

1 MYCHAL A. REED (IN PRO SE)

2 CSP-LAC

3 P.O. BOX 4610

4 LANCASTER, CA 93539

5 CDC NUMBER AE9821

6
7 IN THE
8 SUPREME COURT OF THE UNITED STATES
9

10 MYCHAL ANDRA REED,
11 PETITIONER,

23-7252

12
13 V.

PETITION FOR
REHEARING
(RE-SUBMITTED)

14
15 CSP-LAC, ET AL.,
16 RESPONDANT.

17
18 TO THE HONORABLE JUSTICES:
19

20 PURSUANT TO RULE 44 (AND THIS COURT'S JULY 10TH
21 2024 LETTER), PETITIONER HEREBY RESPECTFULLY
22 RE-SUBMITS HIS REQUEST TO THIS COURT FOR
23 REHEARING OF YOUR JUNE 3, 2024
24 DECISION TO DENY HIS PETITION FOR
25 WRIT OF CERTIORARI.

26 PETITIONER RE-SUBMITS THIS REHEARING PETITION PURSUANT
27 TO RULE 44.6.
28

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GROUNDS FOR REHEARING

- EQUAL PROTECTION CLAUSE VIOLATION (PREJUDICE) - 14th AMENDMENT
- FAILURE TO ADHERE TO CASE LAW UNIFORMITY (RULE 10a)
- 8th AMENDMENT VIOLATION (CRUEL AND UNUSUAL PUNISHMENT) FOR FAILURE TO APPEAR (F.T.A.), WHERE ACTUAL "EXCEPTIONAL CIRCUMSTANCES" EXIST FOR F.T.A.

PERTAINING TO EQUAL PROTECTION CLAUSE - (E.P.C.)

THE EQUAL PROTECTION CLAUSE REQUIRES "FUNDAMENTAL FAIRNESS" AT EVERY JUNCTURE OF THE JUDICIAL LADDER. (E.P.C. - "NO DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF LAW")

HERE, PETITIONER PRESENTED INSURMOUNTABLE EVIDENCE THAT HE WAS, IN FACT, MEDICALLY, MENTALLY AND PHYSICALLY INCAPABLE (SEE ATTACHED EXHIBITS A & B) OF ATTENDING HIS 9/28/22 AND 9/29/22 PRE-TRIAL HEARING OF HIS CIVIL RIGHTS VIOLATION CASE HE HAD BEEN VIGOROUSLY LITIGATING OVER 10 YEARS. UPON THE FACT, IT WAS NOT PETITIONER'S FAULT HIS CASE HAD DRAGGED ON FOR SO MANY YEARS. IT WAS THE DISTRICT COURT AND DEFENDANTS FAULT. HAD IT BEEN IN PETITIONER'S POWER OR AUTHORITY, HIS CIVIL RIGHTS VIOLATION CASE WOULD HAVE BEEN RESOLVED YEARS AGO.

PRIOR CASE LAWS (ZOYA PETROVINA MILENTYEVA V. GONZALES, 142 Fed. Appx. 994 (9th Cir. 2005) AND HERNANDEZ V. WHITING, 881 F.2d 768 (9th Cir. 1989)) ALREADY ADDRESSED "EXCEPTIONAL CIRCUMSTANCES" THAT WARRANT RE-OPENING AND/OR REMANDING ERRONEOUSLY DISMISSED CASES DUE TO FAILURE TO APPEAR BY A LITIGANT(S).

HOWEVER, IN PETITIONER'S CIRCUMSTANCE, PRIOR COURTS (DISTRICT COURT AND COURT OF APPEAL - COA) TOTALLY DISREGARDED CASE LAW PRECEDENT, AND STILL DISMISSED AND AFFIRMED THE ERRONEOUS DISMISSAL
(3) OF (9)

OF PETITIONER'S VALID CIVIL RIGHTS VIOLATION CASE, WHICH HE BELIEVES, CLEARLY VIOLATES THE U.S. CONSTITUTION'S EQUAL PROTECTION CLAUSE, UPON EXHIBITING OVERT PREJUDICE. (CITY OF CLEBURNE V. CLEBURNE LIVING CENTER, 473 U.S. 432, 87 LED 2d 313, 105 S.Ct. 3249 (1985) HELD, 1) THE EQUAL PROTECTION CLAUSE ESSENTIALLY REQUIRES THAT ALL ~~PERSONS~~ ^{PERSONS} SIMILARLY SITUATED BE TREATED ALIKE, AND 2) EQUAL PROTECTION VIOLATION OCCURS WHEN GOVERNMENT TREATS SOMEONE DIFFERENTLY THAN ANOTHER WHO IS SIMILARLY SITUATED.)

HERE, (IN PETITIONER'S SITUATION), "ZOYA" AND "HERNANDEZ" FAILURE TO APPEAR CASES WERE REOPENED AND/OR REVERSED AND REMANDED, ALTHOUGH PETITIONER'S CIRCUMSTANCE WAS VERY SIMILAR (ALMOST EXACT) AS THEIRS. BUT PETITIONER'S CASE WAS NOT RE-OPENED NOT REVERSED AND REMANDED.

PETITIONER BELIEVES THAT PRIOR COURTS (DISTRICT COURT AND THE COA) DEFINITELY TREATED HIM DIFFERENT BY REFUSING TO RE-OPEN AND/OR REVERSE AND REMAND HIS VALID CIVIL RIGHTS VIOLATION CASE HE HAD BEEN VIGOROUSLY PURSUING, ALTHOUGH HIS FAILURE TO APPEAR WAS FOR THE EXACT REASONS AS "ZOYA" AND "HERNANDEZ", ILLNESS AND/OR MEDICALLY INCAPACITATED. SAID PRIOR COURTS CLEARLY VIOLATED THE EQUAL PROTECTION CLAUSE IN PETITIONER'S CASE-SITUATION.

1 ADDITIONALLY, "ZOYA" AND "HERNANDEZ" CASES
2 ARE IRREFUTABLE EVIDENCE OF EQUAL PROTECTION
3 CLAUSE VIOLATION, FAILURE TO ADHERE TO CASE LAW
4 UNIFORMITY AND PREJUDICE by the DISTRICT
5 COURT AND COA, IN DISMISSING AND AFFIRMING
6 ERRONEOUS DISMISSAL OF PETITIONER'S VALID
7 CIVIL RIGHTS VIOLATION CASE.

8 FOR THE AFOREMENTIONED REASONS, PETITIONER
9 BELIEVES THIS COURT ERRED IN DENYING HIS
10 ORIGINAL PETITION TO THIS COURT.

11
12 PERTAINING TO 8TH AMENDMENT VIOLATION -

13
14 OLIVER V. DEEN, 77 F.3d 156 (7TH CIR. 1996) AND GRIFFIN
15 V. VAUGH, 112 F.3d 703 (3RD CIR. 1997) - HELD, "EIGHTH
16 AMENDMENT PROHIBITS PUNISHMENTS WHICH ARE
17 INCOMPATIBLE WITH EVOLVING STANDARDS OF DECENCY
18 THAT MARK PROGRESS OF MATURING SOCIETY."

19
20 PETITIONER BELIEVES THAT THE DISTRICT COURT AND
21 COA EXHIBITED "CRUEL AND UNUSUAL PUNISHMENT"
22 BY ERRONEOUSLY DISMISSING AND AFFIRMING DISMISSAL,
23 IN HIS CIVIL RIGHTS VIOLATION CASE, WHERE HE HAD
24 BEEN "VIGOROUSLY" PURSUING IT FOR TEN (10) YEARS.
25 (HERNANDEZ V. WHITING, 881 F.2d 768 (9TH CIR. 1989).
26 AND WHERE, PETITIONER SURELY WOULD HAVE APPEARED
27 AT HIS 9/28/22 AND 9/29/22 PRE-TRIAL HEARINGS IF
28 NOT FOR "EXCEPTIONAL CIRCUMSTANCES" THAT WERE

1 BEYOND HIS CONTROL (SERIOUS INJURIES, SUFFERING
2 ILL EFFECTS OF COVID-19, INADEQUATE PRISON
3 MEDICARE CARE AND MENTAL/EMOTIONAL TRAUMA
4 EFFECTS FROM VICIOUS ASSAULT ON PETITIONER
5 PRIOR TO PRE-TRIAL HEARING. SEE ATTACHED EXHIBITS
6 A & B).

7 THE DISTRICT COURT WERE CLEARLY DISHONEST
8 IN THEIR CONVEYANCES THEREIN THEIR DISMISSAL
9 DOCUMENT (SEE ORIGINAL PETITIONS APPENDIX "A"),
10 WHICH WAS FILLED WITH "UNTRUTHS" AS WELL AS
11 EMBELLISHMENTS AND PURPOSEFUL OMISSIONS OF
12 FACTS, ALL TO MISLEAD ITS READERS.

13 (LILJEBERG V. HEALTH SERV. CORP., 486 U.S. 847, 100
14 LED 2d 855, 108 S.Ct. 2194 (1988) - HELD, "RIGHT
15 TO A FAIR TRIAL IS A BASIC REQUIREMENT OF DUE
16 PROCESS AND INCLUDES RIGHT OF *UNBIASED* JUDGE.")

17 IN PETITIONER'S SITUATION, HE BELIEVES DISTRICT
18 COURT JUDGE WAS CLEARLY "PREJUDICE" TOWARD
19 HIM DUE TO HIS DISPOSITION AS AN INMATE/PRISONER
20 AND THE FACT THAT PETITIONER HAD A COMPLAINT
21 OF "BIAS" PENDING AGAINST DISTRICT COURT JUDGE,
22 THIS IS WHY SAID JUDGE DISMISSED HIS VALID
23 CIVIL RIGHTS VIOLATION CASE WITH PREJUDICE,
24 WHILE NEVER CONSIDERING ANY OTHER ALTERNATIVE,
25 ALTHOUGH KNOWING FULL AND WELL THE SERIOUSNESS
26 OF THE MATTER AS WELL AS THE FACT THAT PETITIONER
27 HAD BEEN VIGOROUSLY PURSUING HIS CASE OVER
28 TEN (YEARS). (SEE HERNANDEZ).

DISTRICT COURT'S EITONEOUS DISMISSAL OF PETITIONER'S VALID CIVIL RIGHTS VIOLATION CASE, WAS IN FACT, "CRUEL AND UNUSUAL PUNISHMENT", UPON BEING THE EPITOME OF PREJUDICE, FOR A CONFINED INMATE/PRISONER LITIGANT (SEE HERNANDEZ), who has NO FREEDOM TO ATTEND HIS TRIAL COURT PROCEEDINGS (PRE-TRIAL HEARINGS) ON HIS OWN, AND WHERE HIS COMMUNICATION TO THE COURT (DISTRICT COURT) DEPENDED "WHOLLY" ON DEFENDANTS (PRISON OFFICIALS), AND MORE IMPORTANTLY, PETITIONER'S COMMUNICATION TO THE DISTRICT COURT WAS STYMIED BY DEFENDANTS (PRISON OFFICIALS), who REFUSED TO ALLOW PETITIONER, (WHO IS DEAF), TO USE THE ADA TELEPHONE TO TELEPHONE THE DISTRICT COURT ON THE DAYS HE FAILED TO APPEAR, TO EXPLAIN WHY HE COULD NOT APPEAR AT THAT TIME, (DUE TO ILL-EFFECTS OF SERIOUS INJURIES, COVID-19, LACK THEREOF ADEQUATE MEDICAL CARE AND MENTAL AND EMOTION ISSUES FROM THE FORGOING SERIOUS AILMENTS.) (SEE ZOYA AND HERNANDEZ).

FOR THE AFOREMENTIONED REASONS, PETITIONER BELIEVES THIS COURT ERRED IN DENYING HIS ORIGINAL PETITION.

PETITIONER ASK THIS COURT TO PLEASE DO A
THOROUGH OVERVIEW THIS REHEARING MOTION
AND ALL HIS ORIGINAL DOCUMENTS IN HIS CASE.
HE BELIEVES AN HONEST AND "UNBIAS" REVIEW
OF ALL HIS DOCUMENTS PROVE CONCLUSIVELY THAT
HIS CIVIL RIGHTS VIOLATION CASE, WAS IN FACT,
ERRONEOUSLY AND PREJUDICIALLY DISMISSED, IN
VIOLATION OF THE U.S. CONSTITUTION'S 14TH
AMENDMENTS EQUAL PROTECTION CLAUSE AND
8TH AMENDMENT PROVISION PERTAINING TO
"CRUEL AND UNUSUAL PUNISHMENT".

ADDITIONALLY, DENIAL OF PETITIONER'S REHEARING
REQUEST WILL HAVE "DEVASTATING" CONSEQUENCES
TO HIS HEALTH AND WELFARE.

PETITIONER PRAYS THIS COURT GRANT HIS
REHEARING PETITION, IN THE INTEREST OF
JUSTICE.

I DECLARE UNDER PENALTY OF PERJURY THAT THE
FOR GOING IS TRUE AND CORRECT.

DATED: July 17th 2024

RESPECTFULLY SUBMITTED,


MICHAEL A. REED

CERTIFICATE OF COUNSEL

PETITIONER, MYCHAL A. REED, (PRO SE LITIGANT),
HEREBY RESPECTFULLY PRESENTS THE ATTACHED
PETITION FOR REHEARING IN: "GOOD FAITH",
DUE TO THE CONSEQUENCES OF THIS COURTS
JUNE 3RD 2024 DENIAL OF HIS PETITION FOR
WRIT OF CERTIORARI, IN WHICH, THIS COURT GAVE
NO EXPLANATION FOR SAID DENIAL. PETITIONER
BELIEVES: 1) DENIAL IS IN TOTAL CONFLICT WITH
THIS COURTS RULE 10a, 2) DENIAL IS IN TOTAL
CONFLICT OF PRIOR UNITED STATES COURT OF APPEALS
DECISIONS AND 3) MORE IMPORTANTLY, SAID
DENIAL WILL HAVE DEVASTATING CONSEQUENCES
UPON PETITIONER (INMATE/PRISONER) AS FAR AS
CONTINUED "ABUSE" AND "RETALIATION" TOWARD
HIM BY DEFENDANTS (PRISON OFFICIALS).

I DECLARE UNDER PENALTY OF PERJURY THAT THE
FORGOING IS TRUE AND CORRECT.

DATED: July 17th 2024

RESPECTFULLY,


MYCHAL A. REED

CERTIFICATE OF COMPLIANCE

PURSUANT TO RULE 33.2(b), I HEREBY CERTIFY THAT
THE ATTACHED PETITION FOR REHEARING HAS 8
(EIGHT) PAGES OF ACTUAL TEXT, AND CONTAINS
NO MORE THAN 2,000 WORDS, PER HANDCOUNT,
THEREFORE, THE PETITION COMPLIES WITH WORD
LIMITATIONS.

By: 
MICHAEL A. REED

PROOF OF SERVICE BY MAIL

(CCP §§1013(a), 2015.5; 28 U.S.C. §1746)

I, M.A. REED, hereby declare that I am over the age of 18, I am the petitioner in the above-entitled cause of action, and my legal mailing address is: CSP-LAC Cell C1-146, PO Box 4610, Lancaster CA 93539-4610.

On July 17th, 2024, I delegated to prison officials the task of mailing, via the institution's internal mail system (*Houston v. Lack* (1988) 487 U.S. 266) the below-entitled legal document(s): RE-SUBMITTED PURSUANT TO RULE 44.6
PETITION FOR HEARING, IFP AND CERTIFICATE OF
COUNSEL. CASE NO. 23-7252
(EXHIBITS A THRU C)

by placing said documents in a properly addressed and sealed envelope, with postage fully prepaid, in the United States Mail, deposited in the manner provided by CSP-LAC, and addressed as follows: OAG 455 GOLDEN GATE AVE., #1100
S.F., CA 94102
ATTN: O. WU.

I further declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge. Executed this 17th day of July 17th, 2024 at the California State Prison-Los Angeles County.



DECLARANT

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