

No. 22-7057

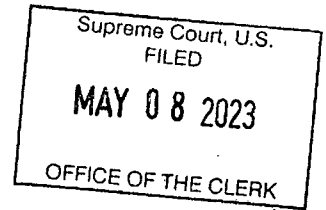
IN THE
SUPREME COURT OF THE UNITED STATES

RAYMOND PNIEWSKI, JR. — PETITIONER

vs.

FREDEANE ARTIS, ACTING WARDEN — RESPONDENT

MOTION FOR RECONSIDERATION OF THE DENIAL OF
WRIT OF CERTIORARI



Now comes Petitioner, Raymond Pniewski, Jr., in Pro Se, received notification on 4/28/23, stating that his Writ of Certiorari was denied on 4/23/23. Petitioner states this is in violation of U.S. S.Ct. Rule 10a, which states:

"Rule 10 Considerations Governing Review on Certiorari:

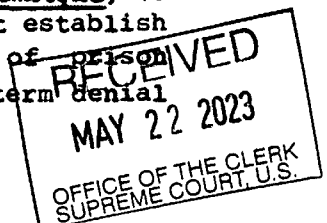
(a) The United States Court of Appeals has entered a decision in conflict with another United States Court of Appeals on the same important matter.... as to call for an exercise of this Court's power;"

Petitioner contends his Writ of Certiorari should have been granted, also citing, Day v McDonough, 547 U.S. 198, 205 (2006) which also states:

("we granted certiorari.... in view of the division among the circuits on the question [presented by certiorari petition]")"

Petitioner presented in issue three that the U.S. Circuit Courts are divided on whether or not being an incarcerated Pro Se litigant qualifies as an "extraordinary circumstance" to grant "equitable tolling" citing Crawford v Bickell, 2012 U.S. Dist. LEXIS 185429, @ pgs. 26-27 (2012), which states:

"Courts are divided as to whether inadequate access to legal materials constitutes extraordinary circumstances that warrants equitable tolling of the AEDPA limitations period. Compare Hendon v Lamarque, 19 Fed. Appx. 599 (9th Cir. 2001) (holding that petitioner must establish equitable tolling with adequate proof of his claims of prison lockdowns and administrative segregation resulted in long term denial

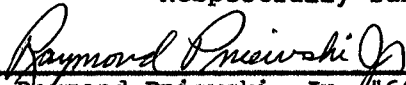


of access to materials, with Lucero v Suthers, 18 Fed. Appx. 964 (10th Cir. 2001) (holding that a petitioner challenging Colorado conviction was not entitled to equitable tolling while incarcerated in a Texas state prison and allegedly denied access to personal legal materials and Colorado legal publications. On the other hand, the Third Circuit has suggested that prison transfers and inadequate access to legal materials could satisfy the "extraordinary circumstances" prong of the equitable tolling doctrine. (See Miller v New Jersey State Dep't of Corrections, 145 F.3d 616, 617 (3rd Cir. 1998)(Remanding of consideration of equitable tolling.)"

Petitioner asks this Honorable U.S. Supreme Court to at a minimum respond to this one issue, even though Petitioner also challenged this Court's decision in Boykin v Alabama, 395 U.S. 238 (1969), alleging that it falls short, because it does not address Constitutional violations committed against a defendant that are waived by a guilty plea, where 8 violations were committed against Petitioner before his plea (4 on the record, and two others that should have been noticed by trial counsel when she first saw Petitioner — unshaved, unshowered and in dirty clothes.). These two issues should not be ignored because of the national implications they present and Petitioner asks this Honorable U.S. Supreme Court to reconsider its denial of the Writ of Certiorari originally presented.

DATE: 5/4/23

Respectfully Submitted,


Raymond Pniewski, Jr. #665044
Thumb Correctional Facility
3225 John Conley Drive
Lapeer, Michigan 48446

No. 22-7057

IN THE
SUPREME COURT OF THE UNITED STATES

RAYMOND PNIEWSKI, JR. — PETITIONER

VS.

FREDEANE ARTIS, ACTING WARDEN — RESPONDENT

CERTIFICATION

I, Raymond Pniewski, Jr., in Pro Se, state the submitted Motion For Reconsideration is for grounds limited to intervening circumstances of substantial or controlling effect (the U.S. circuits are divided on an issue of national significance, as argued in original Writ of Certiorari) or to other substantial grounds not previously presented (Petitioner presents an issue of first impression, also with national implications that Boykin v Alabama, 395 U.S. 238 (1969) falls short, as argued in original Writ of Certiorari). Petitioner certifies that the Petition for rehearing is presented in good faith, not for delay and under the penalty of perjury declares the foregoing to be true and correct, executed on....

Respectfully Submitted,

DATE:

6/20/23

Raymond Pniewski, Jr.
Raymond Pniewski, Jr. #665042

By my signature and notary seal, I swear that it was Raymond Pniewski, Jr., who presented this 1 page document, and it is his signature above.

Sworn before me on this:

20 day of June, 2023

My commission expires:

05/13/2029

Jeffrey A. Oosterhof
NOTARY PUBLIC

JEFFREY A OOSTERHOF
NOTARY PUBLIC, STATE OF MI
COUNTY OF SAGINAW
MY COMMISSION EXPIRES May 13, 2029
ACTING IN COUNTY OF Lapeer

COVER LETTER:

TO:

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

FROM:

Raymond Pniewski, Jr. #665044
Thumb Correctional Facility
3225 John Conley Drive
Lapeer, Michigan 48446

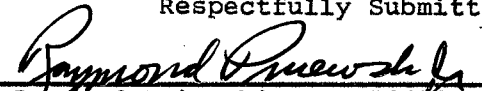
RE: DOCKET NO: 22-7057

COURT CLERK:

As a Pro Se litigant, Petitioner has enclosed for filing, doing the best he could to try to comply with the court rules regarding his submission, and now humbly asks that the standards enumerated in Haines v Kerner, 404 U.S. 519 (1972), where Pro Se litigants are not held to the same standard as trained lawyers and Pro Se submissions are to be read indulgently, be applied. If this Honorable Supreme Court is going to hold Petitioner to the high standards of lawyers, this submission is a waste of his time. And if "Miranda" can submit a brief written on a brown paper bag, surely this Honorable Supreme Court can accept Petitioner's submission as is, because he CANNOT AFFORD AN ATTORNEY.

DATE: 6/20/23

Respectfully Submitted,


Raymond Pniewski, Jr. #665044

RECEIVED

JUN 30 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. 22-7057

IN THE
SUPREME COURT OF THE UNITED STATES

RAYMOND PNIEWSKI, JR. — PETITIONER

vs.

FREDEANE ARTIS, ACTING WARDEN — RESPONDENT

PROOF OF SERVICE

I, Raymond Pniewski Jr., state that on this ____ day of June, 2023, by expedited legal mail, where this submission is covered by the "mailbox rule", presented to the proper staff: one (1) original of Petitioner's Motion For Reconsideration and this Proof Of Service, where the TCF mailroom attached the proper postage, has been mailed to:

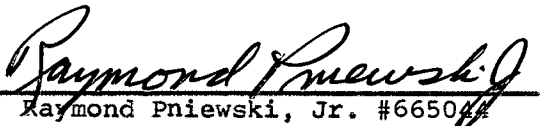
SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543-0001

I swear this to be true to the best of my knowledge and belief.

Respectfully Submitted,

DATE:

6/20/23


Raymond Pniewski, Jr. #665044

Petitioner in Pro Se
Thumb Correctional Facility
3225 John Conley Drive
Lapeer, Michigan 48446

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

June 7, 2023

Raymond Pniewski
#665044
3225 John Conley Drive
Lapeer, MI 48446

RE: Pniewski v. Artis, Acting Warden
No: 22-7057

Dear Mr. Pniewski:

The petition for rehearing in the above-entitled case was postmarked May 8, 2023 and received May 22, 2023 and is herewith returned for failure to comply with Rule 44 of the Rules of this Court. The petition must briefly and distinctly state its grounds and must be accompanied by a certificate stating that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

You must also certify that the petition for rehearing is presented in good faith and not for delay.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 15 days of the date of this letter, the petition will not be filed. Rule 44.6.

Sincerely,
Scott S. Harris, Clerk
By:

Redmond K. Barnes
(202) 479-3022

Enclosures