

IN THE SUPREME COURT
FOR THE
UNITED STATES OF AMERICA

KEVIN D. LOGGINS SR.,

PETITIONER;

VS.

CASE NO. 21-7436

JOESPH NORWOOD,

RESPONDENTS.

PETITION FOR REHEARING

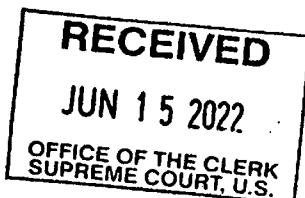
BEFORE

CHIEF JUSTICE JOHN G. ROBERTS, JR.

PURSUANT TO SUP. CT. R. 22

Comes now petitioner, Kevin D. Loggins Sr., pro se moving the Court to grant a rehearing on petitioner motion for forma pauperis and reinstate petitioners Petition for Writ of Cert., in the above style caption cased. In support petitioners petition for rehearing and reinstatement of the petition for writ of cert., petitioner states the following:

- 1.) Petition on the 14 day of December, 2022 attempted to pay the \$300.00 filing fee to docket petitioners petition for writ of cert. Clerk Lisa Nesbitt refused to docket the petition asserting that if petitioner intends to pay the \$300.00 filing fee, that irregardless of petitioners incarceration statis that petitioner has to file the petition in compliance with **Sup. Ct. R. 33.1.**



See Appendix-(A).

Petitioners petition was filed in compliance to **Sup. Ct. R. 33.2** and the amount of copies for a petitioner housed in a institution was complied with. See **Sup. Ct. R. 39.2** which in pertinent parts hold: "**unless the party is an inmate confined in an institution and is not represented by counsel, in which case the original, alone, suffices. A copy of the motion, and affidavit or declaration if required, shall precede and be attached to each copy of the accompanying document.**"

On the 21 day of January, 2022 Clerk Lisa Nesbitt returned the \$300.00 filing fee claiming that petitioner requested the return of the filing fee. See **Appendix-(B)**. The Clerk. Lisa Nesbitt informed petitioner that the petition would not be docketed pursuant to **Sup. Ct. R. 33.2** if petitioner intends to pay the filing fee, irregardless of petitioner being housed in a institution and unable to formate petitioners petition and appendixes thereto in compliance with **Sup. Ct. R. 33.1**.

Petitioner resubmitted the petition with a motion to proceed in forma pauperis since the petition could not be formated in compliance with **Sup. Ct. R. 33.1** due to the institution that petitioner is housed at not having the capability to comply with the booklet form. On the 23rd day of March, 2022 the petition was docketed. See **Appendix-(C)**.

On the 23rd day of May, 2022 the Clerk of the Court Scott Harris sent petitioner an order which denied petitioners motion to proceed in forma pauperis and dismissed the petition for writ of cert. See **Appendix-(D)**. The rule cited by the court is **Sup. Ct. R. 39.8**, which provides in pertinent part: "**8. If satisfied that a petition for a writ of certiorari, jurisdictional statement,**

or petition for an extraordinary writ is frivolous or malicious, the Court may deny leave to proceed in forma pauperis."

Petitioners petition involves the following questions of law:

I. Whether a State policy writer can lawfully write policy that infringes upon petitioners constitutional right to Familal Assocation (1st and 14th Amendment), and deprive petitioner of exercisinng that right?

II. Whether the State policies written 8-years and 20-years after petitioners unlawful conviction for Aggravted Sexual battery that in addition to the sentence imposed deprives petitioner of the constitutional right to Familal Assocation (1st and 14th Amendment), run afoul to the United States Constitution Art. I §§ 9,10 [Ex Post Facto Law]?

III. Whether petitioner is at liberty according to the letter of the law to challenge the Judgment relied upon to label petitioner as a sex offender so as to deprive petitioner of the constitutional right to Familal Assocation (1st and 14th Amendment), as a legal nullity that is void?

IV. Whether petitioner effectively demostrated a intricate link between the constitutional deprivation and slander/defamation to warrant the exercise of pendant jurisdiction?

Petitioner was denied the right to pay the filing fee so as to docket the petition for writ of cert., and basically forced to proceed in forma pauperis so that the cxlerk of the court to utilize Sup. Ct. R. 39.8 to dismiss petitioners petition. Clerk Lisa Nesbitt and Scott Harris both intentionally impeded petitioners attempt to pay the filing fee so as to force petitioner to file the

motion to proceed in forma pauperis which allowed the court to issue the denial of permission to proceed in forma pauperis and deny petitioner the "Right to Petition for a Writ of Cert.".

Sup. Ct. R. 39.3 provides: "3. Except when these Rules expressly provide that a document shall be prepared as required by Rule 33.1, **every document presented by a party proceeding under this Rule shall be prepared as required by Rule 33.2 (unless such preparation is impossible). Every document shall be legible. While making due allowance for any case presented under this Rule by a person appearing pro se, the Clerk will not file any document if it does not comply with the substance of these Rules or is jurisdictionally out of time."**

The motion to proceed in forma pauperis must be granted in order for the document to be docketed. According to the Courts order Issued on the 23rd day of March, 2022 the Petition for Writ of Cert., was docketed. See **Appendix-(C)**. The Clerk Scott Harris waited 60-days to enter the order that denied petitioners motion to proceed in forma pauperis and dismiss the petition for writ of cert., so as to prevent petitioner from paying the filing fee and render petitioners petition out of time.

CONCLUSION

The Chief Justice should find that a fundamental miscarriage of justice has occurred and the Ends of Justice demands that a rehearing be scheduled concerning petitioners motion for permission to proceed in forma pauperis and that the petition for writ of cert., be reinstated so as to evaluate whether petitioners claims are "frivilous or malicious". Petitioner calls the court attention to the fact that the 10th Circuit Court of Appeals on their own motion recalled the

mandate to rehear the case En Banc. However the court did not hold said hearing due to no vote put forth to hear the case by the 10th Circuit Judges.

Prayer

Wherefore, petitioner prays that this Superior Court whose sworn oath is to uphold the United States Constitution find that petitioner has presented valid constitutional question warranting Certiorari Review.

Respectfully submitted,

Kevin D. Loggins Sr.

Kevin D. Loggins Sr.

Certificate of Service

I, Kevin D. Loggins Sr., hereby certify a true and correct copy of the forgoing petition for rehearing and reinstatement of writ of cert., was deposited in the US mailing system at the HCF in Hutchinson, Kansas on this 4 day of June, 2022 postage prepaid and addressed to the following: Natasha Carter, 120 SW 10th Avenue, Topeka, Kansas 66612.

**Additional material
from this filing is
available in the
Clerk's Office.**