

No. 22-6122

IN THE
SUPREME COURT OF THE UNITED STATES

DANNY WAYNE ALCOSER

VS.

KATHRYNE FORD, ET AL.

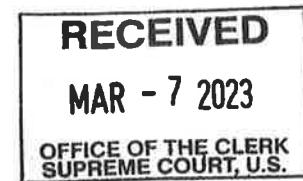
On Petition for Writ of Certiorari from
case no. 21-50626 of the Fifth Circuit Court of Appeals
presiding judges Jones, Haynes, and Oldham

PETITION FOR REHEARING/RECONSIDERATION

Prepared by,

Danny Wayne Alcoser
TDCJ-ID # 2187801
12071 F.M. 3522
Abilene, Texas 79601

(pro se litigant)



TO THE HONORABLE UNITED STATES SUPREME COURT

On January 23, 2023 this court denied petitioner's request for certiorari relief. Subsequently, he filed for rehearing, which this court responded by letter directing petitioner to comply with rule 44 of this court, therefore, petitioner comes again before this court to show the following.

I

The Fifth Circuit Court of Appeals entered a judgment and opinion that violates Federal Rule, and Due Process under the United States Constitution, Amendments 1, 5, 6, and 14. And did so in a manner contrary to the Ninth Circuit Court of Appeals opinion.

II

Petitioner has found, regarding the issue in this instance case, no controlling case precedent that pertains to the application and interpretation to how the circuit or district courts are to follow and/or apply Rule 15 of the Federal Rules of Civil Procedure.

III

Does rule 15 (a)(1) - the ability to amend "as a matter of course" continue even after petitioner amended with leave under 15 (a)(2)? See *Ramirez v. City of San Bernadino*, 806 F.3d 1003 (9th Cir.2015). Or does the granting of leave to amend along with amending the complaint foreit one's right to amend thereafter under 15 (a)(1)? See *Alcoser v. Kathryne Ford, et al.*, ___F.3d___ (5th Cir.2022), No. 21-50626 (5th Cir. Sept. 29, 2022).

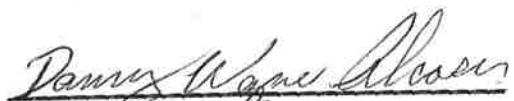
IV

The matter before this court is a small part of a greater issue. This court's resolution of the matter before it will cause a collateral effect that will affect petitioner's legal status and his attempt to secure his liberty from debt while seeking the enforcement of a Texas statute dealing with DNA and paternity, and to establish the difference between a biological and legal father as permitted under the provisions of Texas Family Code, Chapter 160 et seq., which the Texas Supreme Court currently has no case precedent controlling that topiced issue.

V

WHEREFORE PREMISES CONSIDERED, petitioner prays that this court will grant this petition and thereafter order additional briefing, or in the alternative, at the very least, intervene and settle the dispute in the circuit courts' opinions over how rule 15 is meant to operate, as its ruling will not only affect those citizens of Texas but also those who reside elsewhere.

Respectfully Submitted



Danny Wayne Alcoser
TDCJ-ID # 2187801
12071 F.M. 3522
Abilene, Texas 79601

Certification

This is to certify that this petition for rehearing is made in good faith and not for delay. The grounds herein are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

Danny Wayne Alcoser

Danny Wayne Alcoser

TDCJ-ID # 2187801

Robertson Unit

12071 F.M. 3522

Abilene, Texas 79601

Certificate of Service/Inmate Filing

This is to certify that a copy of this petition has been sent to the Texas Attorney General and the District Attorney for McLennan County by U.S. Postal Service on this 27th day of February 2023 by placing this document into the mailbox provided to the inmates on the Robertson Unit to be picked up by staff and processed by mailroom staff on petitioner's behalf.

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