

24-6675

In The Supreme Court Of The United States

Pierre Cornelius Stewart

v.

United States Of America

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On Writ Of Certiorari To The United States  
Court Of Appeals For The Eighth Circuit

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Motion For Rehearing

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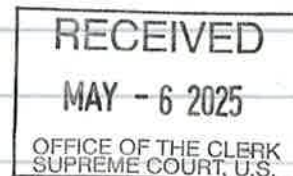
Pierre Cornelius Stewart<sup>\*</sup> 21971-041

United States Penitentiary

P.O. Box 3000 - McCreary

Pine Knot, KY. 42635

Attorney - Of - Record (Pro se)



Rule 44(a) states in part: "Any petition for rehearing of an order denying a petition for a writ of certiorari... its grounds shall be limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

In this case, the intervening circumstance of a substantial or controlling effect is the government's waiver of its right to file a response to the petition or otherwise defend. All of Petitioner's arguments as well as his jurisdictional arguments should be deemed admitted. See Exhibit 1 (Gov. Waiver), and Petitioner should be immediately released.

The Court should reconsider and grant a GVR (Grant, vacate, and Remand) back to the district court with instructions, in light of the government's concession.

In addition, Mr. Stewart is in unlawful federal custody.

The federal government filed a writ of habeas corpus ad prosequendum which was granted because Petitioner was in State custody. Mr. Stewart was never returned to Minnesota State custody.

"When an accused is transferred pursuant to a writ of habeas corpus ad prosequendum he is considered to be "on loan" to federal authorities so that sending state's jurisdiction over accused continues uninterruptedly; failure to release prisoner does not alter borrowed status, transforming state[s] prisoner into federal prisoner." Crawford

V. Jackson, 191 App. D.C. 170, 589 F.2d 693, Cert. den., 441 U.S. 934, 60 L.Ed. 2d 662, 99 S.Ct. 2056.

Not surprisingly, then, the Supreme Court has found that habeas courts may discharge detainees in a manner that would allow defects in a proceeding below to be corrected. In re Bonner, 151 U.S. 242, 14 S.Ct. 323, 38 L.Ed. 149 (1894).

Petitioner request the Court to issue a GVR (Grant, vacation, and Remand), for violating habeas corpus ad prosequendum, to the Eighth Circuit Court of Appeals with instructions to vacate and remand to the district court with instructions to dismiss the case for violation of habeas corpus ad prosequendum and grant immediate release.

Petitioner request the Court to grant all other relief it deems appropriate.

I solemnly affirm under penalty of perjury that the above Motion For Rehearing is true, right, accurate, and correct to the best of my knowledge and belief so help me God and that this Motion was also served on the Solicitor General of the United States on the date signed below with prepaid postage.

Sign: Pierre Cornelius Stewart

Date: 4-22-2025

## Certification of Counsel of Record

I solemnly affirm under penalty of perjury that the Motion For Rehearing is restricted to the grounds set out in Rule 44(2) and is presented in good faith and not for delay.

Sign: Pierre Cornelius Stewart

Date: 4-22-2025

## Certificate Of Service

I solemnly affirm under penalty of perjury that I served a copy of a Motion For Rehearing on the Solicitor General of the United States, Department of Justice, 950 Pennsylvania Avenue, N.W. Room 5616, Washington, D.C. 20530-0001 on the date signed below with prepaid postage.

Sign: Pierre Cornelius Stewart

Date: 4-22-2025

IN THE SUPREME COURT OF THE UNITED STATES

STEWART, PIERRE CORNELIUS  
Petitioner

vs.

No: 24-6675

USA

WAIVER

The Government hereby waives its right to file a response to the petition in this case, unless requested to do so by the Court.

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SARAH M. HARRIS  
Acting Solicitor General  
Counsel of Record

March 05, 2025

cc:

PIERRE CORNELIUS STEWART  
PRISONER ID NO. 21971-041  
USP MECREARY  
P.O. BOX 3000  
PINE KNOT, KY 42635

Exhibit 1