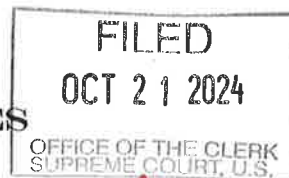


NO. 23-7515

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



CARLOS DAVIS,

Petitioners,

vs.

HEMMERSBACH U S LLC,

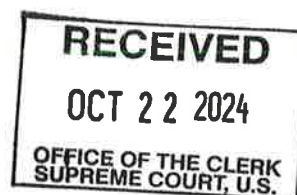
Respondent.

ON WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE
FIFTH CIRCUIT

PETITION FOR REHEARING

Carlos Davis
3337 Mount Bethel Road
Keithville, LA 71047

Counsel (Pro Se)



CORPORATE DISCLOSURE STATEMENT

The corporate disclosure statement in the petition for a Writ of Certiorari remains accurate.

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PETITION FOR REHEARING

In accordance with this Court's Rule 44.2, petitioner, Carlos Davis, respectfully seek rehearing of the Court's October 7, 2024 Order denying the petition for a Writ of Certiorari based on the documented decision in *Lopez Ventura v. Sessions*, --- F.3d ----, 2018 WL 5093238 (5th Cir. Oct. 19, 2018). The Fifth Circuit's ruling to not hear the correct argument during the Appeal stage conflicts with the Federal Circuit rulings on the same legal question and facts. Specifically, the Third and Sixth Circuit. Indeed, the Fifth Circuit expressly granted relief based on a specific argument that was raised for the first time on appeal in the referenced case.

The Federal Circuit noted that arguments made for the first time on appeal may be considered (1) when the issue is properly before the court but the parties did not argue the correct law, the court may nevertheless apply the correct law, and (2) where the party appeared pro se before the lower court, a court of appeals may be less stringent in requiring the issue to have been raised below.

In the Third Circuit, *Gen. Refractories Co. v. First State Ins. Co.*, 855 F.3d 152, 162 (3d Cir. 2017), it was recognized that "while parties may not raise new arguments, they may place greater emphasis on an argument or more fully explain an argument on appeal" and may even "reframe their argument within the bounds of reason".

CONCLUSION

The Court should grant the petition for rehearing and grant the petition for a Writ of Certiorari.

Respectfully submitted,

/s/ Carlos Davis

Carlos Davis

Pro Se (Petitioners)

CERTIFICATE OF COUNSEL

I hereby certify that this petition for rehearing is restricted to the grounds specified in Rule 44.2 and presented in good faith and not for delay.

/s/ Carlos Davis

Carlos Davis

Pro Se (Petitioners)

In the Sixth Circuit, *Golden v Kelsey–Hayes, Co*, 73 F3d 648, 657–658 (CA 6, 1996), We will deviate from this rule only in exceptional circumstances, such as when following the rule would cause a miscarriage of justice, and particularly where the question is entirely legal and has been fully briefed by both parties.

The Court should grant rehearing for similar reasons here. It would be arbitrary to deny review in this case. Respondent identified no barrier to addressing this question in this case, and none exists. The Court should grant review now on the fundamental ruling of The Federal Circuits in regards to the laws that apply for individuals representing Pro Se. There is no reason to wait for another case to resolve this clear circuit conflict.