

No. 23-3449

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**IN THE UNITED STATES SUPREME COURT**

**SHARDAYE JEACOLE MALIK BEY**

**v.**

**STATE OF OHIO**

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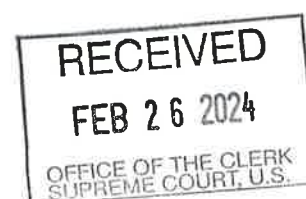
***ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT***

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**PETITION FOR REHEARING**

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PETITION FOR REHEARING

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Pursuant to Rule 44 of this Court, the petitioner, in good faith and not for delay, petitions for rehearing before a full nine-Member Court. Movant present extraordinary circumstances pertaining to “congressional fear.” Pursuant to a federal statutory law enacted by Congress that states [f]iling fees are not required to be collected in connection with criminal removal petitions set forth at 28 U.S.C. § 1443. That must be made clear to the whole country institution of federal clerks of the court. Where the clerk of the court for United States Court of Appeals for the Sixth Circuit engaged in a deceptive act for failure to abide by the law set forth by Congress under 28 U.S.C. § 1443. “If changes are to be made in the longsettled interpretation of § 1443, it is for Congress,

not the clerk of the courts, to make them.” Citing *Strauder v. West Virginia*, 100 U.S., 303 to *Kentucky v. Powers*, 201 U.S. 1., Pg.

832-835. “It was precisely that burden that Congress undertook to take off the backs of this persecuted minority and all who espouse the cause of their equality.” Citing *Greenwood v Peacock*, 328 U.S. 808 (1966). Pp. 814-824

## REASON FOR GRANTING REHEARING

A prohibition against “vague laws” citing *Papachristou v. Jackson* (1972) and *Kolender v. Lawson* (1983). The Sixth Circuit Court of Appeals clerk of the court entry of order dismissing the petitioners’ case for failure to pay [f]iling fees was unconstitutionally vague on its face, that it was unconstitutionally applied [384 U.S. 808, 812]. And that it was the result of a dilatory tactic causing disruptions of the judicial processes. Because filing fees are not required for removal of a criminal action under [28 U.S.C.] § 1443, it is not necessary to grant Petitioner in forma pauperis status in this action.” (citing Lefton, 333 F.2d at 285)), report and recommendation adopted, No. 1:11-CV-3054-TWT, 2011 WL 5514011 (N.D. Ga. Nov. 9, 2011). The Sixth Circuit Court of Appeals clerk of the court acted in a manner inconsistent with a federal statutory law enacted by Congress. And in doing so, the petitioner was denied due process of law. Justifying relief by this supervisory court to resolve an issue of law of national importance in Civil rights cases. Congress set up the Supreme Court and lower federal courts. Relying on the Supreme Court to exercise its “supervisory power” to regulate proceedings of other federal courts. To justify the Courts action. The law in this area is clear. This Court has supervisory authority over the federal courts and may use that authority to prescribe rules of evidence and procedure that are binding in those tribunals. *Dickerson v. United States*. The Supervisory Power Doctrine in *McNabb v. United*

*States*, the Court asserted simply that "[j]udicial supervision of criminal justice in the federal courts implies the duty of establishing and maintaining civilized standards of procedure and evidence. The Court referred to this exercise of power as an exercise of its "supervisory authority." The petitioner was not afforded a "full and fair hearing" which must be provided before entry of something as serious as a final order. The petitioner makes a prima facie case where evidence shows no ruling was entered by a judge in the Sixth Circuit Court of Appeals thus making the clerk of the court's order of entry invalid. Based on the evidence of a procedural defect caused by an invalid order of entry. Concurrent with the issue of statutory construction petitioner presents extraordinary circumstances justifying relief on the merit that the decision entered by the clerk of the court was erroneous.

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For the foregoing reasons, the petition for rehearing should be granted.

Respectfully submitted.

By /s/ Shardaye Jeacole Malik Bey

## CERTIFICATE OF COUNSEL

Pursuant to Rule 44.2, Appellant party unrepresented by counsel certifies that the Petition is restricted to the grounds specified in the Rule with substantial grounds not previously presented. The Appellant party unrepresented by counsel certifies that this Petition is presented in good faith and not for delay.

February 21, 2024

/s/ Shardaye Jeacole Malik Bey,  
Shardaye Jeacole Malik Bey,

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PROOF OF SERVICE

I, Shardaye Jeacole Malik Bey, do swear or declare that on this date, February 21, 2024, as required by Supreme Court Rule 29. I timely resubmit this PETITION FOR REHEARING to the Clerk through United States Postal Service by first class mail, showing document submitted in correct form 15 days from the date of the letter dated February 6, 2024. To be delivered to Clerk within 3 calendar days.

Clerk of the Court

Supreme Court of the United States

1 First Street, NE

Washington, DC 20543

I declare under penalty of perjury that the forgoing is true and correct.

Executed on February 21, 2024

/s/ Shardaye Jeacole Malik Bey