

23-7263
~~No. 23-7236~~

IN THE
Supreme Court of the United States

EVERALD S. ALLEN, JR.
Petitioner,

v.

KEVIN PAYNE ET AL.,
Respondents.

On Petition for a Writ of Certiorari to
the United States Court of Appeals
for the Tenth Circuit

PETITION FOR REHEARING

EVERALD S. ALLEN, JR
Pro Se
United States Disciplinary Barracks
1300 N. Warehouse Road
Fort Leavenworth, KS 66027

PETITION FOR REHEARING
(Sup. Ct. R. 44.2)

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SUPREME COURT, U.S.

Appellant presents its petition for a rehearing of the above-entitled cause, and, in support of it, respectfully shows:

Grounds for Rehearing

A rehearing of the decision in the matter is in the interests of justice because: The intervention of this Court is imperative in determining, if the Navy-Marine court and the Air Force court are correct in their rulings, which were submitted in the writ of certiorari, that former president Obama's May 2013 comments on sexual assault constituted unlawful command influence(UCI). Petitioner was tried 3 weeks after the President Obama's statement. The Army court and the Federal court denied his UCI, even when showed rulings from other Service courts that were after the appellants own trial. This Court decision would help correct an unjust act.

1. On 28 May 2024, this Court denied the petition for writ of certiorari.
2. The principal ground cited in the Court's per curiam opinion was that the crucial issue had been fully and completely determined by the ruling of the Court in _____ (citation), a case decided a mere _____ days before the decision in this case.
3. The grounds for the ruling in _____ (citation) came as a surprise to petitioner. Petitioner had briefed the crucial issue in this case carefully and was aware that a related issue was pending in _____ (citation), but the parties in that case did not extensively brief the issue that was crucial to the Court's decision in that case. A decision in the _____ (citation) case was expected only on related issues.
4. Petitioner was not granted any opportunity by the Court to distinguish this case from the _____ (citation) case or to suggest why they should not be determined by the same rule.
5. This case contains several crucial factual and procedural distinctions from the case of _____ (citation) that warrant its determination by a different or at least altered rule.
 - a. _____ (First factual or procedural distinction).
 - b. _____ (Second factual or procedural distinction).

6. In an earlier decision, _____ v. _____, _____ (older citation), the Court had noted that cases with these factual and procedural distinctions should be treated by a markedly different rule of law from those properly applicable in the _____ (citation) decision that the Court, in its order, stated was controlling in this case.

7. A rehearing tightly and squarely focused on the distinctions between this case and the _____ (citation) case, and whether these distinctions merit a different rule of law, is a matter of fundamental fairness to petitioner and would not unduly burden the Court].

Conclusion

For the reasons just stated, Everald s. Allen Jr. urges that this petition for a rehearing be granted, and that, on further consideration, the Petition for Certiorari be granted, the judgment of the lower court be reversed, or as appropriate.

Dated: 10 June 2024

Respectfully submitted,



EVERALD S. ALLEN JR.

Pro Se

United States Disciplinary Barracks
1300 N. Warehouse Road
Fort Leavenworth, KS 66027

Certificate of Good Faith by Petitioner

I, Everald S. Allen Jr., certify that this Petition for Rehearing is presented in good faith and not for delay and that it is restricted to the grounds specified in Supreme Court Rule 44 of the Rules of this Court.

A handwritten signature in black ink, appearing to read 'Everald S. Allen Jr.', written in a cursive style.

EVERALD S. ALLEN JR.

Pro Se

United States Disciplinary Barracks

1300 N. Warehouse Road

Fort Leavenworth, KS 66027

Certification of Compliance With Word Limits

As required by Supreme Court Rule 33.1(h), I certify that the document contains 690 words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d).

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

Executed on 10 June, 2024.

A handwritten signature in cursive script, appearing to read "Everal S. Allen Jr.", written in dark ink.

EVERALD S. ALLEN JR.

Pro Se

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