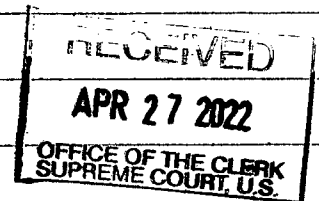
Enclosed please find 1 original copy of Petition For Rehearing to be filed in the above styled case.

I would like to receive a filed copy of the enclosed.

Thank you!

Respectfully & Sincerely,

Billy Mark Nichols Jr. #92713 pro-se Petitioner



**SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001**

April 4, 2022

Billy Mack Nichols Jr.  
#92713  
PO Box 970  
Marianna, AR 72360

RE: Nichols v. Kerstein  
Petition for Rehearing  
No: 21-6531

Dear Mr. Nichols Jr.:

The petition for rehearing in the above-entitled case was postmarked March 14, 2022 and received March 22, 2022 and is herewith returned for failure to comply with Rule 44 of the Rules of this Court. The petition must briefly and distinctly state its grounds and must be accompanied by a certificate stating that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 15 days of the date of this letter, the petition will not be filed. Rule 44.6.

Sincerely,  
Scott S. Harris, Clerk  
By:

Susan Frimpong  
(202) 479-3039

Enclosures