

No. 23-7732

IN THE

SUPREME COURT OF THE UNITED STATES

JOSE EDGAR HERNANDEZ - PETITIONER PRO SE

VS

THE STATE OF TEXAS - RESPONDENT

ON PETITION FOR REHEARING

PETITION FOR REHEARING

JOSE EDGAR HERNANDEZ TDCJ # 1638975

c/o THE JAMES V ALLRED UNIT OF TDCJ - CID

2101 FM 369 NORTH

IOWA PARK, TEXAS 76367

CERTIFICATE OF COUNSEL

FOR PETITIONER:

JOSE EDGAR HERNANDEZ - PRO SE

[NO LICENSED TO PRACTICE ATTORNEY HAS BEEN CONSULTED OR RETAINED - NOR HAS
A PARA LEGAL BEEN INVOLVED IN THE PREPARATION OR RESEARCH OF THIS CASE AT BAR]

PETITIONER CONTENDS THAT THIS REQUEST FOR REHEARING IS DONE IN THE STRICTEST
OF GOOD FAITH AS HE BELIEVES THAT HE IS ENTITLED TO EQUITABLE RELIEF UNDER EQUAL
PROTECTION OF THE LAW DESPITE HIS MIGRANT STATUS - NO DELAY OR BAD FAITH ARE TO
BE INTENDED NOR INSINUATED BY THIS REQUEST OR ITS INTENDED PURPOSE.

RESPECTFULLY SUBMITTED:

Jose Edgar Hernandez

JOSE EDGAR HERNANDEZ - PETITIONER PRO SE

TDCJ # 1638975

C/O THE JAMES V ALLRED UNIT OF TDCJ-CID

2101 FM 369 NORTH

LOWA PARK, TEXAS 76367

I, JOSE EDGAR HERNANDEZ, PETITIONER PRO SE DO HEREBY CERTIFY THAT THE GROUNDS PRESENTED
HEREIN THIS PETITION FOR REHEARING ARE LIMITED TO INTERVENING CIRCUMSTANCES OF SUBSTANTIAL
OR CONTROLLING EFFECT OR TO OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED.

RESPECTFULLY SUBMITTED:

Jose Edgar Hernandez

PETITIONER PRO SE

Reason for Granting Rehearing

IN THE COURT'S DENIAL OF PETITIONER'S WRIT OF CERTIORARI THE COURT VIOLATED ITS MINISTERIAL DUTY IN THAT OF UPHOLDING THE CONSTITUTION AND LAWS OF THE UNITED STATES BY DENYING PETITIONER EQUAL PROTECTION UNDER THE LAW AND HIS RIGHT TO DUE PROCESS OF THE LAW AS AFFORDED HIM UNDER UNITED STATES CONSTITUTIONAL AMENDMENTS V, AND XIV DESPITE PETITIONER'S NON-CITIZEN STATUS.

THIS COURT STATED IN UNITED STATES V VERDUGO-URQUIDEZ, 494 US 259 AT 270 THAT "A SERIES OF CASES IN WHICH WE HAVE HELD THAT ALIENS ENJOY CERTAIN CONSTITUTIONAL RIGHTS [* 271] SEE, E.G., PIERCE V DOE, 457 US 202, 211-212 (ILLEGAL ALIENS PROTECTED BY EQUAL PROTECTION CLAUSE); KWONG HAI CHEW V CORDING, 344 US 590, 596 (RESIDENT ALIEN IS A "PERSON" WITHIN THE MEANING OF THE FIFTH AMENDMENT)... WONG WING V UNITED STATES, 163 US 228, 238 (RESIDENT ALIENS ARE ENTITLED TO FIFTH AND SIXTH AMENDMENT RIGHTS); YICK WO V HOPKINS, 118 US 356, 359 (FOURTEENTH AMENDMENT PROTECTS RESIDENT ALIEN)"

"THE ENDS OF JUSTICE" DICTATE THE NECESSITY OF REHEARING DUE TO THE FOURTEENTH AMENDMENTS FORBIDDING ANY STATE "TO DEPRIVE ANY PERSON OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW". YET, IN THE COURT'S DENIAL OF PETITIONER'S WRIT OF CERTIORARI IT BECAME COMPLICIT WITH THE STATE IN VIOLATING PETITIONER'S CONSTITUTIONALLY PROTECTED RIGHT TO LIBERTY THROUGH THE STATES VIOLATION OF THE CONFRONTATION CLAUSE DURING ANY AND ALL PROCEEDINGS AGAINST PETITIONER, AS PETITIONER IS NOT OF THESE UNITED STATES, NOR IS ENGLISH HIS PRIMARY OR EVEN SECONDARY LANGUAGE.

THE DIRECT VIOLATION OF DUE PROCESS OF LAW AS CLEARLY EXPRESSED IN BOTH STATE AND FEDERAL CONSTITUTION(S) AND LAW(S) IS THIS COURT'S MINISTERIAL DUTY TO PROPERLY ADDRESS THIS COURT ONCE STATED IN FAI V NOIA, 372 US 391 "A JUDGEMENT OF CONVICTION OBTAINED IN VIOLATION OF DUE PROCESS OF LAW IS VOID FOR WANT OF JURISDICTION OF THE COURT TO ENTER SUCH JUDGEMENT." - DOES THIS COURT HOLD THIS OPINION AS STILL VALID?

PETITIONER'S WRIT OF CERTIORARI THAT WAS DENIED BY THIS COURT CONCERNED HABEAS CORPUS RIGHT THAT CAN NEVER BE SUSPENDED ACCORDING TO HIS STATE CONSTITUTION AND, ACCORDING TO THIS COURT'S OWN OPINION IN SCHUP V DELO, 513 US 298 AT 319 "... IS, AT ITS CORE, AN EQUITABLE REMEDY. THIS COURT HAS CONSISTANTLY RELIED ON THE EQUITABLE NATURE OF HABEAS CORPUS TO PRECLUDE APPLICATION OF STRICT RULES OF RES JUDICATA. THUS, FOR EXAMPLE, IN SANDERS V UNITED STATES, 373 US 1... THIS COURT HELD THAT A HABEAS COURT MUST ADJUDICATE EVEN A SUCCESSIVE HABEAS CLAIM WHEN REQUIRED TO DO SO BY THE "ENDS OF JUSTICE". ID. AT 15-17; SEE ALSO MCLLESKEY, 499 US AT 495..."

YET DESPITE THIS, THE STATE COURT CHOSE TO REMAIN SILENT AND THIS COURT CHOSE TO DENY PETITIONER'S WRIT OF CERTIORARI WHICH DENIED PETITIONER EQUAL PROTECTION OF THE LAW AND CAUSED PREJUDICE AGAINST PETITIONER TO THE EXTENT OF CAUSING HARM BY FURTHER DEPRIVING PETITIONER OF HIS RIGHT TO LIBERTY THROUGH VIOLATION OF DUE PROCESS BY DENIAL OF EFFECTIVE CONFRONTATION OF WHICH IS A PROTECTED CONSTITUTIONAL RIGHT

PETITIONER PRAYS THAT THIS HONORABLE COURT GRANT HIS REQUEST FOR REHEARING IN A FULL AND FAIR MANNER AS REQUIRED TO COMPLY WITH ITS MINISTERIAL DUTY OF UPHOLDING THE CONSTITUTION AND LAWS OF THE UNITED STATES

RESPECTFULLY SUBMITTED:



JOSE EDGAR HERNANDEZ - PETITIONER PRO SE

TCJ # 1638975

66 THE JAMES V ALLRED UNIT OF TCJ-CID

2101 FM 369 NORTH

LAWA PARK, TEXAS 76367

CERTIFICATE OF SERVICE

I, JOSE EDGAR HERNANDEZ, PETITIONER PRO SE, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT A TRUE AND CORRECT COPY OF THE FOREGOING PETITION FOR REHEARING HAS BEEN FORWARDED TO THE RESPONDENT - THE STATE OF TEXAS - BY WAY OF THE UNITED STATES POSTAL SERVICE, FIRST CLASS MAIL, POSTAGE PREPAID AT:

OFFICE OF THE ATT. GENERAL OF TEXAS

ATTN: ELIZABETH GOERTZ

PO BOX 12548 - CAPITOL STATION

AUSTIN, TEXAS 78711-2548

EXECUTED ON THIS THE 11TH DAY OF OCTOBER, 2024



JOSE EDGAR HERNANDEZ - PETITIONER PRO SE

TDCS # 1638975

C/O THE JAMES V ALLRED UNIT OF TDCS-LID

261 FM 36A NORTH

IOWA PARK, TEXAS 76367

* PLEASE NOTE THAT ON THIS THE 18TH DAY OF NOVEMBER 2024 THAT A TRUE AND CORRECT COPY OF AMM AND ALL CORRECTIONS MADE TO THIS PETITION FOR REHEARING WERE FORWARDED TO RESPONDENT AS LISTED ABOVE IN THE SAME MANNER AS STATED ABOVE



PETITIONER PRO SE