

NO. 23-7300

IN THE
SUPREME COURT OF THE UNITED STATES

Rev. Willie Johnson, Petitioner

vs.

Kenneth Nelson, Warden Respondents

Petition For Rehearing

Petitioner respectfully requests that this Court grant of its order dated May 28, 2024, which denied certiorari, and that the Court now grant certiorari, as a matter of law.

The Petition for certiorari previously filed herein presented the question [here the question is stated] "The trial judge failed to adequately warn the Court order to the South Carolina Department of Corrections to [evaluate] the conviction and sentence" for example in Becker v. Montsomerie, 532 U.S. 757, 121 S.Ct. 1801, 149 L.Ed. 2d 943 (2001), the U.S. Supreme Court specifically and unequivocally with clarity and particularity stated in Becker v. Montsomerie, with the question whether

"Typewriting one's name satisfies the signature requirement" After noting that the signature requirement doubtless would be adjusted with advancing technology, the U.S. Supreme Court went on to hold that a typewritten signature does not satisfy the rule. And U.S. Supreme Court wrote:

• "Without any rule change so obvious, . . . we are not disposed to extend the meaning of the word 'signed', as that word appears Civil Rule 11 (97), to permit type names as Rule 11 (97) is now framed we read the requirement of a signature to indicate, as a signature requirement commonly does, and as it did in John Hancock's day, a name hand written more specifically, when you type or write out a proposed judgment or order that is exactly what it is until it is signed: Proposed. A judgment or order does not take on an official meaning until someone with the proper authority put their "John Hancock" on it.

With respect, this Court decision on May 28, 2024 we contravene to this Court own rulings in Becker v. Montgomery, Supra, And quoting The United States Supreme Court, Justice Ginsburg held that Civil Federal Rules require signature on Notice of Appeal, and (97) failure to sign timely Notice of Appeal did not require the Court of Appeal to dismiss the appeal, as 1995 was curable and not a jurisdictional impediment.

Further elaboration, Appendix G will prove beyond a reasonable doubt that the first court order appears to be typewritten which constitutes a writ of habeas corpus. While the instant case involves a violation of Petitioner's Fourteenth Amendment of United States Constitution by denying the Petitioner, of his due process and equal protection of the law.

More broadly, Rule 11(c) gives this court the power for "good cause shown," to grant relief, to the extent Petitioner has presented a "good cause shown," to warrant relief.

Indeed, the whole tenor of the matter to be reviewed in Becker bears a striking resemblance to the consideration necessarily involved in the instant case.

The close identity of issues in this case and in the Becker case and complex justifies a reconsideration of the denial of certiorari here. In fact, it would be quite appropriate for this court to hear and consider the Becker case thereby exploring a wider scope of Rule 11(c) requirements. The appropriateness is underscored, moreover, by the confusion created by this court's decision in Johnson v. Kenneth Nelson, Warden, by the conflicting circuit views as to the constitutionality of a typewritten order.

see Jenkins v. S/8/545, 226 F.R.D. 206 (M.V. 2005) and Forrest v. U.S., 370 U.S. 203, 88 S. Ct 898 (1962) holding those requirements of typewritten order invalid under Rule 11(c) and Fourteenth Amendment and much of what has been said and held with respect to typewritten court orders, which constitute a unsigned court order. This question presents a substantial ground for relief. Because Rev. Johnson leaves no further room for doubt as to the full significance of the constitutional that occurred in Rev. Johnson case. Further, once the U.S. Supreme Court has spoken, a Justice has an obligation to hold themselves bound by the result unless circumstances change and the Court as an institution finds it essential to revise the question and its prior resolution.

Inasmuch, when official abused the delegated discretionary authority by having acted arbitrarily capriciously, or not in accordance with 18 U.S.C. § 706 (23) (A) and Hackler v. Chace, 470 U.S. 821, 829 (1985). It is also important to note that Justice did not overturn Becker v. Montgomery Supra. This Court discretion violated Petitioner's substantive due process, Pelvis v. U.S. Federal Judges must hold themselves bound by "strict rules and precedent" to avoid the exercise of "arbitrary discretion".

The Justice of the U.S. Supreme Court appears to be cognizant of the importance of at least... appearing to be engaged in principled decisionmaking.

- The Court must take care to speak and act in ways that allow people to accept its decisions on the terms the Court claims for them, as grounded either in principles or compromises with social and political pressures, as such, no beings on principled choices that the Court is obliged to make.

As established above in Becker to the extent this is not the first time U.S. Supreme Court confront this problem, where judges failed to actual signed Court order. For example in Life & Fire Ins. Co. of New York v. Wilson, 33 U.S. 281 (1834), the U.S. Supreme Court specifically and unequivocally with clarity and particularity stated in Harris the U.S. Supreme Court held that all judgments must be signed by a judge and without the... signature of the judge, cannot be enforce, it is not a final judgment.

Accordingly, and in this case, the Justice's decision is contrary to the precedent set forth in Harris and Becker, it is rare that the Justice's sidestep the constitutional machinery provided in the constitution. As such, well-established precedent in Harris and Becker this Court decision on May 28, 2021, this Court with contrary to its own precedent without no justification.

As presented above, instead of discharging this Court responsibilities in conformity with Constitution and Federal laws, Justice broke his oath of office. The Justices intentionally violated Rule 11 (c).

As relevant here, the Justices actually disregarded its own precedents to the extent the U.S. Supreme Court did not expressly overrule. And precedent decision must be followed until the U.S. Supreme Court expressly overrules it. Thus, the U.S. Supreme Court had little reason to reject prior precedent set forth in Hicks and Becker.

In similar fashion, "The Petitioner illegally detained in the South Carolina Department of Corrections under Court assigned court order," has been for 39 years, to the extent the Appendix in this case has clearly established that Petitioner asserts that his Fourteenth Amendment rights were violated by Respondent base on a prior assigned court order, that be a habeas corpus or habeas corpus on court order. Inasmuch, the Petitioner will suffer irreparable harm, to remain incarcerated on assigned state court order and deprived Petitioner of his Due Process of Fourteenth Amendment of the United States Constitution. There is no exception, pursuant to Rule 32 (K)(17), is void the judgment shall be signed by the judge and entered by the Clerk of Court.

The Petitioner further argues that Respondent signed waiver not to file a response to Petitioner's Petition for a writ of Habeas Corpus. Further, this court should take further notice of the case of Heberson v. Fede Davis, Inc., 746 F.2d 517 (1984), "Failure to plead an Affirmative Defense waives the Defense" under Rule 8(c) of the FRCP.

Petitioner's Petition was drafted pursuant to Becker and Heber, and the Respondent failed come back with a general appearance answer failing to specifically deny or admit under Rule 8(c) of the FRCP each and every allegation and material facts in Petitioner's Petition.

Moreover, the Petitioner was deprived of his due process by Court of Appeals of the Fourth Circuit and District Court of South Carolina for advocating for Respondent per District Court for the reasons above, the Court dismisses Petitioner's habeas Petition (DKb. No. 1) without prejudice and without requiring the Respondent to file a return. Heber will prove beyond a reasonable doubt that "Lower Courts" advocated for Respondent, which is a clear ethical violation. "Hence" the Court should advocate for a party, engage in conduct that is precluded to the Administration of Justice, the case were brought Respondent and not the courts.

Petitioner argues, such presumptions intrinsically and
and explicitly established, snatch the blindfold off
of Lady Justice herself, and now not only is she not
longer impartial unbiased or fair; but now she
sits because its you, because its this particular
type white man or a court order of unsigned
court order because you fall into this particular
statute (Rule 11(c)) as opposed to mother, or one
deprived of Due Process and Equal Protection, such
violates the Petitioner Fourteenth Amendment Rights
of the United States as well as give birth to a
possible jurisdictional violation and your constitutional
rights are hereby revoked due to you being
incarcerated. Such presumptions destroy the
very under of the shield of Protection Place ground
American citizens and abolishes the very core
integrity of the Due Process, our Constitution and
forefathers have died and shed their best blood
to establish and preserve. The greater aspect
of evil related to such action by the courts
to allow Petitioner to remain illegally detained
on unsigned court order, far and extremely out
against the great aspect of good that it sought
to establish related thereto. If we as responsible
citizens of the commonwealth allow individuals
who are placed in positions of legislative authority
whether it be by town, city, state or federal level -

whether it be intentional or unintentional, to in-
hibit or place into effect legislation by statute,
or any other means that deteriorate the very
pillars upon which our constitution was
founded upon, then we no longer establish
a true Democracy, where the good of the
many outweigh the good of the few, we slip
more into the realm of monarchy creating
the similarities that manifested themselves in
the aforementioned Nazi Occupation, the Salem
Witch Trials, the Spanish Inquisition and
the like. Where Trial and/or Hearings become an
arbitrary action, a mere hollow and deceptive
formality and/or empty mechanism utilized to
snatch from the commonwealth their inalienable
rights and/or rob them of their God given liberty.
This we cannot allow! It is our country our supreme
courts, our Federal District courts, and
inherent responsibility as Guardians of the
faith and interest of our system of jurispru-
dence to protect the commonwealth from
such a dark demise.

As noted above it will be a "Trial of
Justice" if this court allow their decision stand
without reconsidering Becker and Heiss to
the extent what "Competent Authority" this court
can present me that Becker and Heiss were
overruled by body of the US Supreme Court.

Conclusion

For the reasons set forth in this Petition for Rehearing, as well as in the Petition for Certiorari, previously filed, Rehearing and Certiorari should be granted as a matter of law.

Respectfully submitted



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May 30, 2024