

No. 24-6157

JUSTIN MICHAEL TYSON,
Petitioner,

v.

LIEUTENANT GAY, et al.,
Respondents.PETITIONER'S PETITION
FOR REHEARING
NOW COMES

petitioner Justin Michael Tyson, in the above titled action represented pro se, pursuant to Rule 44.2 of the United States Supreme Court and now petitions this court for the rehearing of its order denying the petitioner's writ of certiorari. The petition was denied on February 24, 2025. The petitioner gives this court his reasons for granting the petition and the intervening substantial circumstances in his Grounds For Granting The Petition For Rehearing. The petitioner now shows this court the following:

GROUNDS FOR GRANTING THE
PETITION FOR REHEARING

The petitioner was housed at Central Prison in Raleigh, North Carolina when he filed his petition for a writ of certiorari. Throughout the pendency of this action the petitioner has been transferred to multiple institutions. These transfers led to the



intervening substantial circumstances that warrants the grant of this petition. It has been established that, "The grounds for filing a petition for rehearing of an order denying a petition for writ of certiorari are 'limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.'" (See U.S. Sup. Ct. R. 44.2). The transfers of the petitioner from prison to prison led to an intervening substantial circumstance because the Notice of the filing of the petition for a Writ of Certiorari could not be mailed to the respondents on the form that was provided by the Clerk of the United States Supreme Court. The petitioner further elaborates in the following paragraph.

On December 30, 2024 the petitioner received the letter dated December 16, 2024. The forms regarding the Waiver and the Notice of Filing, was enclosed with the December 16, 2024 letter. (See Ex. 1). On December 31, 2024 petitioner was transferred from Central Prison to Granville Correctional Institution. (See Ex. 2), (See also Petitioner's Notice of Change of Address). During the course of this transfer the form provided by the clerk for giving notice to the respondents was lost/destroyed by the DAC Officers, therefore there was no way that notice could be given on the form provided by the clerk as required by U.S. Sup. Ct. R. 12.3. This is an intervening substantial circumstance that the petitioner had no control over, as, he can not deny the search of him and his property that comes with the transfer and shipping from prison to prison.



If the form provided by the clerk had not been lost/destroyed by the prison staff during the shipping search process from Central Prison to Cronville Correctional Institution the petitioner could have notified the respondents of the pending petition for writ of certiorari, their right to respond and the date that their response was due. Because the form provided by the clerk could not be mailed to the respondents due to it being lost/destroyed by the prison staff during the shipping search process on December 31, 2024, the petitioner could not notify the respondents on the form provided by the clerk of the date that their response was due. If the petitioner did not have to ship to a different prison then the form for giving notice to respondents of the last day to respond that is provided by the clerk would not have been lost/destroyed by the DAC Officers and proper notice could have and would have been given. (See Petitioner's Notice of Change of Address). Moreover, the clerk only mailed one (1) form for giving notice of filing to the petitioners. Therefore only a portion of the defendants would have been able to respond be notified of the filing of the petition if the form that was provided by the clerk was not destroyed by the prison staff during the shipping and search process.

WHEREFORE petitioner respectfully asks this court to grant his petition ~~for~~ rehearing due to the substantial intervening circumstance described above and allow the petitioner a fair chance to serve all of the respondents with proper notice on the form provided by the clerk.

This the 6th day of March 2025.

By: ~~Justin M. Tyson~~
Justin M. Tyson
Pro Se Litigant

Alexander Correctional Institution
633 Old Landfill Road
Taylorsville, NC 28681

CERTIFICATION OF COUNSEL

This petition is presented in good faith and not for delay. This petition is restricted to the grounds specified in Rule 44.2 of the United States Supreme Court.

This the ~~28th~~^{6th} day of ~~February~~^{March} 2025.

By: Justin M. Tye

Justin M. Tye

Pro Se Litigant

Alexander Correctional Institution

633 Old Landfill Road

Waynesville, NC 28681

CERTIFICATION OF GRUNDEL

The position is presented in good faith and not for any other purpose. The position is presented in good faith and not for any other purpose.

For the purpose of the position, the position is presented in good faith and not for any other purpose.

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CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2025 a copy of the document entitled Petitioner's Petition For Rehearing was placed in the institution's internal mail system by Justin Michael Tyson to be mailed first class postage prepaid to :

The Supreme Court of the United States, Clerk
First Street N.E.
Washington, DC 20543

This the ^{6th} 28th day of ^{March} ~~February~~ 2025.

By: Justin M. Tyson
Justin M. Tyson
Pro Se Litigant

Alexander Correctional Institution
633 Old Landfill Road
Taylorsville, NC 28681

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2013 a copy of the document entitled "Petition for Custody" was filed with the Clerk of the District Court of the State of Texas, County of Tarrant, Texas.

Witness my hand and the seal of the Court at Fort Worth, Texas, this 10th day of January, 2013.

Clerk of Court

Notary Public for the State of Texas

By: [Signature]
[Name]
[Address]
[City, State, Zip]

[Signature]
[Name]
[Address]
[City, State, Zip]