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SUPREME COURT OF THE UNITED STATES
Office of The Clerk
Washington, DC 20543-0001
November 17 2023.

JIMMY LEE WHEELER, D.C.#: 016120;
Petitioner,

"NOTICE OF REHEARING
On 'Manifest Miscarriage of Justice'"

v.

RICKY D. DIXON, Secretary,
% Florida Dept. of Corrections (FDOC),
Respondent(s).

Case No. 23-5744;
Formally No. 21-7920;

L.T. Case No. 2023-CA-1671.

MOTION FOR REHEARING
ON UNREFUTED FRAUD CLAIMS;
WHICH CAN NOT BE CIRCUMVENTED,
VOIDED, MISINFORMED OR DENIED;
ABSENT DUE PROCESS OF LAW.

NOTICE IS GIVEN, to the Honorable, Scott S. Harris, Clerk
of the Court: Please take Notice that the Petitioner,
Jimmy Lee Wheeler, pro se, pursuant to this Court's Rule 36;
respectfully petition this Honorable Court for a reconsideration
upon rehearing to address the serious "points of law overlooked"
in its decision uncertified dated October 30, 2023, which also
fails to give a legal basis for circumventing fraud and 48-years
of false publication of its custodial documented computer record
of the unchanged 'gun' to-wit: deadly weapon, which was corrected
allegedly conceded upon by the Respondent(s) General Counsel, see . . .

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SUPREME COURT, U.S.

.. Exhibit Attachment to records A. (2) and B. (1)-(4); There is nothing on the Criminal record showing any reason to further detain petitioner; as the record shows all sentences on the Custodial Computer printout has been voided as 'expired' and 'vacated'; but petitioner remains in prisoned under Fraud, deceit and or Collusion under Prosecutorial Misconduct, which is apparent on the face of the records; thus, this Motion / Petition For Rehearing is submitted in "good Faith", to reveal the points of law overlooked by every reviewing Court below "exhausted all remedies", to no avail; despite the evidence put before each reviewing Court including the United States Supreme Court; whose actions and in-action are being review by the "Whitehouse Legal-round Table", to be examined by President's Appointive U.S. Attorney General • Merrick Garland; % the United States Department of Justice; Appointed by President Joe Biden; to allegedly address such issues of Fraudulent governmental misconduct as in this matter put before this Court of the highest degree, who has denied procedural due process for this rehearing on points of law overlooked, under Rule 36 (1) and (2); here, no Judge has actually ruled on this 'Manifest injustice', which constituted internal structural error defects from 48-years, well documented in Washington, D.C. reported to U.S. Attorney General • Merrick Garland, under President Joe Biden, and Vice President, Madam, Kamala Harris; All to no avail, Justice in the United States, according to ..

the Constitution of the United States, under Art. 1, 8, 9, 10, and 13, supposed to be 'equally protected', and 'unbias' neither one of the several Petitions I've drafted and sent a copy to the "Presidential Whitehouse Legal-Round Table" has even been acknowledged, and there has been absolutely No response by either office holder including President Joe Biden, and Vice President, Madam, Kamala Harris, whom has failed to even look into this "Great Public Important Injustice"; of Warehousing thousands of elderly inmates under Fraudulent Judicial Misconduct, and discrimination against thousands of Blacks, poor and Minorities, under the States' 85% under CRD supervision, which is in fact, 100%, by putting inmates out on Control Release, who has served their state imposed 85% requirement as a Matter of law.

POINT ONE:

Here Due Process Deprived;

1. In the instant Case which has been before this Superior Court more than once, see Exhibits C. (5)-(8), and the Respondents had conceded in a Waiver at which they failed to defend, against documented evidence material to these Fraudulent Cases of grounds for emergency immediate release; instead of granting the relief sought on the pleadings! the Court intervened and declared it denied Certiorari review...

.. see also, Exhibit C.(5); Which is Contradictory, simply because record reveals that the U.S. Supreme Court had previously issued an 'Official Court Order' and 'Notice' giving the Respondent, the Secretary, % Florida Dept. of Corrections, on the legal authority pursuant to Rule 12.3 issued by the Court on the docket May 19, 2022, also pursuant to Rule 15.3, with a due date of which to file a "brief in opposition", see Exhibit C.(6); Which the respondents' attorney, Ashley Moody of record failed to do, instead they filed a Waiver, which is a failure to defend; and such action after an order or official Notice to do a response is the 'Voluntary relinquishment' or 'Abandonment' - express or implied - of legal right on advantage; "A Forfeiture (2) < Waiver of Notice > • The party alleged to have waived a well known right must have had both knowledge of the existing right and the intention of forgoing it; (holding if the Attorney General and on the General Counsel's officer did not know the right given in this Courts Notice, then the entire justice system is in trouble).

POINT TWO;

2. Record reveals that there issues were overlooked by this Court in Cases: No. 21-7920; and Case No. 23-5744 dated on May 19, 2021, 2022, see Exhibit C.(5)(7); and recently disregarded a third time on Case No. 23-5744; dated October 30, 2023, absent due process of law, decided by No judges, "Sua sponte", Wheeler's Judgment on the pleadings should...

... have been granted! especially Where record reveals that the respondents (FDOC) has filed a Waiver after the Notice given by this Court, Constituting a failure to defend.

POINT THREE:

3. This sort of Constitutional Violations under Fraud, deceit and or Collusion qualifies under Rule 20, procedure on a Petition for an Extraordinary Writ, Authorized by 28 U.S.C. § 1651(a), which is not a Matter of right, but an issue of discretion which needs to be exercised here in order to determine the severity of the defendant/ Petitioner's due process rights; which can only be determine by review of the record submitted to this Court with a Writ of Certiorari in support of the relief sought, see also Exhibit C. (5)-(10); All State and Federal Available remedies has been exhausted in this Case More than once, to No Avail.

POINT FOUR:

4. Thus, the issue in support of this rehearing Motion seems to have been a due process internal Structural error defect; caused due to lack of judicial reasoning! by a Sua Sponte unjudged Opinion which denied the petitioner a just review on the Manifest injustice and Fraud on the Custodial Agency and the lower Courts; thus, Fraud has No defense, and only one remedy in law, which is to correct the injustice as a Matter of law.

POINT FIVE:

5.

Here, this Court has failed to take judicial Notice of the records' excerpts entered before it in support of the relief sought; which clearly reveals a Meritorious Colorable Claim, for which the respondents' General Counsel of DOC has claimed to have also connected the entire Criminal record of the documented robbery with a 'gun'/'deadly weapon', to robbery with NO - 'gun' or 'weapon', which should have made a Major Change in every Conviction there after; however no other changes are notable in the record, despite all other changed offenses being expired and vacated; the harm done is irreparable and the petitioner remains "imprisoned unconstitutionally oppressed, absent due process of law."

POINT SIX:

6.

This Court had to have granted Certiorari, in order to had issued its Notice under Rule 12.3 for the "Writ of Certiorari" filed on March 31, 2022, and placed on the Court's docket May 19, 2022 the Notice and due date were ordered returnable by June 21, 2022; thus, the Court is not allowed to act as a Mediator for the State's prison Secretary defense in support of the Waiver filed; see Exhibits A(1)-(4) of the record, this case was filed in ..

.. in the First District Court of Appeal in Case No. 1D23-0510;
see Exhibit A. (4) attached on September 1, 2023, From
a direct denial of the Certiorari From this Court;
and transferred to the lower Court of the Second
Judicial Circuit Court • Leon County Florida, Who issued
A Show Cause Order; see Exhibit D. (3) and E. (6).

POINT SEVEN;

7. In reliance of the Show Cause Order, the respondent (FDOC) initiated a "Show up For Counsel," yet failed to even address any of the allegations and claims raised and argued in the initial brief filed; simply because every claim raised was true and correct, and the respondents had previously conceded to the erroneous false gun publication in the grievance appeals processing being a computer error in the early 1980s; which record proves otherwise, as the petitioner 3-prior robbery Adjudications were for 1975; which could only mean that someone employed by DOC in records, had to program that information in their computer data intentionally; which computers do not do on their own. see Exhibit B. (1)-(4).

POINT EIGHT;

8. If in fact the record has been corrected, where is the relief sought? And why hasn't petitioner been released from prison as required by law? because each of the prior fraud...

... Constituted a 'Manifest injustice' requiring an emergency immediate (unconditional release), as a Matter of law. See U.S. v. Olan, 507 U.S. 725, 73637 (1993); (Comparing limitation of Manifest Miscarriage of justice exception in habeas Corpus Context to Conviction or Sentencing of an actually innocent person/defendants, and interpretation of Concept in other Contexts to reach any error that seriously affects the fairness, integrity or public reputation of judicial proceedings, etc... Citing Rose v. Clark, 478 U.S. ~570, 57778 (1986).
POINT NINE:

9. Accordingly, this decision fails to give any reference to which judge or judges opinion were documented to Certify or Clarify their decisions to enter such an order that has no legal standing of due process of law; and appears to be inconsistent with rudimentary demands of justice, this case is already pending before "The Whitehouse Legal Round Table," before U.S. Attorney General Merrick Garland, President Joe Biden, and Vice President Kamala Harris, in light of a "Full Presidential Pardon", due to 'No proper review on multiple fraud claims that are apparent on the record absent due process in both State and Federal Courts', warrants the Presidential Judicial Intervention! as reported to the U.S. DOJ, and other agencies NAACP, ACLU, which is why the Name of ...
- 8.

.. the judge Making a ruling or decision on this Cases Must be documented in the record; for accountability of the Fraudulent governmental Misconduct No Court has even examined or ruled justly in accordance of law, which has discriminated against Wheeler, a black Male and Thousands of other Warehoused inmates in the Southern States who are Blacks, poor, and Minority inmates re-inslaved, without justice or due process of law. see DOJ's report Numbers: '282446-CRM', dated June 2022; '289292-PGN'; dated October 2, 2023; and 333197-RKQ dated October 5, 2023, there are 7-report Numbers filed in all, which formed a record of 48-years of judicial Abuse; thus, it is a sound truth that, any acts in support of fraud is likewise fraud itself, this goes for any Court, not to exclude this Court. see Exhibit H. (1) and (2)

RELIEF SOUGHT;

10. This Court should reconsider on the grounds put before it under the (Nine-Points of Law overlooked); and Consolidate those Claims amounting to a Manifest internal Structural error as alleged in the record, the Court should have acknowledged the error as being Structural and reversed and remanded the Case or granted the habeas Corpus relief which is proper here; thus the Certiorari should have been considered under Rule 13, and granted under Rule 20; rehearing under Rule 94 (i) timely Filed.

CONCLUSION

11. More Fundamentally, the due process Clause of the Fifth and Sixth and Fourteenth Amendments; and the Florida Constitution Art. I, § 9, 10, 13, and 24 declares that "No person shall be deprived of life, liberty or property," and without basic structure of fair trial; Which is why habeas Corpus lies to assure that "No defendant forfeits life or liberty"; here, there was so much abuse that makes a frown on the face of justice to put such a denial on an un-named document, each of those judges must be held accountable for ruling "With Fraud," rather than Against Fraud; as fraud has No defense, and only one remedy in law, which is to correct a "Manifest injustice," to prevent an issue contrary to law, resulting in a Manifest miscarriage of justice, which is now before this Court on rehearing, pursuant to Rule 44(1); and 39.1, 39.2 which was concluded (in compliance with 28 U.S.C. § 1746), Fed. R. App. P. Form 4; if the Court will, please take Judicial Notice that this case is not adverse; and is under special review for which any ruling must be certified by a judge's decision, because the prior fraudulent misconduct has been conceded upon; there is nothing in dispute, and a judgment on the pleadings filed in the Second Circuit was proper for the relief sought. see Exhibit D. (3) and E. (6).

DECLARATION AND OATH

STATE OF FLORIDA,

COUNTY OF HAMILTON.

) Rehearing on Manifest injustice,
) Habeas Corpus denial under Rule 20.4;
) Case No. U.S. Supreme Case No. 23-5744,
L.T. Case No. 2023-CA-1617.

In re: Jimmy Lee Wheeler v. Ricky D. Dixon, Secretary % DOC.

UNDER PENALTIES OF PERJURY, I declare that I have read the foregoing documents and swear that the facts stated in it are true and correct; in accordance with Section 92.525(2), Florida Statutes (1975),

submitted in good faith.

Jimmy Lee Wheeler
Jimmy Lee Wheeler, Affiant,
Civil Rights Advocate,
In The Legal Pursuit of Justice.

U.S. Dept. of Justice Report #s: 282446-CRM;
289292-PGN; and 333197-RKQ; >

CERTIFICATE OF SERVICE

ICERTIFY that the foregoing documents has been served by
U.S. Mail To:

1. Ashley Moody A.G.,
PL-D/ The Capitol
Tallahassee, FL 32399-1050

2. Lance Eric Nuff, G.C.,
501 South Calhoun Street,
Tallahassee, FL 32399-2500

Jimmy Lee Wheeler
Jimmy Lee Wheeler
D.C. # 046120

Hamilton Court Invt. Annex
10650 S.W. 46th Street,
Jasper Florida 32052,

3. U.S. Attorney Gen. Merrick Garland,
% Whitehouse Legal Round Table,
Whitehouse Press Secretary,
1600 Pennsylvania Avenue
Washington, DC 20500

4. Clerk of Court / U.S. Supreme Ct.
1 First Street N.E.
Washington DC 20543

Date of Deliverance Filed,
On this 17 day of November 2023.

**Additional material
from this filing is
available in the
Clerk's Office.**