

IN THE
SUPREME COURT OF THE UNITED STATES

KAREEM STANSBURY

v.

No. 22-5519

MICHEAL GOURLEY

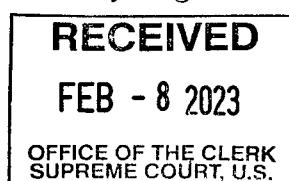
MOTION FOR REHEARING

Petitioner, Kareem Stansbury pro se, respectfully request that this Court grant rehearing to reconsider its order, entered October 11, 2022, denying a writ of certiorari and avers;

REASONS FOR GRANTING REHEARING

1. Supreme Court Rule 44.2 authorize this Court granting rehearing based on "intervening circumstances of a substantial or controlling effect."
2. Here, Stansbury argues that rehearing is warranted for a few reasons. First, This Court granted certiorari in *Buck v. Davis*, 580 U.S. 100 (2017) and *Miller-El v. Cockrell*, 537 U.S. 322 (2003), to correct the Fifth Circuit exceeding the limited scope of the COA procedure by first deciding the merits on the appeal and then justifying it's denial based on it's adjudication of the actual merits. see *Buck* *supra*, and *Miller-El*, 537 U.S. at 336-337. In this case, Stansbury is arguing that the same exact errors that occurred in *Buck* and *Davis* happened during his COA procedure as well.
3. To avoid confusion and inadvertently creating a new COA standard by allowing Courts of Appeal to first decide the merit of an appeal and then justify it's denial of a COA based on it's adjudication of the actual merits will conflict with this Court's precedent. see *Buck* *supra*, *Davis* *supra*. see also *Slack v. McDaniel*, 529 U.S. 473 (2000). This Court has a constitutional duty to ensure that federal courts properly apply federal law to the facts of litigants cases.
4. Second, under stare decisis and federal equal protection law his cases raises the same conduct which this Court corrected. Stansbury argues

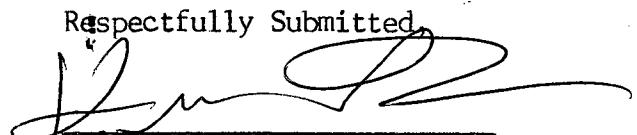
1.



that this Court should grant him the same relief as those similar situated cases. If not this Court decision in this case will conflict with relevant decisions by this Court. see Buck *supra*, Davis *supra* and Slack *supra*. Stansbury argues that he has demonstrated that this Court and the Third Circuit Court of Appeals' order and decisions was incorrect. Since the Third Circuit sidestepped the COA process by first deciding the merits of the appeal and then justified its denial of a COA based on it's adjudication of the actual merits is in direct with the decisions in Buck, Davis and Slack. This Court's order/decisions not to correct the same errors that occurred in Buck, Miller-El and Slack clearly shows this Court's decision not grant his certiorari was incorrect and should be reconsidered.

WHEREFORE, Stansbury respectfully request that this Court grant rehearing.

Respectfully Submitted



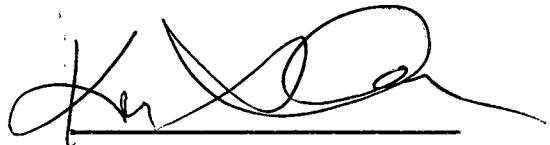
Kaseem Stansbury

CERTIFICATION OF COUNSEL

I, Kareem Stansbury, certify that the foregoing motion for rehearing is presented in good-faith and not for the purpose of delay and further that the motion is restricted to intervening circumstances of substantial and controlling effect in accordance with S.Ct.R.44.2.

Date January 30, 2023

Respectfully submitted,



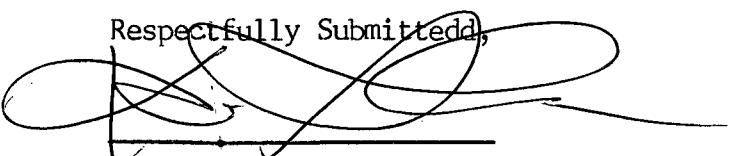
Kareem Stansbury

PROOF OF SERVICE

I, Hereby Certify that the foregoing motion for rehearing was served on all parties below via first class mail on this 30th day of January of 2023.

Scott Harris, Clerk
Office of the Clerk
Supreme Court of the United States
Washington, DC 20543-0001

Nancy Winkelman
District Attorney's Office
Federal Litigation Unit
Three South Penn Square
Philadelphia, PA 19107



Respectfully Submitted,

Kareem Stansbury