

Fox Joseph Salerno  
CDOC #164490  
49030 State HWY 71 South  
Limon, CO. 80826

NO: 23-5438

**UNITED STATES SUPREME COURT**

**Fox Joseph Salerno,**

Petitioner,

**Vs.**

**Ryan Thornell, Director of ADOC,**

Respondents.

**MOTION FOR RECONSIDERATION**

Petitioner Salerno hereby moves for this Court to reconsider its October 30, 2023 dismissal as the court relied upon incorrect facts and its order violates *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992).

The Clerk dismissed cause citing the above case, incorrectly believing that this action was non-criminal. The above case law states:

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Court "...directed the clerk to refuse further petitions for certiorari  
**in noncriminal matters** unless petitioner paid the docketing fee..."

It said "non-criminal matters" not non-criminal cases. The wording is important as this case comes from a Federal Habeas Corpus (2:05-cv-01277-ROS), which issued an opinion, then the Ninth Circuit (23-15126) that also issued an opinion.

Consequently, even though the case is civil, it is a criminal matter as it is solely about his criminal conviction and nothing to do with his incarceration or treatment by prison officials. The Director of ADOC was listed as is required under HC law/rules. It is believed the Clerk thought this was a 1983 case which does have many abuses.

Respectfully submitted this 8<sup>th</sup> day of Nov. 2023.



Fox J. Salerno – Petitioner Pro Se

Copy mailed this 8<sup>th</sup> day of Nov. 2023 to:

- Clerk
- Arizona Attorney General