

SUPREME COURT OF THE UNITED STATES
WASHINGTON, DC 20543-0001

TORREY DEWAYNE WALKER

VS.

THE 11TH CIR. COURT OF APPEAL

ATLANTA GEORGIA AND (ON

AS CONTINUED BY THIS COURT

MICHA NEAL WARDON

CASE# 22-6806

L.T# 22-10193-A

DATE 5-8TH-2023

Provided For: Moon Haven C.F.

May 8 2023

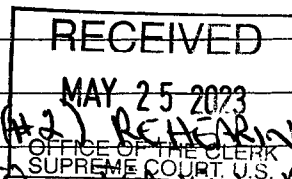
For Mailing 7v

By:

PETITION FOR REHEARING

PURSUANT TO SUPREME COURT RULE 44 REHEARING, (#2)
ANY PETITION FOR THE REHEARING OF AN ORDER DENYING
A PETITION FOR A WRIT OF CERTIORARI, SHALL BE FILED
WITHIN 25 DAYS AFTER THE DATE OF THE ORDER OF DENIAL
PCT.... BUT ITS GROUNDS SHALL BE LIMITED TO INTERVENING
CIRCUMSTANCES OF A SUBSTANTIAL (ON) CONTROLLING EFFECT
PCT.... (ON) SUBSTANTIAL GROUND, NOT PREVIOUSLY PRESENTED.

MY GROUNDS FOR REHEARING ARE BASED ON COMPETING
REASONS, IN WHICH, A PETITION FOR A WRIT OF CERTIORARI
WILL BE GRANTED, THAT, OF THE QUESTIONS PRESENTED FOR
REVIEW, IN CONNECTION *PRIMARY (#2) OF THE QUESTION
PRESENTED, FOR REVIEW PCT.... OF MY PETITION FOR A WRIT
OF CERTIORARI, FILED FEB. 7TH 2023. *HOWEVER, DENIED
APRIL 17TH 2023. "PERJURY", SUBSTANTIAL CIRCUMSTANCES. 1 of 7



PURSUANT TO SUPREME COURT RULE 44 (#2) REHEARING
STATES THE GROUNDS SHALL BE LIMITED TO INTERVENING

MAY 08 2023

For Mailing

By:

NATURAL INFORMATION, ON THE FACE OF THE RECORD, IN A JUDICIAL PROCEEDING, COMMITTING A CRIME OF PERJURY AND CONSPIRACY UNDER U.S.C 18§1623, AND 19§373 COVERING UP AND INFLECTING ILLEGAL PROHIBITED ACTS OF STATE COURT ACTION, AND OTHER FEDERAL COURT ACTION THAT OF AN EXCESSIVE SENTENCE, A VIOLATION OF MY 8TH AMENDMENT U.S. CONSTITUTIONAL RIGHTS. VS SPC Rule 44. 99 LED 1298 U.S. FLYNN V. UNITED STATES.

HOW CAN THIS, NOT BE, COMPELLING REASON ENOUGH, TO AT LEAST REVISION MYSELF OF THE ALLEGATIONS, IF PROVEN, AND ON THE FACE OF THE RECORD, CAN THIS BE ACCEPTED AND ALLOWED IN JUDICIAL PROCEEDINGS BY JUDGES, THESE TYPE OF ACCUSATIONS ARE SERIOUS AND VERY COMPELLING THE 11TH CIR. COURT OF APPEALS HAS NONE THE LESS DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDING > SPC Rule 10A. Rule Governing Review of Certiorari.

I AM ALSO, WANTING, TO PROVE CONSPIRACY, WHICH, IS ANOTHER SUBSTANTIAL GROUND, THAT, WAS NOT PREVIOUSLY PRESENTED, AND IS GROUNDS, FOR REHEARING, AS STATED IN SPC Rule 44 THE 11TH CIR. COURT OF APPEAL, HAS CONSPIRED AND FOR AGREED, WITH, JUDGMENTS OF THE U.S. MIDDLE DIST. COURT, IN DENYING ME, A CERTIFICATE OF APPEALABILITY ETC.... THESE ARE THE GROUNDS FOR REVIEW AND FOR REHEARING

* I NOW PRESENT, MYSELF, ON THE FACE OF THE RECORD, FACTS, AND ^{AS} FILED, IN THIS COURT, AND THE LOWER COURTS THE SUFFICIENT, COMPELLING REASONS, TO RECONSIDER. 99 LED 1298 U.S. FLYNN V. UNITED STATES ETC....

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MAY 08 2023

For Mailing

By:

CIRCUMSTANCES OF A SUBSTANTIAL (OR) CONTROLLING EFFECT, I AM AMENDING SUPREME COURT RULE 10 THE RULE THAT GOVERNS THE CONSIDERATIONS OF REVIEW FOR CERTIORARI IS OF AN SUBSTANTIAL CONTROLLING EFFECT, WHEN A PETITION FOR A WRIT OF CERTIORARI, WILL BE GRANTED, AND ONLY FOR COMPELLING REASONS, THIS IS SUBSTANTIAL & OF AN CONTROLLING EFFECT "WILL BE GRANTED" FOR COMPELLING REASONS". > 99 LED 1298 US FLYNN V. UNITED STATES.

AT THE SAME TIME, THE FOLLOWING ALTHOUGH NEITHER CONTROLLING NOR FULLY MEASURING THE COURT'S DISCRETION, INDICATES THE CHARACTER OF THE REASON THE COURT CONSIDERS:

(A) A UNITED STATES COURT OF APPEAL HAS ENTERED A DECISION IN CONFLICT WITH THE DECISION OF ANOTHER UNITED STATES COURT OF APPEAL ON THE SAME IMPORTANT MATTER: (OR) EQUALLY HAS SO FAR DEPARTED FROM THE ACCEPTED, AND USUAL COURSE OF JUDICIAL PROCEEDINGS.

* HOW AMBIGUOUS COULD THIS RULE BE, WHEN A PETITION FOR A WRIT OF CERTIORARI, WILL BE GRANTED, ONLY FOR COMPELLING REASONS, AND THIS NOT BE OF AN SUBSTANTIAL CONTROLLING EFFECT, FOR THE GROUNDS, FOR A RETHEARING SPC. RULE 14 INCLUDING, WHAT INDICATES THE CHARACTER OF THE REASON THE COURT CONSIDERS. SPC RULE 10 (A) * HOW AMBIGUOUS, I PLEAD TO THIS COURT, FOR RETHEARING, TO RECONSIDER ITS JUDGMENT, BASED ON, THE FOLLOWING COMPELLING REASONS NUMBER (#2) OF THE QUESTION PRESENTED FOR REVIEW, SPC. RULE 14 FILED (2-7-23), *AM SAID, HOW CAN A JUDGE COMPLETELY LIE, AND PROVIDE FALSE

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MAY 08 2023

For Mailing

By:

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WITHOUT, ILL WILL INTENT, AND, WITH, ALL DUE RESPECT,
THERE IS, CREATED, A JUDICIAL BRANCH, AND, UNDER, THE
AUTHORITY, AND FUNCTION, OF OFFICE, UNDER, OATH OF, A
JUDICIAL BRANCH, A JUDGE, IS TO ADMINISTER LAW, FAITHFULLY.
> U.S.C 285 453 * AND IS BOUND BY OATH, UNDER, THE
U.S CONSTITUTION, UNDER ARTICLE VI, UNDER, THE ACT
OF CONGRESS Pct....

A JUDICIAL OFFICER, IS NOT ALLOWED, LAWFULLY, TO COMPLETELY
LIE, AND PROVIDE, FALSE MATERIAL, INFORMATION, ON THE
FACE OF THE RECORD, IN JUDICIAL PROCEEDINGS. COMMITTING
THE CRIME OF PERJURY & CONSPIRACY UNDER > U.S.C
18 § 1623, AND 19 § 373, COVERING UP AND INFLECTING
ILLEGAL PROHIBITED ACTS OF STATE COURTS AND OTHER COURTS
ACTIONS. FULL FAITH AND CREDIT SHALL BE GIVEN IN EACH
STATE TO PCT.... JUDICIAL PROCEEDINGS PCT.... AND CONGRESS
MAY BY GENERAL LAW, PRESCRIBE, THE MANNER, IN WHICH
SUCH ACTS, RECORD, AND PROCEEDINGS, SHALL BE PROVED
AND THE EFFECT, THEREOF > ARTICLE III SEC. ONE OF THE U.S
CONSTITUTION, * SO IF PROVEN * HOW IT IS ALLOWED & ACCEPTED,
VS. SUP. RULE 10A, CONSIDERATION REVIEW, FOR CERTIORARI.

THE 11TH CIRCUIT COURT OF APPEALS, THE JUDGES, HAVE COMMITTED
PERJURY & CONSPIRACY, THEY HAVE DEPARTED FROM THE ACCEPTED
USUAL COURSE OF A JUDICIAL PROCEEDING, VIOLATING THEIR
OATH OF OFFICE, THEIR CONSTITUTIONAL OBLIGATIONS, IT'S UN-
DISPUTED * DATED ON NOVEMBER 18TH 2022, MY APPEAL
CASE# 22-10193(A), PAGE (2 of 3) - (3 of 3), OF THEIR
DISMISSAL, STATES, I FAILED TO SHOW, THAT, MY SENTENCE
FOR BURGLARY OF AN DWELLING, VIOLATED, THE 8TH AMENDMENT
PCT.... THAT, I FAILED TO SHOW MY SENTENCE WAS GROSSLY
DISPROPORTIONATE, TO THE OFFENSE, PG. (2 of 3) (3RD PART).

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June 8 2023

For Mailing

By:

ON PAGE (3 of 3), THE MIDDLE PGH, THE JUDGES OF THE 11TH CIR. COURT OF APPEALS, CONSPIRING, WITH THE MIDDLE DIST. COURT FT. MYERS DIVISION, DENYING ME A CERTIFICATE OF APPEALABILITY VIA MY MOTION TO CONSIDERATE "CONSIDERED" UNDER FED. CIV. RULE 59(E), IN THAT, THE DISTRICT COURT DID NOT ABUSE ITS DISCRETION IN DENYING MY MOTION TO CONSIDERATE* BECAUSE I FAILED TO PRESENT, NEWLY DISCOVERED EVIDENCE OR MANIFESTED ERRORS OF LAW OR FACTS, TO SEE. > MINNEY V. HEARD 206 F.3D 1106, 1137, 11TH CIR. 2000; ARTHUR V. KIMH 500 F.3D 1335, 1343 11TH CIR. 2007, AND FURTHER,

I'VE ASSERTED THAT THE RULE OF LENITY SHOULD APPLY BECAUSE FLA. STAT. 810.02 IS AMBIGUOUS* HOWEVER, I'VE NOT EXPLAINED WHY THE FLORIDA COURTS ERRED IN RULING OTHERWISE* ALL FALSE AND CONTRARY, AND AS I HAVE SAID AND I ASK, THEY ALSO DISMISSED MY MOTION TO RECONSIDER THERE ORDER, DENYING MY COA FILED DEC. 27TH 2022 ORDER # 31-2, IN THAT, I'VE NOT ALLEGED ANY POINTS OF LAW OR FACT, THAT THE COURT OVERLOOKED OR MISAPPROPRIATED ALL FALSE, AND CONTRARY ETC....

OK!, FIRST, THE NOV. 18TH 2022, U.S. 11TH CIR. COURT OF APPEAL DISMISSAL, CONSPIRING, WITH THE U.S. MIDDLE DIST. COURT DENIAL OF A CERTIFICATE OF APPEALABILITY ETC....* ON MAY 11TH 2022, 6 MONTHS BEFORE THERE DISMISSAL, THE ATTORNEY GENERAL OFFICE OF TAMPA FLORIDA, FILED MY MOTION TO RECONSIDER, IN THE 11TH CIR. COURT OF APPEALS, ANSWERING UP TO THE JURISDICTIONAL QUESTION, FOR A TIMELY FILED APPEAL, "BOTH ATTACHED", THE COURT DENIED TIMELY FILED JUNE 13TH 2022, "ATTACHED".

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MAY 08 2023

For Mailing 7W

IN THERE DENIAL OF MY APPEAL/CERTIFICATE OF APPEALABILITY, THE 11TH CIR. COURT OF APPEALS, ALSO PROVIDES, IN ORDER TO OBTAIN A CERTIFICATE OF APPEALABILITY, A PETITIONER MUST MAKE A SUBSTANTIAL SHOWING OF A DENIAL OF A CONSTITUTIONAL RIGHT > 28 U.S.C § 2253 (C 2), ALLEGING, AT THE SAME TIME A PETITIONER SATISFIES THIS REQUIREMENT BY DEMONSTRATING THAT, A REASONABLE JUDGE WOULD FIND THE DISTRICT COURT ASSESSMENT, OF THE CONSTITUTIONAL CLAIM, DEBATABLE, (ON) WRONG (ON) THE ISSUES PRESENTED, DESERVES, ENCOURAGEMENT, TO PROCEED FURTHER > SHANN V. MCDANIEL 529 U.S. 473, 484 (2000), PG. (1 of 3), THE LAST TWO SENTENCES OVER, TO PAGE (2 of 3), THE FIRST SENTENCES.

THIS WAS A FEDERAL HABEAS CORPUS PROCEEDING, UNDER U.S.C. § 2254, UNDER 28 § 2254 (E 2 B) IT ALLOWS THE PETITIONER THE RIGHT TO ALLEGE ANYTHING, SUCH AS STATE LAWS & THEIR PROVISIONS, FOR REBUTING THE PRESUMPTION OF CORRECTNESS BY CLEAR AND CONVINCING EVIDENCE RELIED ON THAT SAYS,

PLEASE READ PAGES (24 of 33) THRU (30 of 33) AND (ON) PAGES (14 of 23) THRU (20 of 23) OF MY MOTION TO CONSIDERABLE EXHIBIT 1, FILED BY THE ATTORNEY GENERAL OFFICE, TAMPA FLORIDA DIVISION, IN THE 11TH CIR. COURT OF APPEALS ON MAY 11TH 2022 THE U.S. 11TH CIR. COURT OF APPEAL JUDGES HAD THIS MOTION FOR 6 MONTHS, BUT CLAIMS IVE FAILED TO SHOW MY SENTENCE VIOLATED THE 8TH AMENDMENT, THAT MY SENTENCE WAS GROSSLY DISPROPORTIONATE TO THE OFFENSE & CONSPIRING, WITH THE U.S. MIDDLE DIST. COURT FT. MYERS DIVISION, DENYING ME A CERTIFICATE OF APPEALABILITY, VIA MY MOTION TO CONSIDERABLE, THAT I FAILED TO SHOW/PRESENT FACTS, & NOT EXPLAINED THE GROSSLY

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MAY 08 2023

For Mailing

By: *7al*

SITUATION AMBIGUOUS, ON THE FACE OF THE RECORD, THIS IS PERJURY, THE ISSUES I'VE PRESENTED WAS SUFFICIENT, I'VE DEMONSTRATED, THAT A REASONABLE JURY, WOULD FIND, THE DISTRICT COURT ASSESSMENT, DEBATABLE, AND (ON) WRONG, AND (ON) THE ISSUES PRESENTED, DESERVED ENCOURAGEMENT, TO HAVE PROCEEDED FURTHER. > SLACK VS. MCDANIEL 529 U.S. 473, 484 (2000) MY 8TH ARGUMENT CLAIM, WAS DENIED > 28 § 2253 (C)(2) IN THAT OF A SUBSTANTIAL SHOWING ETC.... *HOWEVER, ALL DENIED, CONSPIRING, WITH THE U.S. MIDDLE DISTRICT, NOVEMBER 18TH 2022.

THE 11TH CIR. COURT OF APPEAL, ALSO DENIED MY MOTION TO RECONSIDER OF THEIR DISMISSAL NOV. 18TH 2022, FILED DEC. 27TH 2022, THAT I'VE NOT ALLEGED ANY POINTS OF LAW OR FACTS IT OVERLOOKED & (ON) MISAPPROPRIATED VS. PAGES (6 OF 8), THEN (8 OF 8), "ATTACHED" IS A COPY OF MY MOTION ETC.... ON THE FACE OF THE RECORD THIS IS PERJURY, THEY HAVE DEPARTED FROM THE ACCEPTED USUAL COURSE OF JUDICIAL PROCEEDINGS, AND (ON) I'VE SHOWN COMPETING REASONS > SUPR. RULE 10A, THE RULE GOVERNING REVIEW, OF CERTIORARI VS. SUPR. RULE 44, RETHEMING, FOR CIRCUMSTANCES, OF A SUBSTANTIAL AND CONTINUING EFFECT. 99 LED 1298 U.S. FLYNN V. UNITED STATES.

CERTIFICATE OF SERVICE

I'VE HEREBY CERTIFY THIS MOT FOR REHEARING (7) PAGES, HAVE BEEN FORWARDED TO, THE U.S. SUPREME COURT, AT, ONE FIRST ST. N.E. WASHINGTON DC 20543: THE SOLICITOR GENERAL AT 950 PENNSYLVANIA AVE. N.W. WASHINGTON DC 20530: SONYA ROSEBUSH HODGETT AT ATT. GEN. OFFICE 3507 E. FRONTIER RD #200 TAMPA FLA 33607 THIS DAY 8TH MONTH 5TH YEAR 2023.

* ATT. GEN. OFFICE
PL-01 THE PATROL
TAMPA, FLA. 33609

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