

IN THE SUPREME COURT
OF THE UNITED STATES

EDMUND L. FIELDS
Petitioner in pro se

-vs-

Case No: 22-6116

WARDEN CHANDLER CHEEKS
Respondent.

MOTION FOR REHEARING

EDMUND FIELDS, a pro se litigant previously granted forma pauperis status in the case at bar, asks this Honorable Court to rehear its January 9, 2023 order denying certiorari. Mr. Fields states that just 1 day before this Court issued its ruling, he placed into the U.S. Mail (via Institutional Legal Mail Service) documentation from the Michigan Attorney Grievance Commission, consisting of a statement from attorney Phillip Comorski, confirming that United States district court judge Denise Page-Hood, defrauded the Sixth Circuit Court of Appeals (in her May 23, 2022 order) into believing that the reason why Mr. Fields never received the district court's February 3, 2022 ruling denying his Rule 60 Motion, is because the court served the order on attorney Phillip Comorski. The Sixth Circuit Court of Appeals adopted the district court's excuse in its June 16, 2022 ruling, which is the subject of dispute before the Court today.

The documents provided to the Court today from the Attorney Grievance Commission (Appendix 1) consists of a statement from attorney Phillip Comorski confirming that the district court never served its February 3, 2022 ruling denying Fields' Rule 60 Motion on him (Comorski).

At (Appendix 2) Mr. Fields has provided the Court with documentation from prison mailroom staff dated 3/24/22, confirming that the district court never served its February 3, 2022 ruling on Mr. Fields at the prison either.

At (Appendix 3) is documentation from prison mailroom staff and the prison's Assistant Deputy Warden dated 8/29/22, confirming that the prison never received any mail from Phillip Comorski during the year of 2022.

On August 30, 2022 Mr. Fields sent a check from the prison to the U.S. district court, along with a letter, to purchase a copy of the district court's February 3, 2022 electronic filing records, to see if the court actually served its February 3, 2022 order on attorney Phillip Comorski. Till date Mr. Fields has not received a copy of the purchased electronic filing record.

Due to the district court's malfeasance Mr. Fields has been denied access to the Great Writ to appeal the United States district court's ruling on his Rule 60 Motion.

RELIEF REQUESTED

Mr. Fields prays that this Honorable Court will grant certiorari to redress the district court's unconscionable actions in violating fundamental rights guaranteed to him under the 1st and 14th Amendments of the United States Constitution.

/s/ Edmund L. Fields 1-17-23
Edmund L. Fields #487029
Thumb Correctional Fac.
3225 John Conley Dr.
Lapeer, Michigan 48446

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December 29, 2022

PERSONAL AND CONFIDENTIAL

Edmund L. Fields #487029
Thumb Correctional Facility
3225 John Conley Dr.
Lapeer, MI 48446

Phillip D. Comorski
1300 Broadway St Ste 800
Detroit, MI 48226-2202

**Re: Edmund Fields as to Phillip D. Comorski
AGC File No. 22-1873**

The above-referenced file has been assigned to Senior Associate Counsel Emily A. Downey to investigate. With this letter, a copy of Attorney Phillip D. Comorski's answer is being provided to Edmund L. Fields. It is the obligation of each party to maintain a current and accurate address and telephone number with this office. Should either party wish to comment further, please direct all correspondence to Senior Associate Counsel Emily A. Downey referencing the AGC file number above.

/ysb
Enclosure

PHILLIP D. COMORSKI
1300 Broadway Street, Suite 800
Detroit, Michigan 48226

(313) 963-5101 **PHONE**
(313) 963-8500 **FAX**

December 7, 2022

Cynthia C. Bullington
Assistant Deputy Administrator
Attorney Grievance Commission
PNC Center
755 W. Big Beaver Rd., Suite 2100
Troy, MI 48084

Re: **Edmund Fields as to Phillip D. Comorski**
AGC File No. 22-1873

Dear Ms. Bullington:

I am responding to the Request for Investigation that was sent to me under cover of your recent letter. Mr. Fields was convicted in the Circuit Court for the County of Eaton of second-degree murder, M.C.L. § 750.317; and possession of a firearm in the commission of a felony, M.C.L. § 750.227b. He was sentenced to 23 to 50 years' imprisonment on the second-degree-murder conviction, and a mandatory 2-year consecutive term of imprisonment on the felony-firearm conviction. Mr. Fields filed a Petition For Writ of Habeas Corpus, *Edmund Lowell Fields v David Bergh*, U.S. District Court No. 2:12-CV-12658, and the petition was pending when he contacted me about representing him from that point forward. I agreed to take his case and informed him that, due to the fact that he had previously filed the petition which was pending, my representation would be limited to (1) filing a reply to the response filed by the Attorney General, and (2) appearing at any court appearances and participating in oral argument if ordered by the Court.

I filed an appearance with the district court on September 5, 2012, which was 8 days after the Attorney General filed its response (August 29, 2012), and 6 days before the attorney general filed the Rule 5 material (September 11, 2012). After obtaining and reading/reviewing the transcripts and various pleadings and numerous court files of Mr. Fields's case, I filed a reply to the response filed by the Attorney General on October 5, 2012. I forwarded a copy to Mr. Fields, and also sent him copies of the district court's order denying the petition, which was filed on January 15, 2015. The district court also declined to issue a certificate of appealability.

Since I was only retained to represent Mr. Fields at the district court level, Mr. Fields filed his own Notice of Appeal to the Sixth Circuit Court of Appeals on January 29, 2015, along with his own *pro per* motion seeking to proceed *in forma pauperis*, which was filed by him on March 11, 2015. A motion for a certificate of appealability was then filed by Mr. Fields on March 27, 2015. Sometime after (while the case was still pending in the Sixth Circuit), he requested that I represent him in his appeal. I filed an appearance on May 12, 2015, and an amended motion for a certificate of appealability was filed in the Sixth Circuit on May 14, 2015. A \$505.00 filing fee was also paid on June 18, 2015, to allow me to appear as retained counsel.

Mr. Fields' motion for certificate of appealability was denied by the Sixth Circuit on November 17, 2015, and as a result, the appeal was dismissed. At that point, I was no longer representing Mr. Fields, as he continued filing a motion for rehearing on his own *proper*. Mr. Fields even notified the Court's case manager by letter, dated November 30, 2015, that he was proceeding on his own from that point forward and that I was no longer representing him.

After my representation of Mr. Fields in the Sixth Circuit, I didn't hear anything from him for over 7 years until I received this Request for Investigation. It appears that Mr. Fields filed a Rule 60 Motion in the district court on December 28, 2021, and was denied on February 3, 2016. I was not aware of anything being filed for and on behalf of Mr. Fields, and I never filed an appearance in the district court regarding his *pro per* Rule 60 motion. After I sent Mr. Fields a copy of the November 17, 2015 denial by the Sixth Circuit, I never heard from him at any time; nor did he inform me that he had indeed filed this Rule 60 Motion. Since I was not even aware that Mr. Fields was pursuing his case 7 years after I represented him, I was not aware of any ruling from the district court, and as a result, could not have informed him of any such ruling since I was not aware of it myself.

I charged the fee to handle his habeas petition and appeal, and once that was finished, I no longer represented him in any fashion. With all due respect to Mr. Fields and his situation, I did whatever I could as his appellate lawyer in representing him properly with respect to his habeas petition and appeal, including keeping him fully informed of the case as it progressed. However, I could not have kept him informed of the progress of anything he filed on his own some 7 years after my representation of him, since I had no knowledge of his filings and I was not representing him in 2021-2022.

Respectfully submitted,

S/Phillip D. Comorski
Phillip D. Comorski

3/24/22 FIELDS 487029

RE: KITE MAIL FROM CLERK OF COURT US DISTRICT COURT

2/24/22 OFFICE OF THE CLERK SUPREME COURT OF THE US

You signed for this on 2/24/22. You have nothing from the District Court in February 2022.

MAIL ROOM

8-25-22

To: ADW France

Re: Legal Mail

From: Fields 487029

Lock: F B-110

I am preparing a lawsuit regarding missing legal mail. On May 23, 2022 U.S. District Court Judge Page-Hood stated that she forwarded attorney Phillip Comorski documents on 2-3-2022, May 4, 2022, and May 23, 2022 to be forwarded to me. However, I have not received any of the above-listed Court orders from attorney Phillip Comorski.

Out of courtesy to you, and in an attempt to exclude the need for a lawsuit can you tell me if Phillip Comorski (P46413), 1300 Broadway St. Ste. 800, Detroit, Michigan 48226 mailed any mail to this facility on my behalf during the months of February 2022 and May 2022, or at any time during 2022?

If so can you tell me why this mail was and still is being held from me?

The mailroom responded and let you know there was no mail received from that attorney.

APPENDIX 3

IN THE SUPREME COURT
OF THE UNITED STATES

EDMUND L. FIELDS,
Petitioner In Pro Se,
-vs-
Warden Chandler Cheeks
Respondent.

Case No: 22-6116

CERTIFICATE OF GOOD FAITH

EDMUND FIELDS, a pro se petitioner previously granted forma pauperis status, submits that the included Motion for Rehearing is submitted in GOOD FAITH for the following reason:

(1) just 1 day prior to this Court issuing its January 9, 2023 order denying certiorari, Mr. Fields placed into the U.S. Mail (via institutional legal mail service) a document from the Michigan Attorney Grievance Commission, consisting of a statement from attorney Phillip Comorski confirming that the United States District Court never sent him its February 3, 2022 ruling, which United States district court Judge Denise Page-Hood defrauded the Sixth Circuit Court of Appeals into believing in her May 23, 2022 order, that the Sixth Circuit Court of Appeals subsequently affirmed in its June 16, 2022 order, which is the subject of dispute before this Honorable Court today

/s/ Edmund Fields 1-17-23

Edmund L. Fields #487029
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