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IN THE

SUPREME COURT of the UNITED STATES

COREY ROGERS - PETITIONER

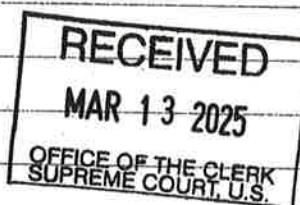
VS.

RICKY D. DIXON, SECRETARY DEPARTMENT  
OF CORRECTIONS, STATE OF FLORIDA  
RESPONDENT(S)

ON PETITION FOR WRIT OF CERTIORARI  
TO THE FIRST DISTRICT COURT OF  
APPEALS STATE OF FLORIDA

PETITION FOR REHEARING

COREY ROGERS, pro se DC#894116  
CENTURY CORRECTIONAL Institution  
400 TEDDER ROAD  
CENTURY FLORIDA 32535



NO. 24-6074

IN THE  
SUPREME COURT of the UNITED STATES  
COREY ROGERS - PETITIONER

VS.

RICKY D. DIXON, SECRETARY  
DEPARTMENT OF CORRECTIONS,  
STATE OF FLORIDA - RESPONDENT(S)

RULE 44.2 CERTIFICATE

PURSUANT to Rule 44.2, the undersigned hereby CERTIFIES that the attached petition for rehearing of an order denying writ of certiorari is restricted to the grounds specified in Rule 44.2; it is limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented. PETITIONER further certifies that the attached petition is presented in good faith and not for delay.

By: Corey Rogers

COREY ROGERS, PRO SE  
DC# 894116

CENTURY CORRECTIONAL Institution  
400 TEDDER ROAD  
CENTURY FLORIDA 32535

## PETITION FOR REHEARING

PURSUANT to Rule 44.2 of the rules of the United States Supreme Court, Petitioner respectfully petitions for rehearing of this court's February 24th, 2025, ORDER DENYING the petition for a writ of certiorari.

### REASON FOR GRANTING THE PETITION FOR REHEARING

#### CONSTITUTIONAL CHALLENGE to the HABEAS CORPUS ACT

Rule 44.2 of the rules of the Supreme Court of the United States allows petitioners to file petitions for rehearing of the denial of a petition for writ of certiorari and permits rehearing on the basis of, "intervening circumstances, of a substantial or controlling effect or to other substantial grounds not previously presented."

HERE, a substantial ground not previously presented warrants a rehearing. Briefly and distinctly, the instant case presents this question: CAN A DEFENDANT SEEK REVIEW UTILIZING A WRIT OF HABEAS CORPUS UNDER FLA. R. CIVIL. P. 1.630 (EXTRAORDINARY REMEDIES) TO CHALLENGE THE LEGALITY OF HIS DETENTION WHEN HE IS PRO SE BARRED FROM BEING A PRO SE PETITIONER AND HAS NO ADEQUATE MECHANISM TO OBTAIN RELIEF FROM AN ILLEGAL DETENTION?

The First Judicial Circuit of Escambia County, State of Florida ORDER DISMISSING THE PETITION ON JANUARY 25th, 2023 AND THE FIRST DISTRICT COURT OF APPEALS FOR THE STATE OF FLORIDA IS REPORTED AT ROGERS VS. DIXON, 380 So.3d 513 (Fla. 2024) ORDER PER CURIAM AFFIRM ORDER ISSUED FEBRUARY 14th 2024 IS BY FAR CLEARLY A MISCARRIAGE OF JUSTICE WHICH EQUALS A MANIFEST INJUSTICE ACCORDING TO ARTICLE 1, SECTION 13, FLA. CONST. THE 5th, 6th, AND 14th AMENDMENT RIGHTS UNDER THE UNITED STATES CONSTITUTION AMENDMENT THAT IS GUARANTEED TO THE PETITIONER UNDER EQUAL PROTECTION OF THE LAWS.

UNDER THE AMENDMENT 14, SECTION 1 STATES: ALL PERSONS BORN OR NATURALIZED IN THE UNITED STATES, AND SUBJECT TO THE JURISDICTION THEREOF, ARE CITIZENS OF THE UNITED STATES AND OF THE STATE, WHEREIN THEY RESIDE. NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL APROIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES; NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS. THE 5th AMENDMENT GUARANTEES THAT "NO PERSON SHALL... BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW." U.S. CONST. AMEND. V. "PROCEDURAL DUE PROCESS IMPOSES CONSTRAINTS ON GOVERNMENTAL DECISIONS WHICH DEPRIVE INDIVIDUALS OF 'LIBERTY' OR 'PROPERTY' INTERESTS... (THE SUPREME COURT) CONSISTENTLY HAS HELD THAT SOME FORM OF HEARING IS REQUIRED BEFORE AN INDIVIDUAL IS FINALLY DEPRIVED OF A PROPERTY INTEREST... THE FUNDAMENTAL

REQUIREMENT of due process is the opportunity to be heard at a meaningful manner. Procedural due process thus determines both whether the litigant has a property interest and, if so, what process is due. And the process due is due process.

Thus, CERTIORARI is WARRANTED to RESOLVE the due process ISSUE of the First Judicial Circuit Court of ESCAMBIA County Florida AS WELL AS the First District Court of Appeal State of Florida NOT providing the APPELLANT/PETITIONER A DUE PROCESS HEARING in which he IS ENTITLED AND the AFFIRMANCE by the First District Court of Appeals State of Florida, Courts have ruled against dismissal of a PETITION for a WRIT of HABEAS CORPUS WHERE PETITIONER WAS SEEKING IMMEDIATE RELEASE from the DETAINING PARTY, PETITION MAY NOT BE DISMISSED OF AN ASSUMED PLEADING NOT RAISED BY THE PARTIES.

PETITIONER ASSERTS THE CONTROLLING EFFECT OR TO OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED IS THE PETITIONER IS PRO SE BARRED FROM FILING ANY FURTHER PRO SE PLEADINGS OR OTHER PAPERS IN THE COURT IN CONNECTION WITH HIS CONVICTION AND SENTENCE FOR FIRST DEGREE MURDER UNDER BROWARD COUNTY CASE NO.: 97-22879CF10A. PURSUANT TO SPENCER V. STATE, 751 So.2d 47 (FLA. 1999), AND THURSTON V. STATE, 920 So.2d 1229 (FLA. 4th DCA 2006). (SEE ORDER ATTACHED AS AN EXHIBIT IN SUPPORT OF MOTION FOR REHEARING).

PETITIONER CONTENDS THAT HABEAS CORPUS IS THE PROPER REMEDY WHEN A PETITIONER IS ILLEGALLY DETAINED AND HAS NO OTHER ADEQUATE REMEDY AT LAW. THE FLORIDA CONSTITUTION AND THE U.S. SUPREME COURT RECOGNIZE HABEAS CORPUS AS A FUNDAMENTAL SAFEGUARD AGAINST WRONGFUL DETENTION (ARTICLE 1, SECTION 13, FLA. CONST; (BOUMEDIEU -

v. Bush, 553 U.S. 723 (2008). SEE STATE v. Broom, 439 So.2d 957 (Fla. 1983), that RECOGNIZES that HABEAS CORPUS IS AVAILABLE WHEN NO OTHER ADEQUATE REMEDY EXISTS AND WHEN A FUNDAMENTAL MISCARRIAGE OF JUSTICE IS ALLEGED.

SEE ALSO HARVARD v. SINGLETARY, 733 So.2d 1020 (Fla. 1999) ESTABLISHES THAT PROCEDURAL BARS SHOULD NOT PREVENT HABEAS CORPUS RELIEF WHEN A DEFENDANT IS ILLEGALLY DETAINED.

SEE ALSO MAY v. FLORIDA PAROLE COMMISSION, 928 So.2d 521 (Fla. 1st DCA 2006) HOLDS THAT HABEAS CORPUS REMAINS AVAILABLE IN EXTRAORDINARY CIRCUMSTANCES, EVEN WHERE OTHER PROCEDURAL MECHANISMS HAVE BEEN EXHAUSTED OR FORECLOSED.

SEE ALSO AL-HAKIM v. STATE, 783 So.2d 293 (Fla. 5th DCA 2001) STATES THAT HABEAS CORPUS IS NOT TO BE USED AS A SUBSTITUTE FOR POST-CONVICTION RELIEF BUT IS APPROPRIATE WHEN THERE IS NO OTHER REMEDY AVAILABLE.

SEE ALSO GIBSON v. TURPIN, 270 Ga. 855, 513 S.E.2d 186 (1999) (U.S. SUPREME COURT CITATION RELEVANT TO FLORIDA LAW) REINFORCES THAT ACCESS TO THE COURTS IS A CONSTITUTIONAL RIGHT, AND STATES CANNOT COMPLETELY DENY RELIEF THROUGH PROCEDURAL BARS IF FUNDAMENTAL FAIRNESS IS AT STAKE.

PETITIONER'S PRO SE BAR HAS UNCONSTITUTIONALLY DENIED HIM ACCESS TO THE COURTS, TO ARGUE HIS ISSUES OF THE PETITION ON A REMEDY PURSUANT TO FLA. RULE. CRIM. PROC. R. 3.850, VIOLATING HIS RIGHTS UNDER ARTICLE 1, SECTION 13, ALSO ACCESS TO THE COURTS IS A CONSTITUTIONAL RIGHT OF THE FIRST, FIFTH, AND FOURTEENTH AMENDMENTS TO THE U.S. CONST.

To not reverse on a rehearing and grant review would lead to a continued enforcement of Petitioner's sentence, results in a manifest injustice, which warrants immediate judicial intervention.

ATTACHED:

1. Exhibit -A The Supreme Court of the United States ORDER DENYING PETITION FOR WRIT OF CERTIORARI FEBRUARY 24th, 2025,

2. Exhibit -B The 17th Judicial Circuit Court of Broward County, State of Florida ORDER BARRING DEFENDANT from filing ANY further PRO SE PLEADINGS AND DIRECTIONS to the Clerk of the COURT. July 31st, 2018.

3. Exhibit -C The First Judicial Circuit Court of Escambia County, State of Florida ORDER Dismissing PETITION FOR WRIT OF HABEAS CORPUS JANUARY 25th 2023.

4. Exhibit -D The First District Court of Appeals State of Florida ORDER PER CURIAM AFFIRMED FEBRUARY 14th, 2024.

WHEREFORE, Petitioner respectfully requests this Honorable Court to:

1. GRANT REHEARING TO REVIEW PETITION OF A WRIT OF CERTIORARI.

## BASIS FOR INVOKING JURISDICTION

Notifications required by Rule 29.4(b) or (c) have been made that 28 U.S.C. 2403(a) may apply and shall be served on the Solicitor General of the United States, Room 5616, Department of Justice, 950 Pennsylvania Ave, N.W. Washington, DC 20530-0001; as defined by 28 U.S.C. 451 pursuant to 28 U.S.C. 2403(a) certified to the Attorney General the fact that the constitutionality of an act of Congress was drawn into question see Rule 14.1(e)(v).

## PROOF OF SERVICE

I, COREY ROGERS, DO SWEAR OR DECLARE THAT ON THIS DATE MARCH 4th, 2025, AS REQUIRED BY THE UNITED STATES SUPREME COURT RULE 29, I HAVE SERVED THE ENCLOSED MOTION FOR REHEARING OF A DENIAL OF A PETITION FOR WRIT OF CERTIORARI 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 FIRST CLASS POSTAGE PREPAID, OR BY DELIVERY TO A THIRD PARTY COMMERCIAL CARRIER FOR DELIVERY WITHIN 3 CALENDAR DAYS.

THE NAMES AND ADDRESSES OF THOSE ARE AS FOLLOWS: THE ASSISTANT ATTORNEY GENERAL COUNSEL FOR THE RESPONDENT RICKY D. DIXON SECRETARY, DEPARTMENT OF CORRECTIONS TRISHA MEGGS PATE, PL-01, THE CAPITOL TALLAHASSEE, FLORIDA, 32399-1050; OFFICE OF THE CLERK FOR THE SUPREME COURT OF THE UNITED STATES ONE FIRST ST. N.E. WASHINGTON, DC 20543.

ISI Corey Rogers

COREY ROGERS, PRO SE DC#894116  
CENTURY CORRECTIONAL INSTITUTION  
400 TEDDER ROAD  
CENTURY FLORIDA 32535

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

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

February 24, 2025

Mr. Corey Rogers  
Prisoner ID #894116  
Century Correctional Institution  
400 Tedder Rd.  
Century, FL 32535

**Re: Corey Rogers  
v. Ricky D. Dixon, Secretary, Florida Department of Corrections  
No. 24-6074**

Dear Mr. Rogers:

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

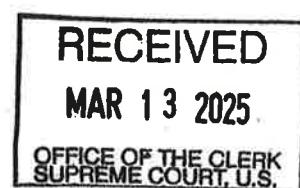
The petition for a writ of certiorari is denied.

Sincerely,



**Scott S. Harris, Clerk**

**EXHIBIT-A**



IN THE CIRCUIT COURT OF THE 17<sup>TH</sup> JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA,

Case No. 97-22879CF10A

Plaintiff,

Judge: Dennis D. Bailey

v.

COREY ROGERS,

Defendant.

**ORDER BARRING DEFENDANT  
FROM FILING ANY FURTHER *PRO SE* PLEADINGS  
AND DIRECTIONS TO THE CLERK OF THE COURT**

THIS CAUSE came before the Court upon its Order to Show Cause entered on May 25, 2018, why the Defendant should not be barred from filing any further *pro se* pleadings in the instant case. Defendant was ordered to file a response within sixty (60) days from the entry of the Order showing cause why this Court should not bar him from filing further *pro se* pleadings challenging the judgments and sentences in the instant case. Defendant failed to file a response. Having considered the pleadings, Defendant's failure to file a response, the court file, and applicable law, and being otherwise fully advised in the premises, the Court finds as follows:

Defendant has failed to show good cause why he should not be barred from filing further *pro se* pleadings in the instant case.<sup>1</sup> The Court further finds that Defendant, by repeatedly attacking his convictions and sentences in the instant case, has abused the right to *pro se* access to the courts. His repetitious and frivolous pleadings have dimin-

<sup>1</sup> Defendant has filed at least six *pro se* pleadings in the instant case that are set forth in the Order to Show Cause. All of Defendant's *pro se* pleadings have been denied, and when appealed, affirmed on appeal. The Court notes that on January 23, 2015, the Fourth District Court of Appeal entered the following order: "[A]ppellant is barred from filing any further *pro se* pleadings or other papers in the Court in connection with his conviction and sentence for first degree murder under Broward County case no.: 97-22879CF10A. The clerk of this court shall reject all such filings without further order of court." Case No. 4D14-4102.

ished the ability of this Court to devote its finite resources to the consideration of legitimate claims. Pursuant to *Spencer v. State*, 751 So. 2d 47 (Fla. 1999), and *Thurston v. State*, 920 So. 2d 1229 (Fla. 4th DCA 2006), the Defendant shall be barred from filing any further *pro se* pleadings in the instant case.

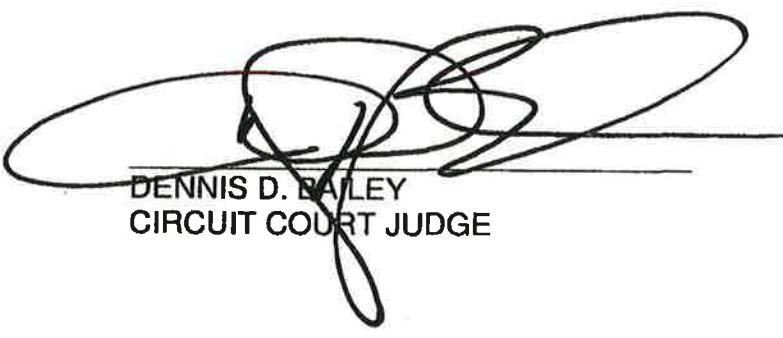
Accordingly, it is:

**ORDERED AND ADJUDGED** that Defendant is **BARRED** from filing any further *pro se* pleadings in Case No. 97-22879CF10A. Any future pleadings in Case No. 97-22879CF10A must be signed and filed by an attorney licensed to practice law in Florida and in good standing with the Florida Bar and that attorney shall certify in writing that a good-faith basis exists for each and every claim presented.

The **CLERK OF THE COURT** is directed to **no longer accept** any paper filed by **COREY ROGERS** in Case No. 97-22879CF10A unless that paper has been signed and filed by an attorney in good standing with The Florida Bar and that attorney certifies in writing that a good-faith basis exists for each and every claim presented.

Defendant has thirty (30) days from the date of this Order to file an appeal.

**DONE AND ORDERED** in Chambers, Fort Lauderdale, Broward County, Florida, this 31<sup>st</sup> day of July, 2018.



DENNIS D. BAILEY  
CIRCUIT COURT JUDGE

Copies furnished:

Joel Silvershein, Esq.  
Assistant State Attorney

Corey Rogers, Defendant, DC #894116  
Franklin Correctional Institution  
1760 Highway 67 North  
Carrabelle, FL 32322

## (APPENDIX C.)

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT  
IN AND FOR ESCAMBIA COUNTY, FLORIDA

COREY ROGERS,

Petitioner,

v.

Case No.: 2022 CA 001373  
Div.: ESECRETARY,  
DEPARTMENT OF CORRECTIONS,

Respondent.

ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

THIS CAUSE came before the Court upon Petitioner's Petition for Writ of Habeas Corpus, filed on July 18, 2022.

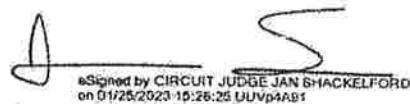
Petitioner asserts that he is being illegally detained because his indictment "failed to charge all essential elements that constitute the crime charged." Because Petitioner is challenging his conviction, his argument is not cognizable in a petition for writ of habeas corpus, but is instead appropriately raised in a motion for postconviction relief. Such a motion should be filed in the sentencing court. *Rafael v. Crews*, 154 So. 3d 505, 507 (Fla. 4th DCA 2015). *See also Johnson v. State*, 267 So. 3d 10 (Fla. 4th DCA 2019). When a petition for writ of habeas corpus seeking relief of a nature properly sought in a rule 3.850 motion is filed in a court other than the sentencing court, the petition is unauthorized and should be dismissed. *Rafael* at 507. Petitioner was convicted and sentenced in Broward County (the Seventeenth Judicial Circuit). Consequently, his claim is not appropriately brought in this court.

EXHIBIT-C

# (APPENDIX C.)

Based on the foregoing, it is **HEREBY ORDERED** and **ADJUDGED** that the Petition for Writ of Habeas Corpus is **DISMISSED**. Petitioner has thirty (30) days in which to file notice of appeal, should he so choose.

**DONE** and **ORDERED** in Chambers at Pensacola, Escambia County, Florida.



eSigned by CIRCUIT JUDGE JAN SHACKELFORD  
on 01/25/2023 10:28:25 UUvp4AB1

JS/kw

## CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and accurate copy of the foregoing Order has been furnished by U.S. Mail (unless otherwise indicated) to:

Corey Rogers  
DC# 894116  
Santa Rosa Correctional Institution Annex  
5850 East Milton Road  
Milton, FL 32583

General Counsel  
Department of Corrections  
501 S. Calhoun Street  
Tallahassee, FL 32399-2500

BY:

Judicial Assistant

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D2023-0388

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COREY ROGERS,

Appellant,

v.

RICKY D. DIXON,

Appellee.

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On appeal from the Circuit Court for Escambia County.  
Jan Shackelford, Judge.

February 14, 2024

PER CURIAM.

Corey Rogers appeals the circuit court's order dismissing his petition for writ of habeas corpus. Finding no error by the circuit court, we affirm. *See Baker v. State*, 878 So. 2d 1236, 1246 (Fla. 2004) (explaining that a trial court may dismiss, rather than transfer, a habeas petition when the petitioner seeks relief that "(1) would be untimely if considered as a motion for postconviction relief under rule 3.850, (2) raise claims that could have been raised at trial or, if properly preserved, on direct appeal of the judgment and sentence, or (3) would be considered a second or successive motion under rule 3.850 that either fails to allege new or different grounds for relief that were known or should have been known at the time the first motion was filed"); *Zuluaga v. Dep't of Corrs.*, 32 So. 3d 674 (Fla. 1st DCA 2010).

AFFIRMED.

LEWIS, RAY, and KELSEY, JJ., concur.

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*Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.*

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Corey Rogers, pro se.

Ashley Moody, Attorney General, Tallahassee; Michael L. Schaub, General Counsel, Department of Corrections, Tallahassee, for Appellee.