

No: 23-5992

Supreme Court of The United States

John Bailen,

Petitioner,

Justice Clarence Thomas

Vs.

Florida Dept of ~~Justice~~ Corrections,

Florida Commission on Offender Review,

Ashley Moody, Florida AG,

Respondents.

Petitioner's Motion For Rehearing of Court's Decision

< Denial (PLEASE GIVE ME, A LAWYER) >

Denial order ~~of~~ dated December 11, 2023 attached and

Instruction letter of Jan. January 18, 2024

1 OF 3

The Court Most likely overlooked the ^{following} ~~fact~~ ~~that~~ due to my lack ~~of~~
~~the ability to~~ ~~write~~ ~~well~~ ~~in~~ ~~writing~~ ~~and~~ ~~presentation~~ ~~skills~~.

First, as I am unemployed in (late), ~~urgent~~ ~~and~~ ~~unable~~ ~~to~~ ~~hire~~ ~~com-~~

petent Counsel, I beg the Court to be lenient with me and not hold me

to the strict standards of a trained attorney, Erickson v. Pardue,

551 U.S. 89 (2007).

I apologize but am doing my very ~~best~~ best to reach the standards

of an attorney.

I feel this is an unusual case that ~~merits~~ ~~the~~ ~~Court's~~ ~~note~~

Resolution ~~as~~ ~~it~~ ~~is~~ ~~as~~ ~~I~~ ~~believe~~ ~~I~~ ~~demonstrate~~.

There is a manifest miscarriage ~~of~~ ~~of~~ ~~justice~~ ~~that~~ ~~is~~ ~~clear~~ ~~that~~

Warrants the ~~the~~ Court's resolution. I am overly detained and

~~believe~~ ~~it~~ ~~it~~ ~~warrants~~ ~~resolution~~, I should be noted that

Judge Julia E. Carnes ~~was~~ while on the ~~the~~ ~~bench~~ in Atlanta said

she could ~~find~~ ~~find~~ ~~no~~ ~~case~~ ~~where~~ ~~over~~ ~~the~~ ~~defendant~~

was Constitutionally acceptable. " (Added Emphasis)

Second, ~~that~~ if it is that my sentence ~~was not~~ arose from state law

they ~~are~~ still in violation of Federal law. I was denied ~~prop.~~

proportionality of sentence. U.S.C. Const. Amend. ~~8~~ 8.

with relative ~~overly~~ ~~harsh~~ vindictive sentences simply

possessing an old 40 gauge shot-gun. Not otherwise used in ^{crime} ~~the~~.

~~that~~ a further ~~showing~~. Showing of gross ~~violation~~ violation of ~~the~~

proportionality is ~~concerned~~ ~~concerned~~ ~~concerned~~ ^{concerned} ~~conscience~~

Arbitrary sentences are illegal. ^{Hale} ~~State v. State~~ in the ~~case~~ episode.

And tried ~~all together~~ together. ~~Hale v. State~~, 630 So. 2d 521 (~~Fla.~~)

115 S.Ct. 278, 130 ~~mo~~

(Fla. 1993). Citing Federal and Supreme Court cases. ~~Dunbar v. State~~ ^{State},

705 So. 2d 91 (Fla. 4 ~~1994~~) Here I was denied equal protection

8th Amend in ~~the~~ ~~regards~~ in regards ~~Hale~~ Hale above and Dunbar.

~~Q. 11~~ The District Court could have and should have granted

Relief when on its own determined a "Continuous Series ~~of~~ ^{of} Events"

Where ~~there was a~~ ^{there was a} violation here of Double Jeopardy,

equal protection, Due Process, 5th, 8th ^{And} ~~and~~ 14th U.S.

Constitution in regards the original ~~of~~ ^{of} trial of The trial

Court. "Deprivation of Civil Rights while U.S.C 1983 1983"

And moreover, it is well settled law that one should not be sentenced to ^{Prison} ~~to~~

on a ~~not~~ ^{not} guilty finding ~~by~~ by a judge as ~~was~~ ^{was} done here

in regards to Conditional Release alleged violation. There is a ~~violation~~ ^{violation}

~~of~~ of Equal protection, 8th Amend. and Due Process 14th Amend. and

"Deprivation of Civil Rights ~~under~~ ^{under} 42 U.S.C 1983, 5th Amend."

~~that~~ If I had been ~~properly~~ ^{properly} properly, ~~and~~ and legally sentenced in the

~~first~~ ^{first} instance ~~where~~ ^{where} I would have been

All
Free of restraints 20 years ago.

If I had been ~~the~~ treated fairly, equally fairly and equally I would not

have been imprisoned on ~~and~~ ~~and~~ ~~and~~ "not guilty" prebably.

CRS violation, violation of 8th, 5th and 14th Amendment

have occurred ~~there~~ here.

Third, the state ~~and~~ courts below and the federal courts below

could and should have granted relief ~~decades~~ ago, on my claim

of ~~ineffective~~ trial and appeals caused ~~by~~ ~~by~~ ~~by~~ lawyers

in re Judge ~~Recuras~~ ~~Recuras~~ Recuras a 5th Amendment violation which

was a timely "Dead bang winner." Instead the court waited

until ^{later} ~~decades later~~ - to now call it unfairly. The merit were

never ~~reached~~ reached. It was ~~not~~ ~~unfairly~~ unfairly when ~~originally~~

Filed.

Fourth, I respectfully ask the Court to ~~again~~ ^{re-}gain the task

at the ~~front~~ ^{front} between Appeals ~~court~~ ^{court} and conflicting and con-

flating orders attached ~~to the~~ ^{hereto}. I believe it deserves a

~~second~~ ^{second} look ~~at~~ ^{and} ~~show~~ ^{shows} grounds for

some kind of relief.

Finally and respectfully, I believe ~~the~~ ^{the} Court's integrity

will be further ~~greatly~~ ^{strengthened} ~~in~~ ^{if} it would

resolve ~~these~~ ^{the} issues on ~~their~~ ^{their} merits.

Case No. 23-5992

Certificate

The Petitioner is presented in good faith and not for delay, I,

John Bailey, pro se, hereby certify.

John Bailey

John Bailey,

January 27, 2024

OK

I declare under penalty of perjury the above is true

8038

John

for

John Bailey

John Bailey

Conclusion

As the ~~circumstances~~ Circumstances here gives rise to a claim of

denial of equal protection and violations of due ~~process~~ ^{process}, ^{et al} and

The Right to file any ~~time~~ ^{even} and ^{even} ~~successively~~; The Court

can direct the Clerk of the Court to transmit the writ of

habeas corpus to Jerrine Thomas, 28 U.S.C. § 2243. The Court

could grant the writ for habeas relief. The Court could

order the Respondents / Ashley Moody, AG of Florida, to respond

to John Barker's Petition for Relief by writ of habeas corpus and

to show cause why the petition should not be granted.

28 U.S.C. 2243 2nd clause:

This will further enhance the Court's integrity

in custody of State of Florida and ~~or~~ under restraint by
State of Florida.

Please Grant.

Respectfully,

~~12/26/2023~~

John Barker

01/27/2024

John Barker

Remains 27, 2024

John Barker

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John Barker

NO: 23-5992

No. 23-12188

IN THE
SUPREME COURT OF THE UNITED STATES

John Bailen — PETITIONER
(Your Name)

VS.

Florida Dept of Corrections, State of Florida, Ashley Moody
Florida Comm'n on Offender Review RESPONDENT(S)

PROOF OF SERVICE

I, John Bailen, ^{or Rehearing Petitioner} do swear or declare that on this date, 09/07/2023, 2023, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED ^{Rehearing} IN FORMA PAUPERIS and PETITION FOR A WRIT OF HABEAS CORPUS on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Ashley Moody, Attorney General of Florida (Representing all Respondents)
The State Capitol, 01, Tallahassee, FL 32399-3239
3507 E. Fortwayne Road, Tampa, FL 33607

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

Executed on 09/07/2023, 2023

01/27/2024

John Bailen
John Bailen
John Bailen
(Signature)
RECEIVED
FEB 7 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

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