

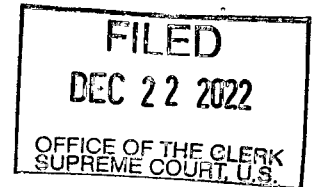
NO. 22-5699

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

" IN RE THOMAS GEORGE CRAWMBEEK...



PETITION FOR REHEARING

COMES NOW, THOMAS GEORGE CRAWMBEEK, PETITIONER PRO SE, AND SUBMITS THIS PETITION FOR REHEARING TO THIS HONORABLE COURT IN REGARD TO THE EXTRA ORDINARY WRIT OF HABEAS CORPUS THAT WAS DENIED ON DECEMBER 5, 2022.

PETITIONER WOULD CONTEND THAT THIS PETITION IS BEING SUBMITTED IN GOOD FAITH AND FOR GROUNDS LIMITED TO INTERVENING CIRCUMSTANCES OF SUBSTANTIAL OR CONTROLLING EFFECT OR TO OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED.

WHEN PETITIONER'S CONSTITUTIONALLY PROTECTED RIGHT UNDER THE SIXTH AMENDMENT AGAINST A BIAS JURY WAS ARGUABLY VIOLATED BY A TEXAS TRIAL COURT, PETITIONER IN A PRO SE ATTEMPT TRIED TO EXERCISE HIS RIGHT TO HABEAS CORPUS RELIEF TO WHICH RESULTED IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT VIOLATING PETITIONER'S CONSTITUTIONALLY PROTECTED RIGHT UNDER THE FOURTEENTH AMENDMENT OF EQUAL PROTECTION OF THE LAW.

TO SUBSTANTIATE THIS CLAIM PETITIONER WOULD SHOW THIS HONORABLE COURT:

THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT HAS RECOGNIZED THAT THE DOCTRINE OF IMPLIED BIAS IS "CLEARLY ESTABLISHED" FEDERAL LAW AS DETERMINED BY THE SUPREME COURT - SEE *BROOKS v DRETKE*, 444 F.3d at 329 - SO MUCH SO THAT FOOTNOTE NO. 5 IN THAT OPINION BY CIRCUIT JUDGE HIGGINBOTHAM READS:

28 USC § 2254(d)(1): SEE ALSO *UNITED STATES v WOOD*, 299 U.S. 123, 134, 57 S. CT. 177, 81 LED 78 (1936) ("THE BIAS OF A PROSPECTIVE JURY MAY BE ACTUAL OR IMPLIED: THAT IS, IT MAY BE BIAS IN FACT OR BIAS CONCLUSIVELY PRESUMED AS [A] MATTER OF LAW."): *McDONOUGH POWER EQUIP., INC v GREENWOOD*,

464 U.S. 548, 556-557, 104 S. CT. 845, 78 LED 20 663 (1984) (BLACKMUN, STEVENS, AND O'CONNOR, J.J., CONCURRING) (RECOGNIZING THAT "IN EXCEPTIONAL CIRCUMSTANCES... FACTS ARE SUCH THAT BIAS IS TO BE INFERRED"): *id.*, AT 538, 104 S. CT. 845 (BRENNAN AND MARSHALL, J.J., CONCURRING IN THE JUDGMENT) (SAME): *TURNER V OHIO*, 273 US. 510, 532, 47 S. CT. 437, 71 LED 744 (1927) (IMPLYING BIAS AND REVERSING CONVICTION BECAUSE OF FINANCIALLY INTERESTED JUDGE, EVEN THOUGH THERE WAS NO EVIDENCE OF ACTUAL BIAS). THE PEDIGREE OF THE IMPLIED BIAS DOCTRINE HAS EVEN OLDER ORIGINS. SEE *UNITED STATES V BURR*, 25 F. CAS. 49, 50 (D. VA 1807) (MARSHALL, C.J., RIDING CIRCUIT) (STATING THAT EVEN WITH INDIVIDUALS UNDER THE INFLUENCE OF PERSONAL PREJUDICES WHO STATE AN ABILITY TO SERVE AS FAIR AND IMPARTIAL JURORS, THERE ARE CIRCUMSTANCES IN WHICH "THE LAW WILL NOT TRUST HIM"): *DR. BENHAM'S CASE*, 77 ENG. REP. 646, 652 (CP. 1610) (COKE, J.) (STATING THAT NO MAN SHALL BE A JUDGE IN HIS OWN CAUSE): SEE ALSO *DUEL V CHILBERT*, 151 F.3d 970, 984 (9TH CIR 1998) (EN BANC) (DESCRIBING THE IMPLIED BIAS DOCTRINE AS "A RULE SO DEEPLY EMBEDDED IN THE FABRIC OF DUE PROCESS THAT EVERYONE TAKES IT FOR GRANTED")

AND BROOKS AT 330 FOOTNOTE NO. 11 READS IN PART:

SEE *UNITED STATES V SCOTT*, 854 F.2d 697, 700 (5TH CIR 1988) (FINDING, UNDER SMITH, THAT JUROR WAS IMPLIEDLY BIASED BECAUSE HIS BROTHER WAS A DEPUTY SHERIFF IN AN OFFICE THAT INVESTIGATED THE DEFENDANT'S CASE...)

YET IN PETITIONER'S CASE THE JURY FOREMAN HAD HIS BADGE WEID BY ONE OF THE LAW ENFORCEMENT AGENCIES IN THE CASE AS A RESERVE OFFICER, HE OFFICED WITH THE LAW ENFORCEMENT AGENCY INVESTIGATING THE CASE, AND, HE HAD AN ONGOING WORKING RELATIONSHIP WITH THE JUDGE HEARING THE CASE

THIS IS A FAR CLOSER NEXUS THAN THAT INVOLVED IN THE INSTANCE OF SCOTT, AND SHOULD BE ADDRESSED DUE TO BEING SO OBVIOUS AND SUBSTANTIAL THAT FAILURE TO CORRECT IT WOULD INFRINGE PETITIONER'S CONSTITUTIONAL AMENDMENT VI AND XIV GUARANTEES AGAINST JUROR BIAS AND EQUAL PROTECTION OF THE LAW AS THEY APPLY TO ANY UNITED STATES CITIZEN.

AND IN UNITED STATES V NEIL, 526 F.2d 1223, 1229 (5TH CIR 1976) IT SAYS THAT RECOGNIZING
THAT JUDICIAL BIAS CAN COME TO LIGHT IN TWO WAYS: "BY AN EXPRESS ADMISSION OR BY PROOF OF SPECIFIC
FACTS SHOWING SUCH A CLOSE CONNECTION TO THE CIRCUMSTANCES AT HAND THAT BIAS MUST BE PRESUMED."

PETITIONER PRAYS THAT THIS COURT GRANT HIS PETITION FOR REHEARING

RESPECTFULLY SUBMITTED:

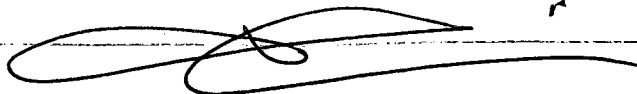


THOMAS GEORGE CRANDBECK - PETITIONER PRO SE

28 USC § 1746

" I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING PETITION FOR REHEARING IS TRUE,
CORRECT, AND SUBMITTED IN GOOD FAITH ONLY AND NOT FOR DELAY OR MALICE. ALL GROUNDS PRESENTED
HEREIN ARE LIMITED TO INTERVENING CIRCUMSTANCES OF SUBSTANTIAL CONTROLLING EFFECT OR TO OTHER
SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED.

EXECUTED ON THIS THE 27TH DAY OF JANUARY, 2023



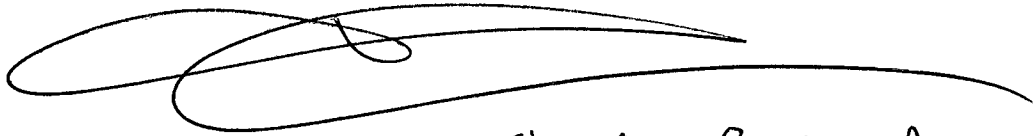
CERTIFICATE OF COUNSEL

" I, THOMAS GEORGE CRANDBECK, PETITIONER-PRO SE, HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT
I AM A PRO SE LITIGANT, CANNOT AFFORD COUNSEL DUE TO INDIGENCY, AND HAVE NOT CONSULTED
WITH ANY COUNSEL IN THIS OR ANY OTHER MATTER RELATED HEREIN - I REPRESENT MYSELF AND
AM AN INMATE CONFINED IN A TEXAS PENAL INSTITUTION



CERTIFICATE of Service

I, THOMAS GEORGE CRAMPTON, PETITIONER PRO SE, DECLARE UNDER PENALTY OF PERJURY THAT A TRUE AND CORRECT COPY OF THE FOREGOING PETITION FOR REHEARING HAS BEEN FORWARDED TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT - OFFICE OF THE CLERK - 600 MAESTRI PLACE, NEW ORLEANS LA 70130-3408 VIA THE UNITED STATES POSTAL SERVICE, FIRST CLASS POSTAGE PRE PAID ON or about the 27th DAY of JANUARY, 2023.

A handwritten signature in dark ink, consisting of a large, sweeping loop followed by a smaller, more intricate flourish.

THOMAS GEORGE CRAMPTON - PETITIONER PRO SE

OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

RE: 22-5699

WASHINGTON, D.C.

"IN RE CROMBIE"

NOTICE OF IMPEDIMENT BY STATE

PETITIONER FOR REHEARING IN THE ABOVE IDENTIFIED CASE IS A PERSON CONFINED IN A STATE PENAL INSTITUTION AND INDIGENT AS WELL

PETITIONER WAS NOTIFIED HIS INSTITUTION TWICE IN WRITING - 1ST TIME DEC. 14 / 2ND TIME DEC. 20 OF HIS NEED FOR TIME SENSITIVE FILING REQUIREMENTS IN THE FEDERAL COURTS (2) THAT REQUIRED BOTH AN INMATE TRUST FUND STATEMENT AND NOTARY PUBLIC SERVICE

ON DEC. 20 PETITIONER WAS INFORMED BY THE LAW LIBRARY SUPERVISOR MISS GRANTEN THAT THE NOTARY PUBLIC CALLED IN SICK WITH "COVID" AND THAT THE STATE ADMINISTRATION BUILDING DID NOT HAVE A NOTARY PUBLIC THEREFORE PETITIONER WOULD MISS HIS FILING DEADLINE(S).

ON AUG. 4, 2022 PETITIONER FILED A MOTION FOR EMERGENCY INJUNCTIVE RELIEF IN THE U.S.D.C. [USDC NO. 7:21-CV-122-0, DOCKET ECF NO. 6] REQUESTING A TEMPORARY SUPERVISOR AND AN INVESTIGATOR AS THE INSTITUTION'S LAW LIBRARY DID NOT AND HAS NOT MET THE STANDARDS SET FORTH BY THE SUPREME COURT REGARDING ACCESS TO THE COURTS

USDC JUDGE REED OLMSTEAD FAILED TO HEAR SAID MOTION TO WHICH PETITIONER FILED A WRIT & MANDAMUS THAT RESULTED IN JUDGE OLMSTEAD DISMISSING THE ENTIRE CASE ON NOV 15

PETITIONER CONTENTS THAT HE - IN GOOD FAITH - HAS TRIED TO COMPLY WITH THE FEDERAL COURTS REQUIREMENTS FOR FILING BUT SUFFERS IMPEDIMENT BY STATE ACTION

Respectfully,



Thomas G. CROMBIE - Petitioner pro se

DECEMBER 21, 2022

No. 22-5699

IN THE

ORIGINAL

SUPREME COURT OF THE UNITED STATES

IN RE THOMAS GEORGE CRAAYBEEK ...

FILED

DEC 22 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

THE PETITIONER ASKS LEAVE TO FILE THE ATTACHED MOTION FOR REHEARING WITHOUT PREPAYMENT
OF COSTS AND TO PROCEED IN FORMA PAUPERIS.

THE PETITIONER HAS PREVIOUSLY BEEN GRANTED LEAVE TO PROCEED IN FORMA PAUPERIS IN THE
FOLLOWING COURTS:

95TH DISTRICT COURT OF YOUNG COUNTY, TEXAS

COURT OF APPEALS FOR THE SECOND DISTRICT @ FORT WORTH, TEXAS

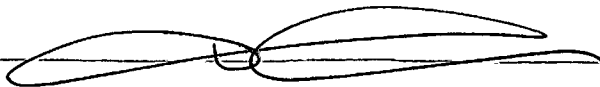
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

SUPREME COURT OF THE UNITED STATES

PETITIONER PRAYS THIS HONORABLE COURT GRANT THE REQUESTED LEAVE TO PROCEED IN FORMA -
PAUPERIS

RESPECTFULLY SUBMITTED:



THOMAS GEORGE CRAAYBEEK

PETITIONER - PRO SE

CC/COAS
FILE

RECEIVED

JAN 18 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.