



No. 23-6832

**SUPREME COURT OF
THE UNITED STATES OF AMERICA**

WILLIE LEVENS

Plaintiff . Appelle

VS

LOUISIANA INSURANCE GUARANTY ASSOCIATION. et. al.

On Appeal from the United States

Court Appeals for the Fifth Circuit of Louisiana

Case No. 23-30236

PETITION FOR REHEARING AFTER DENIAL OF CERTIORARI

Willie Levens II

308 Washington Street

Greenville Alabama 36037

(334) 494-2469

Willielevens16@gmail.com

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Amendment 4

34 usc. 12601 Section 1983 Title 42 (98-99)

Title 18 u.s.c. Section 242

Summary of Relevant Facts and Prior Proceedings Occurring Below

On February 22, 2020 **Defendant Dextar Gaspard** physically assaulted **Plaintiff Willie Levens** at Honest Abe's Restaurant. After realizing that he had made a mistake **Defendant Dextar Gaspard** along with the Terrebonne Sheriff office conducted an interrogation of restaurant owner Tyler Verdin in which Tyler Verdin under sworn affidavit admits that the Sheriffs forced him into a false confession in order to make **Defendant Gaspard** look innocent of his actions.

Plaintiff Willie Levens immediately sought legal actions with Morris Bart. After receiving the information **Plaintiff Willie Levens** was contacted by Attorney Jerry Smitko who told **Plaintiff Willie Levens** that she would handle his case and then she called the **Defendant's** Attorney Mr. William Dodd. Months later Attorney Jerry Smitko would inform **Plaintiff** that she was no longer able to handle his case.

Plaintiff Willie Levens then found another Attorney Mr. Lewis Thomas III who would finally file the case in January of 2021 after which Mr. Lewis Thomas III was fired from his firm and the case was taken by Megan Kefer. Megan Kefer then stalled the case and eventually withdrew from the case without explanation. The United States District Court for the Eastern District of Louisiana granted the off-duty officer qualified immunity and **Plaintiff Willie Levens** immediately filed for an appeal with the United States Court of Appeals for the Fifth Circuit in Louisiana. The Court of Appeals also agreed with the judge so **Plaintiff** was forced to file a Writ of Certiorari. The Writ of Certiorari was denied and now **Plaintiff** seeks a rehearing.

Arguments Why Rehearing Should Be Granted and Petition for Writ of Certiorari Should Be Accepted

On February 22, 2020 **Defendant Dexter Gaspard** physically assaulted and used racial slurs towards **Plaintiff Willie Levens** and after that the Terrebonne Sheriff's Office used illegal tactics to force eye witness and restaurant owner Tyler Verdin to give false statements. In a sworn affidavit eye witness and restaurant owner Tyler Verdin states that **Defendant Gaspard** acted out of anger and hatred when he assaulted **Plaintiff Willie Levens**. Eyewitness Tyler Verdin also states that at no time did **Plaintiff Willie Levens** pose a threat to anyone inside the restaurant. It was later discovered that Attorney Jerry Smitko was in fact also working with the Terrebonne Sheriffs to prolong the **Plaintiffs** charges and not allow **Plaintiff** to take proper legal actions.

Conclusion

The Terrebonne Sheriff's used illegal tactics to cover up the physical assault on **Plaintiff Willie Levens**.

Plaintiff would like to enter new evidence, a sworn affidavit from restaurant owner Tyler Verdin, which was not accepted by the Lower Courts.

Also, in deposition **Defendant Dexter Gaspard** lied and said he did not know **Plaintiff Willie Levens** which was also a lie under oath.

The sworn testimony of Tyler Verdin alone is enough evidence to prove that the Sheriff Department used illegal procedures to cover up for **Defendant Gaspard**.

Certification of Good Faith

I Willie Levens certify this motion is made in good faith and not for any purpose to delay.

In the present case the Supreme Court of the United States should have allowed my case to be heard by a jury of peers and taken into consideration the sworn affidavit of the eye witness and Restaurant owner Tyler Verdin.

I declare under the penalty of perjury the foregoing is true and correct to the best of my own knowledge.

Expedited this 10th day May 2024.

Willie Levens

Pro Se'

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

WILLIE LEVENS II

V.

DEXTER GASPARD

CIVIL ACTION

21-35

SECTION "J" (1)

AFFIDAVIT

Now unto the Court comes eye **Witness** Tyler James Verdin of 136 Foolkes Court, Houma, Louisiana 70363. I Tyler Verdin states that on February 22, 2020 **Plaintiff** Willie Levens entered my restaurant after Branden Verret came in shouted who the fuck wants to fight Trey. I ordered Branden Verret to get the Fuck out of my restaurant. After Branden Verret to get out of my restaurant, I went back to folding shirts. A couple seconds later **Plaintiff** Willie Levens II entered the restaurant excited at the chance for promotion of the restaurant. **Plaintiff** Willie Levens told me that the owner of the catering job wanted to invite him to ride in the Mardi Gras parade. **Me** and **Plaintiff** Willie Levens walked backwards towards the door with his arm around my shoulder while laughing because he was trying to get me to the party bus to ride and promote my business. As we made it to the front door, we both stumbled over the high chairs placed near the door. Upon us stumbling **Defendant** Dexter Gaspard had left his booth rushed up to and aggressively pushed **Plaintiff** Willie Levens through the closed door and to the ground as shown in the video. At no time did **Plaintiff** Willie Levens pose a threat to anyone inside the restaurant. There was only a man, woman, and a child present other than **Defendant** Dexter Gaspard. After **Defendant** Dexter Gaspard aggressively pushed **Plaintiff** Willie Levens out of the door and me and **Defendant** Dexter Gaspard went back inside. I then returned outside and told **Plaintiff** Willie Levens to go to my vehicle parked on the side of the restaurant. After telling **Plaintiff** to go to my vehicle I heard a lot of commotion coming from outside from where my car was parked. When I went outside. I saw **Defendant** Dexter Gaspard throw **Plaintiff** Willie Levens against my sisters parked car with his elbow on his neck and heard him tell **Plaintiff** Willie Levens now you are going to jail NIGGER. That is when **Defendant** Dexter Gaspard called for more backup. I then helped free **Plaintiff** from Defendants choke hold. I told **Defendant** that I had everything under control but he had already caused a scene and authorities had already

showed up. Officers me to on the scene tried to get me to make a false statement while I had **Plaintiff** in my car in order to try and arrest him. I told them no and I took **Plaintiff** away and came back to close my restaurant. The next day I took the **Plaintiff** to the hospital and he found out his knee was fractured.

Notary Public

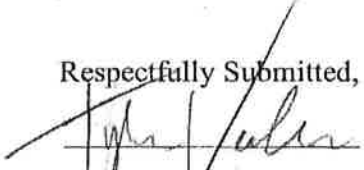
Shauna Braud

Title and Rank

Date Of Commission Expire

My Commission is for Life

Respectfully Submitted,


Tyler James Verdin

136 Foolkes Court

Houma, Louisiana

