

PROVIDED TO OKEECHOBEE
CORRECTIONAL INSTITUTION
ON 6-24-24 FOR MAILING
BY [signature]

{ 33 - 7274 }

IN THE SUPREME COURT OF
THE UNITED STATES

IN RE, JOSEPH T. SWIFT
(PETITIONER)

VS.

THE FLORIDA DEPT. OF
CORRECTIONS (RESPONDENT)

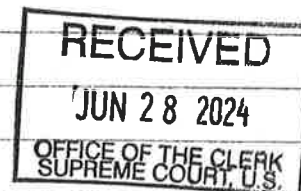
ON PETITION FOR A WRIT OF
HABEAS CORPUS IN THE UNITED
STATES SUPREME COURT

MOTION FOR RE-HEARING OF
PETITION FOR HABEAS CORPUS

JOSEPH T. SWIFT, PRO-SE
W80731

OKEECHOBEE CORRECTIONAL INSTITUTION
3420 N.E. 168TH ST.
OKEECHOBEE, FL 34972

LANCE NEFF
FLORIDA DEPT. OF CORRECTIONS



I THE PETITIONER JOSEPH T. SWIFT, DO HEREBY
MOVE THIS COURT FOR A RE-HEARING OF MY PETITION
FOR A WRIT OF HABEAS CORPUS ORIGINALLY FILED ON JULY
7TH, 2023 AND EVENTUALLY DOCKETED ON APRIL 9TH, 2024,
IN ACCORDANCE WITH RULE 44 (SEC. 2) OF THE U.S.
SUPREME COURT.

GROUND NO. 1.

THE PETITION WAS DISMISSED WITHOUT AN OPINION
OR EXPLANATION. I BELIEVE THAT I SHOULD HAVE BOTH
AN OPINION AND A RE-HEARING AS A MATTER OF
DUE PROCESS.

GROUND NO. 2.

THIS COURT'S JURISDICTION WOULD BE AIDED BY
OVERLOOKING AND PROCEDURAL DEFAULT IN ORDER TO
CORRECT THE MANY MANIFEST INJUSTICES LISTED HEREIN,

THIS COURT HAS JURISDICTION. SEE 28 U.S.C.
2254 , AND RULE 44 . 2 .

STATEMENT OF THE CASE

1. I BEGAN TO PETITION THIS COURT FOR A WRIT OF
HABEAS CORPUS ON OR ABOUT JULY 7TH, 2023 AND THE
PETITION WAS DOCKETED ON APRIL 19TH, 2024. SEE (APP.
EXH. A, LETTER OF CONFIRMATION)

2. FOR SOME REASON ON MAY 13, TH 2024, THE

PETITION WAS DISMISSED WITHOUT AN OPINION. SEE (APP. B. ORDER)

ARGUMENTS

IT IS MY FIRM BELIEF, THAT I AM ENTITLED TO BOTH A RE-HEARING AND AN OPINION (OR EXPLANATION) IN ACCORDANCE WITH MY FUNDAMENTAL RIGHT TO DUE PROCESS AS EXPRESSED IN THE 14TH AMEND. TO THE U.S. CONSTITUTION PLEASE SEE (14TH & 5TH AMEND. TO U.S. CONST. BOARD OF REGENTS VS. MOTH, 92 S.C.T. 2701, 408 U.S. 564 (1972))

IN BOARD VS. MOTH, (AND THE CASES CITED THEREIN), THIS COURT EXPLAINED THAT WHEN A "PROTECTED INTEREST" IS AT RISK THE INDIVIDUAL WHO'S INTEREST IS AT RISK IS FIRST DUE SOME KIND OF HEARING. TO QUOTE BOARD OF REGENTS IN PART,

"THE REQUIREMENTS OF PROCEDURAL DUE PROCESS APPLY ONLY TO THE DEPRIVATION OF INTERESTS ENCOMPASSED BY THE FOURTEENTH AMENDMENT'S PROTECTION OF LIBERTY AND PROPERTY. WHEN A PROTECTED INTEREST IS IMPLICATED, THE RIGHT TO SOME KIND OF HEARING IS PARAMOUNT."

— BOARD OF REGENTS VS. MOTH, 92 S.C.T. 2701 (1972)

WHILE IN ANY CONTRAVERIES HAVE RAGED ABOUT, . . . THE DUE PROCESS CLAUSE . . . IT IS FUNDAMENTAL THAT EXCEPT IN EMERGENCY SITUATIONS [AND THIS IS NOT ONE] DUE PROCESS REQUIRES THAT WHEN A STATE SEEKS TO TERMINATE [A PROTECTED] INTEREST . . . IT MUST AFFORD NOTICE AND OPPORTUNITY FOR HEARING APPROPRIATE

TO THE NATURE OF THE CASES BEFORE THE TERMINATION
BECAUSE FINAL.

BELL VS. BURSON, 402 U.S. 535, 542, 91 S.Ct.
1586, 1591, 29 L.Ed. 2d 90.

I AM ALSO OF THE FIRM BELIEF THAT THE OPINIONS
OF THIS COURT SUGGESTS THAT THE RIGHTS GUARANTEED BY
14TH AMEND AT THE STATE LEVEL, SHOULD BE GUARANTEED
BY THE 5TH AMEND. AND THE FEDERAL LEVEL, OR VIS-VERSA.
PLEASE SEE (KEMMLER, 34 L.Ed. 519, 136 U.S. 436 [1880]
AND DUNCAN VS. MISSOURI, 152 U.S. 377 [1894]). QUOTING
KEMMLER, IN PART, —

"AS DUE PROCESS OF LAW IN THE FIFTH AMENDMENT
REFERRED TO THE LAW OF THE LAND WHICH DERIVES ITS
AUTHORITY FROM THE LEGISLATIVE POWERS CONFERRED ON
CONGRESS BY THE CONSTITUTION OF THE UNITED STATES,
EXERCISED WITHIN THE LIMITS THEREIN PRESCRIBED, AND
INTERPRETED ACCORDING TO THE PRINCIPLES OF THE COMMON
LAW, SO, IN THE FOURTEENTH AMENDMENT, THE SAME
WORDS REFER TO THAT LAW OF THE LAND IN EACH STATE,
WHICH DERIVES ITS AUTHORITY FROM THE INHERENT AND
RESERVED POWERS OF THE STATE, EXERCISED WITHIN THE
LIMITS OF THOSE FUNDAMENTAL PRINCIPLES OF LIBERTY
AND JUSTICE WHICH LIE AT THE BASE OF ALL OUR CIVIL
AND POLITICAL INSTITUTIONS."

— KEMMLER, 34 L.Ed. 519, 136 U.S. 436 (1880)

ALSO, QUOTING DUNCAN, IN PART, —

" BUT THE PRIVILEGES AND IMMUNITIES OF CITIZENS OF THE UNITED STATES, PROTECTED BY THE 14TH AMENDMENT, ARE PRIVILEGES AND IMMUNITIES ARISING OUT THE NATURE AND ESSENTIAL CHARACTER OF THE FEDERAL GOVERNMENT AND GRANTED OR SECURED BY THE CONSTITUTION; "

— DUNCAN VS. MISSOURI, 152 U.S. 377 (1894)

THE BOARD OF REGENTS VS. BETH, ALSO CALLS FOR A "WEIGHING" OF INTEREST. I THINK THAT THIS COURT, (IN CONSIDERING MY LIBERTY INTEREST), GIVE CONSIDERABLE WEIGHT TO THE FACT THAT THIS PETITIONER IS PRO-SE AND INDIGENT, IS PETITIONING THIS COURT FROM A STATE PRISON AND THE PETITION WAS TIMELY FILED AND IN GOOD FAITH. ALSO, THAT THIS PETITIONER WILL LIKELY SUCCEED IF THIS COURT REACHES THE MERITS OF THE PETITION.

Grounds No. 2.

I AM FILING THIS MOTION FOR A RE-HEARING BECAUSE OF THE MANY MANIFESTLY UNJUST DECISIONS FILED BY THE COURTS OF THE STATE OF FLORIDA. THESE ERRORS AFFECT MY FUNDAMENTAL RIGHT TO DUE PROCESS IN ACCORDANCE WITH 5TH AND FOURTEENTH AMENDMENTS TO THE U.S. CONSTITUTION AND CORRECTING WILL AID IN THIS COURTS JURISDICTION. SEE (28 U.S.C. 2254 BAGWAT VS. THE UNITED STATES, 972 F.2d 3D 2D CIR. [1992])

I UNDERSTAND THAT THIS COURT MAY BYPASS AND OVERLOOK CERTAIN PROCEDURAL ERRORS THAT MAY PREVENT

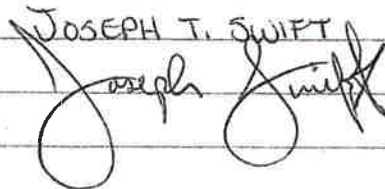
THIS COURTS REVIEW ON THE MERITS. PLEASE SEE (BAGWAH
VS. THE UNITED STATES, 972 F.2D 3D [2D CIR. 1992]
CHALDERON VS. THOMPSON, 118 S.C.T. 16, 521 U.S. 1140 (1997)

I WAS NOT INFORMED BY THIS COURT WHAT ERRORS
LED TO THE PETITION BEING DISMISSED, WHATEVER THOSE
ERRORS MAY BE, I URGE THIS COURT TO DISREGARD
IN THE INTEREST OF CORRECTING THOSE VERY VISIBLE
MANIFEST INJUSTICES AND MISCARRAGES OF JUSTICE LISTED
IN THE PETITION.

CONCLUSION

IN SUMMATION, WHETHER THIS COURT DETERMINES
THAT I AM DUE A RE-HEARING AS A MATTER OF RIGHT
IN ACCORDANCE WITH THE 5TH AND 14TH AMENDMENTS, OR
BY USING EQUITABLE DISCRETION AFTER "WEIGHING", THE
INTEREST, I STRONGLY URGE THIS COURT TO RE-HEAR
MY PETITION AND CORRECT THE MANY MANIFEST INJUSTICES
THE PETITION LISTS.

RESPECTFULLY

JOSEPH T. SWIFT


APPENDIX

FOR PETITION OF HABEAS CORPUS
MOTION FOR RE-HEARING

EXH. No. 1 LETTER OF CONFORMATION DOCKETING
HABEAS CORPUS.

EXH. No. 2. ORDER FROM U.S. SUPREME COURT
DISMISSING PETITION FOR HABEAS
CORPUS

RESPECTFULLY,

JOSEPH T. SWIFT

Joseph T. Swift

EXHIBIT A

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

April 19, 2024

Mr. Joseph T. Swift
Prisoner ID #W80731
Okeechobee Correctional Institution
3120 North East 168th St.
Okeechobee, FL 34972

Re: In Re Joseph T. Swift, Petitioner
No. 23-7274

Dear Mr. Swift:

The petition for a writ of habeas corpus in the above entitled case was filed on July 7, 2023 and placed on the docket April 19, 2024 as No. 23-7274.

A form is enclosed for notifying opposing counsel that the case was docketed.

Sincerely,

Scott S. Harris, Clerk

by

Emily Walker
Case Analyst

Enclosures

Supreme Court of the United States

Joseph T. Swift
(Petitioner)

v.

No. 23-7274

(Respondent)

To _____ Counsel for Respondent:

NOTICE IS HEREBY GIVEN that a petition for writ of habeas corpus in the above-entitled case was filed in the Supreme Court of the United States on July 7, 2023, and placed on the docket April 19, 2024.

Beginning November 13, 2017, parties represented by counsel must submit filings through the Supreme Court's electronic filing system. Paper remains the official form of filing, and electronic filing is in addition to the existing paper submission requirement. Attorneys must register for the system in advance, and the registration process may take several days. Further information about the system can be found at <https://www.supremecourt.gov/filingandrules/electronicfiling.aspx>.

Mr. Joseph T. Swift
Okeechobee Correctional Institution
3120 North East 168th St.
Okeechobee, FL 34972

NOTE: This notice is for notification purposes only, and neither the original nor a copy should be filed in the Supreme Court.

EXHIBIT

B

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

May 13, 2024

Mr. Joseph T. Swift
Prisoner ID #W80731
Okeechobee Correctional Institution
3120 North East 168th St.
Okeechobee, FL 34972

Re: In Re Joseph T. Swift
No. 23-7274

Dear Mr. Swift:

The Court today entered the following order in the above-entitled case:

The petition for a writ of habeas corpus is denied.

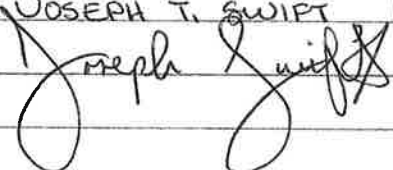
Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Harris", written in a cursive style.

Scott S. Harris, Clerk

CERTIFICATE

I THE PETITIONER, DO HEREBY CERTIFY THAT
THIS MOTION WAS FILED IN GOOD FAITH AND IN
ACCORDANCE WITH RULE 44.(2) OF THE U.S. SUPREME
COURT AND IS RESTRICTED TO CONTENT SPECIFIED IN
SAID RULE.

JOSEPH T. SWIFT PMO-SE


{ 23 - 7274 }

THE SUPREME COURT OF THE
UNITED STATES

IN ME, JOSEPH T. SWIFT
(PETITIONER)

VS.

THE FLORIDA DEPT. OF
CORRECTIONS (RESPONDENT)

PROFF OF SERVICE

I JOSEPH T. SWIFT, DO SWEARE THAT ON THIS
DATE JUNE 7, 2024, AS REQUIRED BY SUPREME COURT
RULE 29 I HAVE SERVED THIS ENCLOSED MOTION
FOR RE-HEARING ON EACH PARTY TO THE ABOVE
PROCEEDING OR THAT PARTY'S COUNSEL AND ON EVERY
OTHER PERSON REQUIRED TO BE SERVED, BY DEPOSITING
AN ENVELOPE CONTAINING THE ABOVE DOCUMENTS IN
THE UNITED STATES MAIL PROPERLY ADDRESSED TO EACH
OF THEM AND WITH FIRST-CLASS POSTAGE PREPAID, OR
BY DELIVERY TO A THIRD PARTY COMMERCIAL CARRIER
FOR DELIVERY WITHIN 3 CALENDAR DAYS.

THE NAME AND ADDRESSES ARE AS FOLLOWS:

LANCE NEFF, F.O.D.C.