

No. 22-6992

IN THE
Supreme Court of the United States

Samuel Reaves

Petitioner

V.

Bobby Lumpkin - Director, TX. Dept. Crim. Justice -
Corrections Institution Division, et. al. Respondent

ON Petition for a writ of Certiorari
TO: The United States Court of Appeals for the
Fifth Circuit - Request Rehearing. -

Supreme Court Rule 44

On MAY 15, 2023 The Court entered an
order TO Deny Petitioners writ of
Certiorari - Per Rule 44.1 A Timely Petition
For Rehearing in Timely if filed within 25 days.
Today is MAY 26, 2023. Per Rule 12.2 only (1)
COPY when in forma pauperis. Per Rule 44.2 - A
Ground NOT Previously Presented.

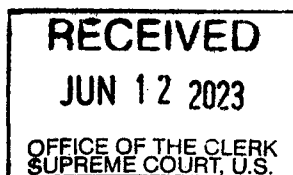
Samuel Reaves # 2363039

I.V. Alred Unit 2101 FM 369 N.

IOWA PARK, TEXAS 76367

Samuel Reaves # 2363039

(1)



U.S. S.Ct. No. 22-6992 - Rule 44.

— Petition for Rehearing —

Ground one - Denied is not AN APPEALABLE ORDER. Request more define memorandum/opinion.

Ground Two - Per 5th Cir. Rule 47.1 (b) Seal The seal of this Ct. contains the American eagle encircled with the words "United States Court of Appeals" on the upper part of the outer edge and the words "Fifth Circuit" on the lower part of the outer edge, Running from left to right. This is missing from the November 28, 2022 U.S.C.A.-S No. 22-10612 Document: 00516558651 - from U.S.D.C. No. 4:22-cr-08 from N. D. Texas. "not a legal document"!

Ground Three - No opposition brief submitted therefore there was no extension, so actual date of Response to Petition for a writ of Certiorari would've been 14 days from docket date.

Ground Four - was IN former PAUL's Granted? or Denied?

Ground Five - Parole Revoked Feb. 2023 Given to Petitioner over 25 years flat on 20 year sentence! enclosed in Petition (original) to S.Ct. was state findings of fact and conclusion of law that NO 39 law can be applied to my D.W.I. conviction. [See Appendix C Page 6.]

Samuel Heaus ²³⁶³⁰³⁹

U.S. S.Ct. No. 22-6992 Rule 9.1 & 29.2
U.S. S.Ct. Rule 9.1 - Petitioner is Pro se, no counsel.
Rule 29.2 Proof of Service - 28 U.S.C. 2251746

I, Samuel Reaves on the 26th day may
2023 Postable Pre-Paid Place in the Prison Mail
box @ J.V. Aired Unit The Request for Rehearing
address to the U.S. Supreme Court Office of Clerk
@ One First Street, N.E. Washington, D.C. 20543.

Samuel Reaves
Samuel Reaves #2363039
Aired Unit 2101 Am 369 N.
IOWA PARK, TEXAS 76367

Appendix Content:

1. Doctors Opinion showing Petitioner found to be incompetent. State Habeas Corpus V.R.T.C.C.P. AR. 11.07
2. Parole Revocation showing a 01-04-2021 issue date of warrant - "false" - Also Violation No. WAS ISSUE UNDER #2021060 NOT #1069396. THE ACTUAL ISSUE WAS 07/27/2017.
3. 2852254 showing what the U.S.D.C. failed to do in investigation. See Grounds. Per U.S.C.A.-S NO. 21-11252 Petitioner does not need Permission for him to file 2nd or successive Petition AS these Grounds did not exist in 1st 2852254 - see 22-6992 @ Pages Statement of the case.

Samuel Reaves #2363039

— AMENDED —

Per letter from Honorable S. Ct. Clerk: Emily Walker
Paragraph 1 - I mailed the Rehearing Request on
MAY 26, 2023 - or it should have left unit on 26th-----

I Samuel Lyn Reeves: Briefly and distinctly
State my Ground(s) And Swear I can not or do not
understand the Certificate - But the Ground(s) are
new Per case no. 21-11252 - I was illegally
held on a Parole Hold for 29 months. I'm not at
all bluffing the Ct. - I AM not a lawyer! I do
not care about law suit. (Kinda) Parole change
All trying to protect the boo boo! Sth Cir is I
feel contradicting themselves. Compare 22-10612
to 21-11252 - they go together! I ASK MY
mother to call you today 06/28/2023 Explain
my issue with mail room. This is due in 15 days
8 days gone due to mail. I'll mail this now! it
should be pick up Friday morning 30th June 2023!
I have no writ envelope. no way to get until 7/13/23
I pray/ASK Honorable Ct. to have less force of
Rule AS this case is 20 YR. old. my I.Q. is 73.
I think my non-compliance of Rule 44 is not
doing Rule 29. ? The 13th July I'll get writ
envelope demand All this other stuff back to
you. This PS. 4 is Amended. Also the Proof of
Service will be added. Samuel Reeves

— Amended —

Rule 44.1 Grounds on Page 2 —

Rule 29.

— 28 USC § 1746 —

Last 2 lines of U.S. S.Ct. Rule 29.2 - Setting out the details of the filing & stating that filing took place on a particular date within permitted time.

I, Samuel Lyn Roanes Did Get letter of NO COMPLY w/Rule 44. on June 28th, letter dated 20th and Admonish me of 15 day to comply. Today 29th of June 2023 I Place A Partial / Supplement / Amended in mail to comply w/15 day Admonish. Adding 3 Ps. COPY Already mail to U.S. S.Ct. on 6/12/23 - Also a order in 22-10612 with not stn cr. Seal. I should have been Allowed to Prosecute 4:22-cv-8-D I Just mail the USCA-5 22-10430. NO WAY to COMPLY - State impediment! I Place 3 Carbon COPIES - 1 cover - 1 letter from clerk - 3 Ps. Stamp June 12, 2023 I Amend Ps. 4 And 3 Ps. order in the James V. Allred Unit High Security mail box on June ~~30th~~ 29th to be Pick UP on 30th to the U. S. S.Ct. office of Clerk ATTN: EMILY WALKER. One First St. N.E. Washington D.C. 20543 —
Samuel Lyn Roanes / Samuel Lyn Roanes!

— S — Amended 6/29/23

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

November 28, 2022

Lyle W. Cayce
Clerk

No. 22-10612

SAMUEL REAVES,

Petitioner—Appellant,

versus

BOBBY LUMPKIN, *Director, Texas Department of Criminal Justice, Correctional Institutions Division*; DAVID GUTIERREZ, *Texas Department of Criminal Justice Parole Division*; KEN PAXTON, *Attorney General*; SHARON WILSON, *District Attorney*; ANNE GRADY, *Assistant District Attorney*,

Respondents—Appellees.

Application for Certificate of Appealability from the
United States District Court for the Northern District of Texas
USDC No. 4:22-CV-8

Before HAYNES, ENGELHARDT, and OLDHAM, *Circuit Judges*.

PER CURIAM:

Samuel Reaves, Texas prisoner # 02363039, requests a certificate of appealability (COA) to appeal the dismissal of his 28 U.S.C. § 2254 application. In the application, Reaves attacked his guilty plea conviction of driving while intoxicated (DWI) and felony repetition, for which he was sentenced to a 20-year term of imprisonment. He also challenged the alleged

H-3

No. 22-10612

lengthening of his sentence in connection with the revocation of his parole supervision in 2015.

Reaves does not dispute the district court's determination that his § 2254 application was an unauthorized successive application to the extent it raised claims concerning his conviction of DWI and felony repetition. Thus, he has waived the issue. *See Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1999).

Challenging the district court's dismissal as time barred of his claim regarding the lengthening of his sentence in connection with the revocation of parole supervision, Reaves alludes to a "new predicate date," and an "impediment" to raising his claim. He asserts that his prison law library does not have internet service and that his access to relevant caselaw is limited. He contends that he should be credited for his due diligence. Reaves raises numerous other contentions that are not relevant to the dismissal of his claim as untimely, and to the extent he now attempts to raise new issues, they will not be considered. *See Henderson v. Cockrell*, 333 F.3d 592, 605 (5th Cir. 2003).

To obtain a COA, Reaves must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Where, as here, the district court's denial of federal habeas relief is based on procedural grounds, this court will issue a COA "when the prisoner shows, at least, that jurists of reason would find it debatable whether the [application] states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Reaves fails to make the requisite showing, and accordingly his COA motion is DENIED. His motion for the appointment of counsel, which is incorporated in his COA filing, is likewise DENIED. Because Reaves fails

False
Ic 4
Send
Brief

21-4

No. 22-10612

to make the required showing for a COA, we “have no power to say anything about his request for an evidentiary hearing.” *United States v. Davis*, 971 F.3d 524, 535 (5th Cir. 2020).

3.

Greeting's: Courts —

June 12, 2023

This Matter is in Records to the

U.S.C.A. - 5th Circuit - NO. 21-11252

Case: 21-11252 Document 20516465648 Page 1-2

Date Filed: 9/09/2022. A Motion for an order to the United States District Court - Northern District of Texas to consider a Successive 28 U.S.C. § 2254 Application.

@ Page 2 line 8-14 of 2nd Paragraph ... of his Street Time Credit. Roarow Raised his first 4 claims in his initial § 2254 Application And thus he may not bring them now. See § 2244 (b)(1). Roarow's Remaining claim is not Successive within the meaning of § 2244 because Roarow Attempts to Challenge A defect that occurred After his Previous § 2254 Application was denied in 2012 See *IN RE: Cain*, 137 F.3d. 234, 235, 236 (5th Cir. 1998). Thus Authorization to file the proposed unlawful Restraint and breach claim is not required. See *id.* at 237.

— out of all the opinions - order - Memorandum I have from the 5th Cir. — This is the only one that bears the Cl. Seal And Clerk Signature —

— USCS Cl. APP 5th Cir. Loc 47 - 47.1(b) Seal. The Seal of this Cl. contains the American eagle encircled with the words "United States Court of Appeals" on the upper part of outer edge & the words 5th Cir. on lower part outer edge

The only time this case is shown is Roques v. Lumpkin
2022 U.S. Dist. Letic 89197 - E III ANALYSIS - This is so
false !! As shown on Page 1 of this Address to CLS I do
not need Permission - the defects did not exist in 2012. The
so called Respondent - TRAVIS ALEX General is wrong - So is CL
MR. Ken Portman is in Process of impeachment Per 20 felonies
Committed in 2015 - He is awaiting a CL hearing in Aug.
2023. Lost the CIV SUIT in the case as well. His Assoc
iate has issue order to CLS not to Give Roques ANY More
State Documents - That is withholding exculpatory evidence!
- The 5th Cir. Sent me Another inmates case by mistake -
I have the info. back in 2021. The extension of time is used
dismiss w/o merit As the enclosed was Address to a -
U.S.A. V. ANDERSON Lett USDC WD. 4:01-CR-177-6 5th Cir
21-10184 - Document 00516043536 P.1 P.6 10/5/21 -
Roques had no way to know how to Respond. The case Dis
miss - Finally Aug. 2022 it is Re-open. As I showed the
USDC H. Worth D.V. the Judge Reed O'Connor - He has
Authority to issue the 283 2254 - The inter-net is
wrong, I have the Paper. Submitted to Washington
D.C. Case 22-6992. The case 4:22-CV-008-0 who dismiss
w/o merit - Should be Re-opened and Removal of back
For order to show cause! no other order has CL
Seal or clerk signature. Respondent 1/14 Submitted MR.
Samuel L. Roques # 02363039

UNSWORN Declaration (in male). MY name is Samuel
Lyn Roques. MY date of birth is 4-13-61 MY TEXAS C.I.D.
#02363039. I AM Presently incarcerated in James V. Allred
Unit in IOWA PARK, TEXAS 76367. County of Wichita -
Executed on 12th day of June Year 2023. I declare
the contents in this address to C.I.S. is true & correct.
June 12, 2023 Samuel Lyn Roques.

Cert. of Date of Service - U.S.S.C. R. 29.2

I, Samuel Lyn Roques on the 12th day of June 2023
Place in the U.S. MAIL box - Postage Prepaid A COPY of A
Address to C.I.S. in RE: U.S.C.A. - S # 21-11252 to the following
Respondents: C.I.S. U.S.D.C. - D.D. TX. Ft. Worth Division
501 W. 10th St. Rm. 310 Ft. Worth, TX. 76102-3673 - USCA
5th Cir. 600 S. MARSH PLACE #115 NEW ORLEANS, LA. 70130
70130-3408. S.C. of the U.S.A. One First St. N.E.
Washington D.C. 20543. TX. Atty. General Criminal Appeal
Div. P.O. Box 12548 Austin, TX. 78711-2548 TEXAS
Governor Greg Abbott 1400 Congress Ave. P.O. Box 12428
Austin TX. 78711 - of course Lot's more -

Samuel Lyn Roques

(Respectfully Submitted;
Samuel Lyn Roques)

T.D.C.J. - C.I.D. #02363039

J.V. Allred Unit 2101 Fm 369 W.

IOWA PARK TEXAS 76367

June 12, 2023 -

APPENDIX E
COURT OF CRIMINAL APPEALS OF TEXAS
APPLICATION FOR A WRIT OF HABEAS CORPUS
SEEKING RELIEF FROM FINAL FELONY CONVICTION
UNDER CODE OF CRIMINAL PROCEDURE, ARTICLE 11.07

DEFINITIONS

In this application form:

1. "Applicant" means a person seeking relief in an application for a writ of habeas corpus from his or her felony conviction imposing a sentence other than the death penalty or a probated sentence that has not been revoked. An applicant can be an inmate or a non-inmate whose liberty is restrained.
2. "Inmate" means a person who is in custody in a prison or jail.
3. "Petitioner" means a person, including an attorney or a non-attorney, presenting an application for a writ of habeas corpus on behalf of another person (the applicant). Any petitioner may present an application on behalf of an applicant for the purpose of obtaining relief from the applicant's felony conviction. However, the petitioner presenting the application form must sign and attest that he or she has consulted with the applicant concerning the application and the applicant has given consent to the filing of this application form.

INSTRUCTIONS

1. All applicants and petitioners, including attorneys, must use the complete application form. You must use this application form, which begins on the page following these instructions, to file an application or an amended or supplemental application, for a writ of habeas corpus seeking relief from a final felony conviction under Article 11.07 of the Code of Criminal Procedure. (This application form is not for death-penalty cases, probated sentences which have not been revoked, misdemeanors, or pretrial habeas applications under Article 11.08 of the Code of Criminal Procedure.)
2. Failure to follow these instructions may cause your entire application to be dismissed.
3. The district clerk of the county in which you were convicted will make this application form available to you, on request, without charge. The form can also be obtained from the Court of Criminal Appeals' website.
4. You must file the entire application form, including those sections that do not apply to you. If any pages are missing from the form, or if the questions have been renumbered or omitted, your entire application may be dismissed as non-compliant.
5. You must make a separate application on a separate form for each case number from which you seek relief. Even if the judgments were entered in the same court on the same day, you must complete a separate application form for each case number. If a case number has multiple counts, include all the counts on one application form.

6. You must include all grounds for relief on the application form as provided by the instructions under item 18. You must also briefly summarize the facts of your ground on the application form as provided by the instructions under item 18. Each ground shall begin on a new page, and the recitation of the facts supporting the ground shall be no longer than the two pages provided for the ground in the form.
7. Answer every item that applies to you on the application form. Do not attach any additional pages for any ground. However, if you have more than five grounds for relief, you may include additional copies of pages 14 and 15 to add more grounds for relief. Additional grounds must still comply with instruction 6.
8. Legal citations and arguments may be made in a separate memorandum that complies with Texas Rule of Appellate Procedure 73 and certifies that the document does not exceed 15,000 words if computer-generated or 50 pages if not.
9. You must verify the application form by signing either the appropriate Unsworn Declaration or the "Oath Before a Notary Public," which are at the end of this form. If you are a petitioner presenting the application on behalf of an applicant, you may sign and verify the application form on behalf of the applicant. However, any petitioner who signs and verifies the application form may be prosecuted and convicted for aggravated perjury if the application form contains any false statement of a material fact.
10. When the application form is fully completed, mail the original and any exhibits and memorandum of law to the district clerk of the county of conviction or electronically file the application form with the district clerk of the county of conviction following the current electronic filing rules for criminal cases. Keep a copy of the application form for your records.
11. You must notify the district clerk of the county of conviction of any change in your address or email address after you have filed your application form. In addition, after the application form has been received by the Court of Criminal Appeals, you must notify the Clerk of the Court of Criminal Appeals of any change in your address or email address.
12. **Warning: If the application form does not include all of the grounds for relief, additional grounds brought at a later date may be procedurally barred. See TEX. CODE CRIM. PROC. Art. 11.07 § 4.**