ORIGINAL

24-5204

No._____

In The
Supreme Court of the United States

GAVIN B. DAVIS,

Petitioner,

v.

UNITED STATES,

Respondent.

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

PETITION FOR A WRIT OF CERTIORARI

GAVIN B. DAVIS (#00197510), Pro Per
Petitioner & Federalist
KCDF
810 Commerce Street
Karnes City, TX 78118

QUESTIONS PRESENTED

(1) Is a decision regarding an 18 U.S.C. § 3164 Motion for Pretrial Release immediately appealable interlocutory (e.g. 28 U.S.C. § 1291; collateral order doctrine) as held in persuasive opinions by the Tenth and Eleventh Circuit courts in contrast to the Fifth Circuit (i.e. circuit court split)?

(2) Subsequent to (a) the denial of a motion for pretrial release under 18 U.S.C. § 3164; and, thereafter, (b) a defendant obtaining pretrial release under separate authority (e.g. 18 U.S.C. § 3142 and its progeny), presuming the Tenth and Eleventh Circuit courts are, in fact, properly upholding Congressional intent with respect to pretrial release as codified under the Speedy Trial Act, is appellate review and relief under § 3164 moot?

Rule 14.1(a)

PARTIES TO THE PROCEEDING

Pursuant to Rule 14.1(b)(i), the Parties are as follow:

Petitioner, Mr. Gavin B. Davis, is an individual that is presently a citizen of the United States of America. He holds a Bachelor of Science degree from Cornell University. [1] Petitioner has been unlawfully detained from May 10, 2022, to Dec. 6, 2023 [2] for allegedly

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[1] Petitioner may be one of the only college graduates currently detained pretrial in the United States at the whim of the government. Further, level of education has the highest positive correlative value with respect to court appearance utilizing multi-variate regression analysis. Petitioner believes that his level of education has been, and still may be, purposefully omitted from U.S. Pretrial Services Pretrial Risk Assessment in which he is rated as a "Low" Risk.

[2] Subsequent to moving in propia persona (out of vital necessity) on Sep. 5, 2023 in USDC WD TX, 22-219, Petitioner took the exact steps related to seeking his pretrial liberty that he timely requested that each of the prior four (4) defense attorneys take and was GRANTED conditional release; though, on terms and conditions that remain as punitive, oppressive, inflexible, highly restrictive and unlawful, prima facie. Such terms and conditions of the Dec. 6, 2023 Release Order (Dkt. 173, 175) collectively constitute, in no uncertain terms, a "virtual prison" (None of the proposed terms and conditions on form AO199B of the Dec. 6, 2023 Release

causing three of his fraternity brethren "substantial emotional distress".[3]

Order: are (i) related to a (a) legitimate government interest; or, separately (b) justified as such; (ii) if potentially having legitimate purpose, are the least restrictive and most flexible respective term or condition as there are, in each instance, a multitude of less restrictive more flexible alternatives; and, (iii) such ready alternatives have deminimus costs, respectively).

[3] see e.g. USDC WD TX, 22-219-FB-HJB, Indictment, Dkt. 3, May 2022. Superseding indictment, Dkt. 210, filed on May 15, 2024, adding one (1) 18 U.S.C. § 115 (a)(1)(B), influencing federal official by threat, allegation. Petitioner alleges, in part, that the prosecution has increased the charges following the exercise of one or more legal rights of the defendant; where such action is Vindictive and meets the prima facie case and threshold showing of the mere "appearance" of Vindictiveness. All the facts pertinent to the new count in the superseding indictment were available to the prosecution when bringing the original 22-219 Indictment (Dkt. 3) in May 2022—therefore, such is, in fact, evidentiary (directly, circumstantially and constructively) as to illicit and ulterior purposes of the prosecution. Also, on Dec. 6, 2023, the government concedes that Petitioner previously posted an "idle threat," which was determined by the FBI not to have a high likelihood of being carried out. Do also Note, in part, with respect to not only Count 5, but Counts 1-3, and 2 – all such allegations are completely taken out of context and do not constitute either true threats or crime. Petitioner had (and has) no criminal intent; and no mens rea knowledge. The prosecution, as well as the alleged victim witnesses, could have taken so many more reasonable and timely intervening steps prior to the steps that have led to the current state of affairs. (also Note, focus should be on whether an alleged threat made is if defendant should have reasonably foreseen that

Respondent, United States of America, with service of process on the Solicitor General of the United States at Room 5614, Department of Justice, 950 Pennsylvania Ave., N.W., Washington D.C. 20530-0001. (Rule 29.4(a))

Respondent, United States of America, with service of process on Assistant U.S. Attorney, Bettina "Karen" J. Richardson, 601 NW Loop 410, Suite 600, San Antonio, TX 78206.

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the statement would be taken as threat by those to whom it was made. *U.S. v. Fulmer*, 108 F. 3d 1486, 46 Fed. R. Evid. Serv. (CBC) 411, 1997 U.S. App LEXIS 5869 (1st Cir. 1997))

PROCEEDINGS DIRECTLY RELATED

U.S. v. Davis, No. 22-cr-219-FB-HJB, U.S. District Court for the Western District of Texas. Decision of Nov. 1, 2023[4], denying Petitioner's 18 U.S.C. § 3164 Motion for Pretrial Release. [5] Also Petitioner's Motion for Reconsideration[6] denied via text order on Nov. 17, 2023.

U.S. v. Davis, No. 23-50812, U.S. Court of Appeals for the Fifth Circuit, a 28 U.S.C. § 1291 interlocutory appeal from WD TX 22-219. Decision entered on Feb. 7, 2024, declining jurisdiction; and, also of Feb. 21, 2024, denying FRAP 40 rehearing.

Rule 14.1(b)(iii)

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[4] 22-219, Dkt. 148, Nov. 1, 2023 Transcript at pg. 4, ln 11-12, 13-18; at pg. 5, ln 4-14; see also, Petitioner's Notice of Appeal, 22-219, Dkt. 149, Nov. 9, 2023

[5] 22-219, Dkt. 139, Oct. 30, 2023, (Appendix E)

[6] 22-219, Dkt. 155, Nov. 13, 2023, (Appendix D)

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INTRODUCTION

Petitioner, Mr. Gavin B. Davis, brings this Petition for a Writ of Certiorari seeking certain relief from the Court from Fifth Circuit case no.: 23-50812.

Federal Courts of Appeals disagree about whether decisions regarding 18 U.S.C. § 3164 pretrial release are available for interlocutory appellate review. Exceptional circumstances warrant the Court exercising its discretionary supervisory powers – for in the absence of utilizing a case and controversy, such as that brought forth by the Petitioner, to resolve the circuit court split, an unconscionable number of persons, such as the Petitioner, will continue to suffer undue and oppressive pretrial incarceration through the de facto misappropriation of their due process right to interlocutory appellate review of 18 U.S.C. § 3164 pretrial release decisions.

Essential to the Speedy Trial Clause of the Sixth Amendment, and with the Congressional passing of the Speedy Trial Act of 1964 (18 U.S.C. § 3161 et. seq.) the rights conferred there within, which have been purposefully designed with more exactitude and stringency, is the notion of judicious diligent expediency.

As the Fifth Circuit Court of Appeals declined jurisdiction on an interlocutory basis in case no. 23-50812 to review the denial of an 18 U.S.C. § 3164 decision, no other court but our highest court can provide adequate relief.[7]

[7] See e.g. *Rogers v. Grewal*, 140 S. Ct. 1865, 1875, 207 L. Ed. 2d 1059 (2020) (Thomas, J., dissenting from the denial of certiorari) ("This case gives us an opportunity to provide lower courts with much-needed guidance, ensure adherence to our precedents, and resolve a Circuit split. Each of these reasons is independently sufficient to grant certiorari.")

Petitioner is unable to seek certiorari before this Court without the Court first raising the question of jurisdiction of the court below.[8]

The Court's opinion, as solicited by the Petitioner, in resolving the inconsistent and chaotic existing circuit court split regarding interlocutory appellate review of 18 U.S.C. § 3164 decisions is therefore clearly in aid of its appellate jurisdiction.[9],[10]

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[8] Before considering questions raised for certiorari, Supreme Court may raise the question of jurisdiction of court below (i.e. Fifth Circuit), on which Supreme Court's own jurisdiction depends. (*Treinies v. Sunshine Mining Co.*, 308 U.S. 66, 60 S. Ct. 44, 84 L. ed. 85, 1939 U.S. LEXIS (1939)).

[9] See e.g., *Braxton v. United States*, 500 U.S. 344, 347, 111 S. Ct. 1854, 114 L. Ed. 2d 385 (1991) "A principal purpose for which we use our certiorari jurisdiction . . . is to resolve conflicts among the United States courts of appeals and state courts concerning the meaning of provisions of federal law."

[10] Relief in this type of case must be speedy if it is to be effective. (*Stack v. Boyle*, 342 U.S. 1 (1951)) See also, due process and other concerns stemming from unlawful pretrial detention; e.g. *U.S. v. Goodson*, 204 F. 3d 508 (4th Cir. 1999) citing *Smith v. Hooey*, 393 U.S. 374, 378, 21 L. Ed. 607, 89 S. Ct. 575 (1969), quoting *U.S. v. Ewell*, 383 U.S. 116, 120, 15 L. Ed. 2d 667, 86 S. Ct. 773 (1966)) Also, in *U.S. v. Salerno*, the Supreme Court found that "the maximum length of pretrial detention is limited by the stringent time limitations of the Speedy Trial Act." *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S. Ct. 2491, 150

OPINIONS BELOW

(Rule 14.1(d))

U.S. v. Davis, No. 23-50812, 5th Cir., Feb. 7, 2024, ECF 93, denying [11] Petitioner's (as Appellant) 28 U.S.C. § 1291 interlocutory appeal of the District Court's denial [12] of Petitioner's 18 U.S.C. § 3164 Motion for Pretrial Release of Oct. 30, 2023. [13] (unpublished) (Appendix A)

L. Ed. 2d 653 (2001); there exists a Constitutionally protected interest in avoiding physical (and other) restraints of liberty) Fundamental liberties protected by the Due Process clause include most of the rights enumerated in the Bill of Rights and certain personal choices to individual dignity and autonomy. (citation omitted) Also, unlike in ordinary appeal, in detention appeals, [a] court of appeals is free in determining appropriateness of order below as well as to consider materials not presented. (*U.S. v. Tortora*, 922 F. 2d 880 (1st Cir. 1990))

[11] Fifth Circuit Court indicates that: (i) 18 U.S.C. § 3164 is "ineffective" citing to *U.S. v. Krohn*, 558 F. 2d 390, 393 (8th Cir. 1977) and 18 U.S.C. § 3163 (c); and (ii) that they lack jurisdiction to consider interlocutory appeals of denials of Speedy Trial Act rulings citing to *U.S. v. Crawford Enters.*, 754 F. 2d, 1272, 1273 (5th Cir. 1985), a corporate case (versus an individual), where pretrial liberty or liberty are not considered (i.e. misapplication)

[12] 22-219, Dkt. 148, Nov. 1, 2023 Transcript at pg. 4, ln 11-12, 13-18; at pg. 5, ln 4-14; also, Petitioner's Notice of Appeal, 22-219, Dkt. 149, Nov. 9, 2023

[13] Appendix E

U.S. v. Davis, 5th Cir., 23-50812, ECF 100, Feb. 21, 2024, denying Petitioner's FRAP 40 Petition for Rehearing. (unpublished) (Appendix B)

JURISDICTION

(Rule 14.1(e))

As the Fifth Circuit Court, in error, declined jurisdiction in case no.: 23-50812, Petitioner notes that a United States court of appeals has entered such decision in conflict with the decisions of other United States courts of appeals[14] (i.e. circuit court split) on the same important matter: the Constitutional right to pretrial liberty – as expressly codified within

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[14] See e.g. *U.S. v. LevAslan Dermen*, 779 Fed. Appx. 497 (10th Cir. 2019) ("Orders denying pretrial release under § 3164 (c) are akin to those denying reductions {779 Fed. Appx. 504} in bail and satisfy the three-part collateral-order test for the same reasons non-reduction orders do..."); See also, e.g. *U.S. v. Gates*, 935 F. 2d 187, 188 (11th Cir. 1991) (recognizing that "an interlocutory appeal or a motion to this court is the only means by which a defendant can seek review of an order denying a § 3164 (c) motion and that disallowing such appeals would defeat the purpose of the statute")

the Speedy Trial Act and the *separate*[15] release provisions of 18 U.S.C. § 3164 – as to call for an exercise of this Court's supervisory power.
(see Rule 10(a))

On Feb. 21, 2024[16], the Fifth Circuit Court denied Petitioner's FRAP 40 Petition for Rehearing of the Fifth Circuit's Order[17] of Feb. 7, 2024[18], denying Petitioner's 28 U.S.C. § 1291 interlocutory appeal (case no.: 23-50812) of the District Court's[19] denial[20] of Petitioner's 18

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[15] Emphasis added.
[16] Rule 14.1(e)(ii)
[17] 5th Cir. 23-50812, ECF 93. Appendix A.
[18] Rule 14.1(e)(i)
[19] *U.S. v. Davis*, USDC WD TX, SA-22-cr-219-FB-HJB ("22-219") (Petitioner was detained on May 10, 2022 and charged with: (a) three (3) counts of 18 U.S.C. §§ 2261 (A)(2)(B) (Cyberstalking) which indicate that Petitioner caused his three (3) fraternity brothers from Cornell University "substantial emotional distress"; and, (b) one (1) count of 18 U.S.C. § 875 (c) (Interstate communication threat to injure; stemming from one brief phone call on Dec. 24, 2020, or twenty-nine months prior to being charged) (see Indictment, 22-219, Dkt. 3). These are not crimes were an accused is normally denied their Constitutional right to pretrial liberty. ("Courts should *rarely* detain defendants charged with non-capital offenses; doubts regarding propriety of release should be resolved in favor of the defendant. (*U.S. v. Townsend*, 897 F. 2d. 989 (9th Cir. 1990))" as cited in 23-50812, FRAP 9 Motion for Release, pg. 11 of 27, ¶ 11))

U.S.C. § 3164 Motion for Pretrial Release[21]. (Rule 14.1(e)(iv))

The Fifth Circuit Court's legal error in not reaching jurisdiction in 23-50812 in direct opposition (i.e. circuit court split) to persuasive opinions of the Tenth and Eleventh Circuit courts is of constitutional proportion and affects Petitioner's fundamental rights – the right to pretrial liberty on the least restrictive and most flexible terms and conditions. The Court has an opportunity with this case and controversy to issue a super precedential opinion and definitively end any controversy over interlocutory appeals of 18 U.S.C. § 3164 pretrial release motions and orders.

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[20] Also, including denial (see 22-219 docket, text order of Nov. 17, 2023) of Petitioner's Motion for Reconsideration (Dkt. 155, Nov. 13, 2023)

[21] See 22-219, Dkt. 139, Oct. 30, 2023 (Appendix E)

OTHER PERTINENT FILINGS

(Rule 14.1(i)(vi))

U.S. v. Davis, No. 23-50812, 5th Cir., Petitioner's (Appellant) FRAP 40 Petition for Rehearing of the Circuit Court's Feb. 7, 2024 denial of his appeal. (Appendix C)

U.S. v. Davis, 22-219-FB-HJB, USDC WD TX, Petitioner's Nov. 13, 2023 Motion for Reconsideration[22] of the District Court's Nov. 1, 2023 (oral) denial of his Oct. 30, 2023 18 U.S.C. § 3164 Motion for Pretrial Release.
(Appendix D)

U.S. v. Davis, 22-219-FB-HJB, USDC WD TX, Petitioner's Oct. 30, 2023 18 U.S.C. § 3164 Motion for Pretrial Release. (Appendix E)

PRIMARY FEDERAL PROVISIONS INVOLVED (Rule 14.1(f))

The primary constitutional provisions, treaties, statutes, ordinances, and regulations involved in this case are: Speedy Trial Act (18

[22] District Court denied Petitioner's Motion for Reconsideration via text order on Nov. 17, 2023.

U.S.C. §§ 3161–3174); a priori, pretrial release under 18 U.S.C. § 3164; and, also, the Sixth, Eighth and Fourteenth Amendments. (Appendix F)

STATEMENT OF CASE (Rule 14.1(g))

Petitioner has been unlawfully detained in violation of his Constitutional and substantive rights since May 10, 2022 [23], [24]

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[23] Denial of bail should not be used as an individual way of making a man shoulder a sentence. (*Carbo v. U.S.*, 82 S. Ct. 662 (1962)) As Petitioner alleges has and is occurring in this case and controversy. Also, none of the four (4) 22-219 criminal allegations in the Indictment (Dkt. 3) fall under 18 U.S.C. § 3142 (e)(3) – and therefore, the Defendant cannot be legally detained; and, (ii) none of the requisite six (6) conditions of 18 U.S.C. §§ 3142 (f)(1) or (2) are present; and, therefore, the original Detention Order of May 20, 2022 must be timely Vacated (see e.g. *U.S. v. LaLonde*, 246 F. Supp. 2d 873 (S.D. Ohio 2003); "the magistrate's detention order was vacated, as the statute did not permit the detention of the defendant who did not satisfy any of the conditions of a subsection of the statute regardless of his dangerousness to the community or to specific others" (LEXIS case overview))

[24] Also, note: on Oct. 31, 2023, appearing for a Docket Call before the Hon. Fred Biery, the Court indicated that, "in reviewing the file .. the maximum punishment on these counts [(Indictment, Dkt. 3, Counts 1-4)] is five [(5)] years. [Defendant] does not have any significant prior [criminal] record. Even if a jury were to convict [the

despite: (a) the allegations carrying no minimum sentence and a five (5) year maximum; (b) such allegations are not 18 U.S.C. § 3142 (e) charges; and, (c) Petitioner being rated by U.S. Pretrial Services[25] as a "Low" risk. Petitioner has had to terminate four (4) defense attorneys for cause: e.g. inertness, deficient performance, lack of competence reasonably expected of professional defense counsel – thereafter, moving in propia persona on Sep. 5, 2023 – in order to, a priori, regain his pretrial release, a Constitutional right. In November 2023, USDC WD TX, did not reach the merits of Petitioner's 18 U.S.C. § 3164 Motion for Pretrial Release or reconsideration thereof. Petitioner

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Defendant], my educated guess is that you have already served the time that you would be assessed under the [sentencing] guidelines. And the Court has no reason to believe that the guidelines would not be followed" (22-219, Oct. 31, 2023 Transcript as filed Dec. 8, 2023, Dkt. 169, at pg. 5, ln 2-9).

[25] U.S. Pretrial Services, is an arm of the U.S. Government – the adversarial party in the proceeding. Such adversary cooperates with the U.S. Attorney (see e.g. 18 U.S.C. § 3154 (8), (10)) and works under the auspices of the Administrative Office of the U.S. Courts (see 18 U.S.C. § 3152 (a))

timely moved for interlocutory appellate review to the Fifth Circuit who declined jurisdiction in February 2024.

REASONS FOR TIMELY GRANTING RELIEF

(Rule 14.1(h))

Petitioner Notes, in part, that in the recent past, the Supreme Court has denied all[26] Applications for Bail, itself, generally due to such being untimely (i.e. post-conviction). However here, Petitioner, in part, timely and respectfully seeks the Supreme Court's Opinion and certain relief with respect to a most fundamental Constitutional right, that of *pretrial*[27] liberty, where a circuit court split regarding interlocutory appellate review of 18 U.S.C. § 3164 pretrial release decisions exists. The Court should recognize this opportunity for that which it is, despite a layperson (or perhaps

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[26] Based on Petitioner's research; and, separately, seemingly in contrast to applications for bail brought before the Court pre-1984.

[27] Emphasis added.

more importantly so) seeking equitable redress and comity.

I. CONGRESS' INTENT IN ENACTING 18 U.S.C. § 3164 (C) WOULD BE FRUSTRATED IF AN APPEAL COULD BE TAKEN ONLY AFTER THE JURY HAD RENDERED A VERDICT

Held as self-evident. Petitioner prays that the Court definitively resolve the existing circuit court split utilizing this case and controversy.

II. DEFENDANT'S RIGHT TO PRETRIAL RELEASE IS AN IMPORTANT ISSUE COMPLETELY SEPARATE FROM THE MERITS OF THE ISSUES TO BE TRIED

"[O]rders denying pretrial release under § 3164 (c) are akin to those denying reductions {779 Fed. Appx. 504} in bail and satisfy the three-part collateral-order test for the same reasons non-reduction orders do: they

conclusively resolve the question of the defendant's right to pretrial release."

"The fact that § 3164 (c) motions are rooted in alleged speedy trial violations does not make them more like a non-appealable order denying a motion to dismiss an indictment on speedy trial grounds than an immediately appealable order denying a reduction in bail. A court in an ordinary post-judgment appeal can vacate a conviction and order dismissal of the underlying charges if it finds a speedy trial violation, but there is no meaningful post-judgment remedy for an erroneous denial of a motion for pretrial release, and Congress' intent in enacting § 3164 (c) would be frustrated if an appeal could be taken only after the jury had rendered a verdict." (*U.S. v. LevAslan Dermen*, 779 Fed. Appx. 497 (10th Cir. 2019))

"The traditional right to freedom before conviction permits the unhampered preparation of a defense, and serves to prevent the infliction of punishment prior to conviction. Unless the

right to bail before trial is preserved, the presumption of innocence, secured only after centuries of struggle, would lose its meaning." (citation omitted)

III. EVEN IF PRETRIAL LIBERTY IS EVENTUALLY GAINED VIA SOME AVENUE[28], APPELLATE REVIEW IS NOT MOOT SO LONG AS THERE REMAINS COGNIZABLE COLLATERAL CONSEQUENCES. WITH RESPECT TO PRETRIAL LIBERTY, A ROCK-BED OF OUR SOCIETY, ANY INFRINGEMENT UPON A PERSON'S LIBERTY, AUTONOMY OR DIGNITY IN DIFFERENCE TO A FREEMAN, IS RIPE FOR REVIEW

"Mootness is a question of law and applies only when intervening circumstances

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[28] Although Petitioner, acting in propia persona after moving to terminate four (4) prior defense attorneys for cause, did ultimately obtain a pretrial release order under 18 U.S.C. § 3142 on Dec. 6, 2023, such order remains unlawful and in violation of Petitioner's substantive rights, prima facie.

render the court no longer capable of providing meaningful relief to the movant. Any legally cognizable collateral consequence preserves a live controversy. Even if there is "lack of need", legally cognizable collateral consequences do not render an action as moot." (citation omitted)

Also, the Due Process clause of the Fourteenth Amendment[29] includes "the right to be free from continued detention after it was or should have been known that the detainee was entitled to release."[30] As put forth, timeliness is therefore critical – it is not sufficient to summarily foreclose one's due process right to

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[29] The Fourth Amendment guarantees a right to pre-liberty. The Eighth Amendment guarantees a right to non-excessive or punitive terms and conditions of bail. The misuse of bail and pretrial custody is a matter of national and state importance. Since *Schlib v. Kuebel*, 404 U.S. 357 (1971), the Eighth Amendment protection against excessive (and punitive) bail has been assumed to apply through the Fourteenth Amendment (due process)." USDC WD TX, 22-219, Dkt. 171, Defendant's Motion for Release for the Dec. 6, 2023 Bond Hearing (pg. 14 of 27, ¶ 9)

[30] *Campbell v. Johnson*, 586 F. 3d 835, 840 (11th Cir. 2009). Also, continued detention is taken to mean any infringement on an accused pretrial rights in difference to that of a freeman.

interlocutory appellate review of a § 3164 decision relying on some other avenue for release – whether a man takes the highway or the road to the city from the country – such liberty in choosing the route to reach the destination is his own to decide and is more often than not based on speed.[31] (also, there exists a due process limit on the duration of preventive detention, which requires assessment on a case-by-case basis – in determining whether due process has been violated, court considers not only factors relevant in the initial detention decision ... but also additional factors such as the length of detention that has in fact occurred or may occur in the future, the non-speculative nature of future detention .." (*U.S. v. Hare*, 873 F. 2d. 796 (5th Cir. 1989))[32,33]

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[31] By analog, Petitioner demonstrates why adequate, in this case 'timeliness' inherent and central to the issue at hand: liberty, cannot be obtained through any other form or from any other court.

[32] The fundamental liberties protected by the Due Process clause include most of the rights enumerated in the Bill of

CONCLUSION

For the reasons stated herein, and in the interests of justice, the Court should grant Petitioner an extension of time to file a petition for a writ of certiorari that appropriately addresses the existing circuit court split regarding interlocutory appellate review of 18 U.S.C. § 3164 pretrial release orders utilizing this case and controversy to as the lens through which to do so. The Court should also appoint the Petitioner counsel and grant any other relief that it deems appropriate.

Rights and certain personal choices central to individual dignity and autonomy.

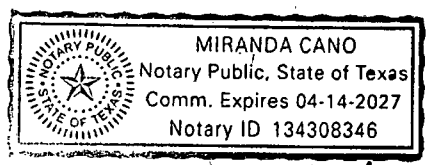
[33] See also e.g., *Spencer v. Kemna*, 523 U.S. 1 (1997) citing to *Sibron v. New York*, 392 U.S. 40, 55-56, 20 L. Ed. 2d 917, 88 S. Ct. 1889 (1968); *Pollard v. U.S.*, 352 U.S. 354, 1 L. Ed. 2d 393, 77 S. Ct. 481 (1957); *Evitts v. Lucey*, 469 U.S. 387, 83 L. Ed. 2d 821, 105 S. Ct. 830 (1985) (req' for restoration of rights); *Benton v. Maryland*, 395 U.S. 784, 790-791, 23 L. Ed. 2d 707, 89 S. Ct. 2056 (1969); also, *Vitek v. Jones*, 436 U.S. 407 (1978) (recall of lower court mandate); *Carafas v. LaVallee*, 391 U.S. 234 (1968)

Respectfully submitted, on this day, July 9, 2024, nunc pro tunc to the earliest possible time. 11:24 CT

/s/ Gavin B. Davis

GAVIN B. DAVIS, PRO PER

PETITIONER



MC 7/9/24