

BRANDON BIBBS; #BM6927

Pro Se

High Desert State Prison

P.O. Box 3030

Susanville, CA 96127

IN THE SUPREME COURT OF THE
UNITED STATES

BRANDON LEON BIBBS,

Petitioner,

Vs.,

DON BARNES,

Respondent.

PETITION FOR
REHEARING

(Sup. Ct. R. 44.2)

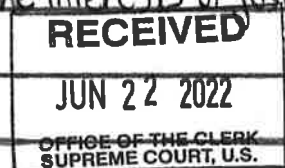
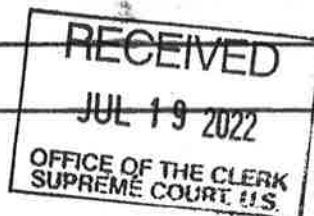
No. 21-7402

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

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

Grounds for Rehearing

A rehearing of the decision in the matter is in the interests of justice
because:



There were 2 cases of decisional law that this very court upheld, in *Riverside v. McLaughlin*, 500 U.S. 44 (1999) and *Gerstein v. Pugh*, 420 U.S. 103 (1975), that is directly related to the circumstances of this very case, that was undetermined by this court and the lower courts that the petitioner claimed so distinctively. For this issue to not be determined would void the whole process of upholding the constitutional law of the land (concerning the 4th & 14th Amendments of the United States Const.) How could a decision upheld in the Supreme Court of the United States taking precedent in relation to this case be disregarded, which demonstrates the intervening circumstances of a substantial effect? The decision to deny the petition was unreasonable considering this is an issue that takes nationwide importance of the abuse of law enforcement officials, that needs change.

1. On May 23, 2022, this Court denied the petition for writ of Certiorari.

2. The principal ground cited in the Court's per curiam opinion was that the crucial issue had been fully and completely determined by the ruling of the Court in *Riverside v. McLaughlin*, 500 U.S. 44 (1999), a case established so significantly in this court that takes super-precedence.

3. The grounds for the ruling in *Riverside v. McLaughlin*, 500 U.S. 44 (1999) are astonishingly related to the petitioner. Petitioner had briefed the crucial issue in this case carefully, and was aware that this was related to a prior decision of law in this court. A decision in the *Riverside v. McLaughlin*, 500 U.S. 44 (1999) case was expected only on related issues.

4. Petitioner was not granted any opportunity by the Court to distinguish this case from the *Riverside v. McLaughlin*, 500 U.S. 44 (1999) case or to suggest why they should not be determined by the same rule.

5. This case contains several crucial factual and procedural distinction from the case of *Riverside v. McLaughlin*, 500 U.S. 44 (1999) that warrant its determination by a different or at least altered rule.

a. No probable cause determination was ever made during the petitioner's warrantless arrest promptly within the 48 hours, nor at any given time of the proceeding of the municipal court.

b. The rule of the criteria related to the case of *Riverside v. McLaughlin*, supra, was established in post conviction proceedings.

6. In an earlier decision, *Gerstein v. Pugh*, 420 U.S. 103 (1975), the Court had noted that cases with these factual and procedural distinction should be treated by a markedly different rule of law from those properly applicable in the *Riverside v. McLaughlin*, 500 U.S. 44 (1999) decision that the Court, in its order, stated was controlling in this case.

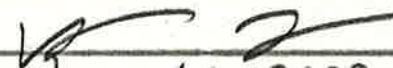
7. A rehearing tightly and squarely focused on the distinctions between this case and the *Riverside v. McLaughlin*, 500 U.S. 44 (1999) case, and whether these distinctions merit a different rule of law, is a

matter of fundamental fairness to petitioner and would not unduly burden the Court.

Conclusion

For the reasons just stated, BRANDON LEON BIBBS, urges that this petition for a rehearing be granted, and that, on further consideration the Petition for Certiorari be granted and/or the judgement of the lower court be reversed.

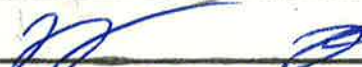
Respectfully submitted,
BRANDON LEON BIBBS


June 10, 2022

Certificate of Good Faith by Petitioner

I, BRANDON LEON BIBBS, certify that this Petition for Rehearing is presented in good faith and not for delay, and that is restricted to the grounds specified in Supreme Court Rule 44 of the Rules of this Court.

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


June 28, 2022

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, BRANDON LEON BIBBS, declare:

I am over 18 years of age and a party to this action. I am a resident of _____

High Desert State Prison,

in the county of Lassen,

State of California. My prison address is: 475-750 Rice Canyon Road,

Susanville, CA 96127.

On June 15, 2022
(DATE)

I served the attached: PETITION FOR REHEARING (Case No. 21-7402)

(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

• Attorney General of California; P.O. Box 85266; San Diego, CA 92186-5266

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 15, 2022
(DATE)


(DECLARANT'S SIGNATURE)