

TRULINCS 20962075 - CLUM, DAVID JR - Unit: MLL-C-C

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ORIGINAL

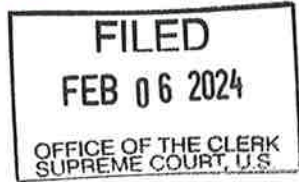
FROM: 20962075

TO:

SUBJECT: RE-HEARING COVER PAGE

DATE: 02/05/2024 06:59:19 AM

\* No. 23-6311



*[Handwritten signature]*

IN THE  
SUPREME COURT OF THE UNITED STATES

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DAVID CLUM, JR., PETITIONER  
vs.  
UNITED STATES OF AMERICA

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PETITION FOR RE-HEARING

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David Clum, Jr., Petitioner

FCI Memphis- CAMP  
David Clum, Jr. 20962-075  
PO Box 34550  
Memphis TN 38184

TRULINCS 20962075 - CLUM, DAVID JR - Unit: MLL-C-C

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FROM: 20962075

TO:

SUBJECT: CERTIFICATE OF COMPLIANCE

DATE: 02/05/2024 06:59:45 AM

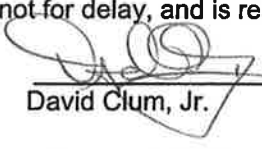
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CERTIFICATE OF COMPLIANCE WITH RULE 44

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Petitioner certifies pursuant to 28 USC 1746, that the attached Petition for Re-Hearing is hereby presented in good faith and not for delay, and is restricted to the grounds specified in Rule 44.



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David Clum, Jr.

February 5, 2024

FROM: 20962075

TO:

SUBJECT: PETITION FOR REHEARING

DATE: 02/05/2024 07:00:17 AM

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PETITION FOR RE-HEARING

I. SUBSTANTIAL GROUND NOT PREVIOUSLY PRESENTED

A. When Clum petitioned this Court for a writ of certiorari, this Court had not denied him. Now it has.

II. REASONS FOR GRANTING THIS PETITION

A. MAXIME ITA DICTA QUIA MAXIMA EST EJUS DIGNITAS ET CERTISSIMA AUCTORITAS, ATQUE QUOD MAXIME OMNIBUS PROBETUR. -- A maxim is so called because its dignity is chiefest, and its authority is the most certain, and because it is most approved by all. - BLACK'S LAW DICTIONARY, Eighth Edition (2004)

B. UBI JUS, IBI REMEDIUM. -- Where there is a right, there is a remedy.

1. Clum has the Fifth Amendment, inter alia, Constitutionally secured right to due process of law.

C. UBI REMEDIUM, IBI IUS. -- Where there is a remedy, there is a right.

1. Clum has a right to a remedy for the deprivation of his right to due process of law.

D. JUSTIA NEMINI NEGANDA EST. -- Justice is to be denied to no one.

1. Clum is not NO ONE. He is someone. Therefore, Justice is not to be denied to him.

2. The record below is irrefragable that the lower courts have deprived Clum of his right to due process of law as well as the right to the remedy for that deprivation.

E. UBI CESSAT REMEDIUM ORDINARIUM, IBI DECURRITUR AD EXTRAORDINARIUM. -- When a common remedy ceases to be of service, recourse is had to an extraordinary one.

1. Clum petitioned this Court for an extraordinary writ of certiorari to remedy the lower court's deprivation of his right to the common remedy for the deprivation of his right to due process of law.

F. NEMO ALIQUAM PATUM RECTE INTELLIGERE POTEST, ANTEQUAM TOTUM ITERUM ATQUE ITERUM PERLEGERIT. -- No one can properly understand any part of a thing until he has read through the whole again and again.

1. Clum highly doubts that any one of the nine (9) Justices of this Court actually read his petition for a writ of certiorari, most likely because he is a Pro Se petitioner and as such is considered "as a kind of trash, not worth the time of a federal judge.", quoting retired Seventh Circuit Chief Judge Richard Posner, ABA Journal interview, April 2017.

G. QUOD INCONSULTO FECIMUS, CONSULTIUS REVOCERUS. -- What we have done without due consideration we should revoke with better consideration.

1. In denying his petition for a writ of certiorari, this Court denies Clum his right to remedy and, therefore, abrogates the law which requires this Court to afford remedy to him.

H. LEX SEMPER DABIT REMEDIUM. -- The law will always give a remedy.

1. Over two-hundred and twenty (220) years ago, this Court understood maxims of law and justly applied them as cited in Clum's petition for a writ of certiorari, p 17:

MARBURY V MADISON, 1 Cranch 137 (1803)(But the discretion of a court always means a sound legal discretion, not an arbitrary will. If an applicant makes out a proper case, the court are bound to grant it. They can refuse justice to no man.").

2. Clum is not NO MAN. He is a living human being and, therefore, this Court can not refuse Justice to him.

3. Clum believes he has made out a proper case, however, he is not schooled in law or procedure. Therefore, if the Justices of this Court deem his certiorari pleading as somehow deficient, or his QUESTION FOR THE COURT as somehow unacceptable, they should appoint him counsel to prepare an acceptable form of pleading or create a question to their own liking from the plethora of Constitutional violations presented within Clum's pleadings below, so as not to abrogate the law and their respective oaths of office to uphold Clum's Constitutionally secured rights.

"When innocence itself is brought to the bar and condemned, especially to die, the subject will exclaim, 'It is immaterial to me, whether I behave well or ill; for virtue itself is no security.' And if such a sentiment as this should take place in the mind of the subject, there would be an end to all security what so ever." -- John Adams (1770)

### III. CONCLUSION

According to the authority most certain, and most approved by all, Law and Justice require this petition for re-hearing, and the petition for a writ of certiorari, be granted.

Respectfully submitted,

  
David Clum, Jr.

February 5, 2024

TRULINCS 20962075 - CLUM, DAVID JR - Unit: MLL-C-C

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FROM: 20962075

TO:

SUBJECT: S CT PROOF OF SERVICE

DATE: 02/05/2024 06:58:53 AM

\* No. 23-6311

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IN THE  
SUPREME COURT OF THE UNITED STATES

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DAVID CLUM, JR., PETITIONER

VS.

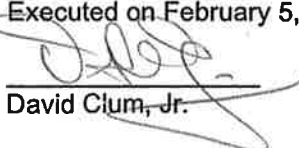
UNITED STATES OF AMERICA, RESPONDENT

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PROOF OF SERVICE

I, David Clum, Jr., pursuant to 28 USC 1746, do declare that on this date, February 5, 2024, as required by Supreme Court Rule 29, I have sent the enclosed PETITION FOR RE-HEARING to the CLERK OF THE SUPREME COURT, 1 First Street N. E., Washington DC 20543, and for electronic delivery by the Clerk to the Solicitor General, by depositing an envelope containing the above documents in the prison mailbox properly addressed with USPS Certified Mail # 7011 0470 0002 1284 2542, postage prepaid.

Executed on February 5, 2024.

  
\_\_\_\_\_  
David Clum, Jr.