

IN THE UNITED STATES  
SUPREME COURT

S. Ct. No. 21-7478

In re: Derrick Jerome Spencer

Petitioner.

PETITION FOR REHEARING OF AN ORDER DENYING A PETITION FOR A WRIT OF CERTIORARI

COMES NOW, Petitioner, Derrick Jerome Spencer proceeding pro se, and hereby respectfully submits this petition for rehearing on the following grounds:

I. This Court, on June 27th, 2022, decided *Concepcion v. United States*, No. 20-1650 (S. Ct. June 27, 2022).

Petitioner has several *Concepcion* issues that weren't addressed in petitioner's First Step Act proceedings, such as: recalculation of the sentencing guidelines consistent with the Fair Sentencing Act changes, and the applicability of Section 401 of the First Step Act.

II. The Court of first instance lacked jurisdiction over the petitioner. Specifically, Assistant United States Attorney Jeffrey S. Paulsen committed fraud upon the court, proceeding to trial with a criminal complaint disguised as a "true bill." The petitioner was never indicted by a Grand Jury, contrary to the Constitution and laws of the United States.

There is no lawful conviction nor sentence because the district court lacked jurisdiction to try and punish. See *Ex parte Bain*, 121 U.S. 1, 7 S. Ct. 781 (1887).

The complaint/indictment should've been dismissed under 18 U.S.C.S. 3367; Fed. R. Crim. P. 48.

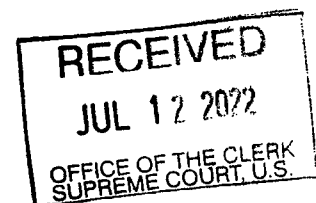
CONCLUSION

Wherefore, all of the above stated petitioner prays the instant petition is granted.

Respectfully submitted,

s/ DERRICK JEROME SPENCER

Dated: July 5th, 2022



## CERTIFICATION

I, Derrick Jerome Spencer, Petitioner, Pro se, certify under penalty of perjury that this petition for reheating is brought in good faith and is true and correct to the best of my knowledge and understanding, and it is restricted to intervening circumstances of a substantial and controlling effect and other substantial grounds not previously presented. It is being sent in accordance with 28 U.S.C.S. 1746 as self notarized from FPC Duluth, a federal prison camp in Duluth Minnesota.

s/ DERRICK JEROME SPENCER

Dated: July 5th, 2022

## CERTIFICATE OF SERVICE

I, Derrick Jerome Spencer, certify that I am sending the above petition for rehearing to the Clerk of Court of the United States Supreme Court and to the Solicitor General's office at the addresses listed below. It is being sent via U.S. postal service overnight with correct postage prepaid.

s/ DERRICK JEROME SPENCER

Dated: July 5th, 2022