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SUPREME COURT, U.S.



Case No. 22-6144
IN THE
SUPREME COURT OF THE UNITED STATES

In re RICHARD DANIELS
ON PETITION FOR A WRIT OF HABEAS CORPUS
UNITED STATES DISTRICT COURT
DISTRICT OF MAINE
Title 28 U. S. Code § 2242

PETITION REHEARING FOR EXTRAORDINARY
WRIT OF HABEAS CORPUS

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AMENDED QUESTION PRESENTED

1. Whether being in federal custody is a substantial denial of Richard Daniels' constitutional right of liberty, without "sufficient cause," without compelling reasons for the United States Congress to proscribe marijuana as a dangerous substance, to be a drug trafficking crime, therefore without due process of law in violation of Amendments IV and V of the Constitution of the United States and is unconstitutional VACATING his marijuana convictions.

PETITION FOR REHEARING

Intervening Circumstances of a Controlling Effect

Petitioner has amended the question presented. The petitioner is also asking for justiciable relief, to vacate his conviction.

Judicial review of criminal laws by rational basis is willful deprivation of petitioner's liberty without compelling reasons, therefore without due process of law, under the color of law, a federal crime. 18 U.S.C. 242.

Denying the petition/application for a writ habeas corpus denied equal protection of liberty interest in liberty thereby due process of law.

Substantial Grounds not Previously Presented

"[L]iberty in the context of a habeas corpus proceeding—a proceeding classically associated with obtaining freedom from physical restraint." *Obergefell v. Hodges*, 576 U.S. 644 (2015) THOMAS, J., dissenting Section II A. 1.

"In the early days of the Republic, it would have been unthinkable that Congress could prohibit the local cultivation, possession, and consumption of marijuana." *Gonzales v. Raich* 545 U.S. 1, 59 Thomas J. dissenting.

Criminal laws are an Article III case and controversy as stated by associate Justice Barrett on the 3rd day of her confirmation hearing.

<https://www.bing.com/videos/search?q=Justice+Barrett+Day+3+of+SCOTUS+Confirmation+hearing&docid=608021911656814482&mid=20498705B3162BB508AA20498705B3162BB508AA&view=detail&FORM=VIRE> at 23:20- 24:10

[The] case and controversy limitation, . . . [is an] . . . American institution of

judicial review . . . for the preservation of individual rights. Rescue Army v. Municipal Court 331 U.S. 549 , 572 (1947). "The province of the court is, solely, to decide on the rights of individuals, . . ." Marbury v. Madison, 5 U.S. 137, 170 (1803).

"It is only where rights, . . . are being, or about to be, affected prejudicially by the application or enforcement of a statute that its validity may be called in question by a suitor and determined by an exertion of the judicial power. *State of Texas v. Interstate Commerce Commission*, 258 U.S. 158 162 (1922).

By being in federal custody, petitioner has suffered concrete injury to his right of liberty, freedom from physical restraint, by the prosecution of the federal marijuana laws. Judicial review of criminal laws is strict scrutiny not rational basis. Petitioner has standing to know the compelling reasons for the United States Congress to proscribe marijuana as dangerous controlled substance.

Petitioner request a rehearing of the Petition for Writ For Extraordinary Writ of Habeas Corpus with amended question presented and grant the writ and any other relief due to the petitioner.

Respectfully submitted,

/s/Richard Daniels
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Dated: January 22, 2023

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CERTIFICATION OF UNREPRESENTED BY COUNSEL

SCOTUS Rule 44

Petition for rehearing is presented in good faith and not for delay.

Respectfully submitted,

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Dated: January 22, 2023