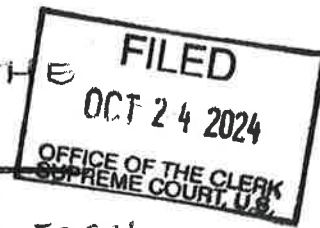


24-5094
United States Supreme Court
1 First Street N.E.
Washington, DC 20543

ORIGINAL

IN THE SUPREME COURT OF THE
UNITED STATES



KENYATTA QUINN MITCHELL,
Petitioner

v.

PAUL BENNETT et al.,
Respondent

No. 24-5094

MOTION FOR
REHEARING ON
PETITION OF
WRIT OF
CERTIORARI
(RULE 44 USCS)

Date: 10/23/24

Time: 8am

Here and now comes the petitioner Kenya Quinn Mitchell in prose seeking a motion for rehearing pursuant to rule 44 USCS with the court. This motion comes after a denial of the petition for writ of certiorari on 10/7/24. The fact that the district court certified that an appeal would be frivolous doesn't mean that they were not wrong in their disposition of this subject matter. The wrong standard of review was used to adjudicate claims of violations of state law, and improperly reviewed violations of constitutional rights. It is of grave importance that the petitioners constitutional rights are always protected, even when they are misinterpreted at some point.

1 Referring to my Filing of this motion For
2 rehearing, I ask the court to consider my
3 original petition For writ of certiorari,
4 and these additional reasons. In the State
5 of California there are numerous laws
6 that protect people that are injured in
7 violations of their rights. The 42 U.S.C.
8 Section 1983, 1985, 1986 is a civil rights act-
9 ion that allows plaintiffs to file suit
10 when their rights are violated under
11 Federal law. Allow me to start with the
12 California Constitution, it is an emulation
13 of the Constitution of the United States
14 of America. Cal. Const. Article One Section
15 one states, "All people are by nature free
16 and independent and have inalienable
17 rights. Among these are enjoying and
18 defending life and liberty, acquiring,
19 possessing, and protecting property,
20 and pursuing and obtaining safety,
21 happiness, and privacy." In reference to
22 my initial complaint and petition For
23 writ of certiorari, this article as a com-
24 parison proves that my rights were
25 violated by a state public body; state
26 public body means this State, or any city,
27 city and county, county, district, author-
28 ity, agency, or any other subdivision, or
public body of this State. To be specific
in the instant case that public body was
the Chula Vista parole when they failed

1 to enforce a restraining order in viol-
2 ation of the California penal code 1203.11,
3 3000; in violation of the Domestic Violence
4 protection Act; in violation of the
5 Tarasoff standard which explains the
6 duty of care and special relationship
7 requirement, and the Victim Bill of Rights
8 Article One Section 28 (1-7) these defenda-
9 nts did not use the appropriate duty of
10 care, as a result the defendants violated
11 multiple state laws. These same laws
12 amount to constitutional due process
13 violations, if there is any kind of depri-
14 vation. In the defendants case it was
15 a deprivation of liberties when they kept
16 the plaintiff from obtaining safety,
17 happiness, and privacy by letting a paro-
18 lee under their care violate a restraining
19 order, causing injury, while under the gu-
20 ise of law enforcement. In this regard
21 the defendants violated all of these
22 state laws, without considering any kind
23 of statute of limitations or accrument
24 under the discovery rule in favor of the
25 petitioner. These defendants are not im-
26 mune in their individual capacities, for
27 the 8th Amendment violations because of
28 the injury sustained and 14th Amendment
violations of the petitioner's right to
equal protection of the laws.

1 The 14th Amendment Section One State; All
2 persons born or naturalize in the United
3 States, and subject to the jurisdiction
4 thereof, are citizens of the United States
5 and the state wherein they reside. No
6 state shall make or enforce any law wh-
7 ich shall abridge the privileges or immun-
8 ities of citizens of the United States;
9 nor shall any state deprive any person of
10 life, liberty, or property, without due pro-
11 cess of law, nor deny any person within
12 its jurisdiction the equal protection of
13 the laws.) Comparing this amendment to
14 the laws of the state of California, the
15 California Constitution, the California
16 Penal Code, the Domestic Violence Protect-
17 ion Act, Victim Bill of Rights the depriva-
18 tion of these laws did deprive the pet-
19 itioner his right to equal protection
20 of the laws as a similarly situated res-
21 ident of the state of California. All of
22 the defendants were under color of st-
23 ate law when they infringed on the pet-
24 itioner's rights. Now it may appear to
25 have only been negligence, but it can-
26 not be said to have only been negligence
27 when those due process violations carr-
28 ied over into the superior court. Once
in the superior court the defendants
invidiously discriminated against the
petitioner because he was on probation,
then the defendants denied him his
procedural safeguards by keeping him

1 in Jail Fictiously. The various amendings
2 of my complaint show the district court
3 did not know what it was deciding. In one
4 instant the district court dismissed
5 the complaint for allegedly failing to
6 raise a claim in which relief can be gr-
7 anted because they thought I was chall-
8 enging my conviction and misinterpreted
9 statutes of limitations about California's
10 personal injury provisions. The plaintiff
11 then filed a notice of appeal from that
12 judgement in the Ninth Circuit Court
13 of Appeals, in the mist of that the distr-
14 ict court decided to vacate its judgem-
15 ent. The district court then requested
16 the plaintiff amend his complaint a
17 third time. It is clear the district cou-
18 rt was indecisive on what matters it wa-
19 nted to adjudicate on. The district cou-
20 rt did decide on the 8th Amendment
21 claim and wanted further information.
22 The plaintiff did amend the 42 U.S.C Sect-
23 ion 1983 under the 8th Amendment in regards
24 to the personal injury, the district court
25 still did not know what it was deciding
26 in regards to the civil liability, and im-
27 properly dismissed the complaint again.
28 The petitioner can not be faulted for
the improper adjudication of civil rights
law. That is why the petitioner seeks
this extraordinary remedy so that the
court can distinguish the fundamental
elements of this case.

1 The petitioner is not challenging his
2 incarceration, but the procedures that
3 lead to his incarceration. Those procedures
4 constituted a violation of state law
5 that was not originally followed, but the
6 5th, 6th, and 14th Amendments, as well.
7 Such as the Right-to-truth-in-evidence
8 or the burden of proof, or the compulsory
9 process. The Domestic Violence Protection
10 Act does allow the plaintiff to file suit
11 as a third party for any injury involving
12 a restraining order. The Tom Bane Civil
13 Rights Act is another remedy for relief
14 under state law that allow the petitioner
15 to recover for damages. The Victim Bill
16 of Rights which provides procedural safeguards
17 so that a plaintiff can bring the
18 matter before the court. The 42 U.S.C.
19 Section 1983, 1985, 1986 brought by the
20 plaintiff/petitioner was wrongfully
21 dismissed due to lack of discretion
22 and the wrong standard of review. This
23 extraordinary remedy is needed because
24 violations of the petitioners rights
25 do exist. The state law claims involve
26 constitutional questions of due process,
27 that bring this case into Federal pendent
28 jurisdiction. Therefore I ask for the motion
for rehearing on petition for writ
of certiorari to be granted.

Date: 10/23/24

Kenyatta @ Winn Mitchell

Time: 8am

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, Kenyatta Quinn Mitchell, declare:

I am over 18 years of age and a party to this action. I am a resident of Kern Valley
State Prison,

in the county of Kern,

State of California. My prison address is: K.V.S.P P.O. BOX 5107,
Delano, CA 93210.

On October 23, 2024,
(DATE)

I served the attached: 1 Motion For Rehearing (Rule 44)

(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

Attn: Clerk's Office
United States Supreme Court
1 First Street N.E.
Washington, DC 20543

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 10/23/24
(DATE)

Kenyatta L. Mitchell
(DECLARANT'S SIGNATURE)

RECEIVED

NOV -4 2024

**OFFICE OF THE CLERK
SUPREME COURT, U.S.**