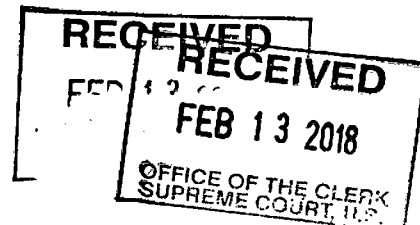


No. 17-6894 [docket number]



IN THE SUPREME COURT OF THE UNITED STATES

Thomas Waters [Name of party],  
Petitioner

vs.

United States [Name of party],  
Respondent

rehearing [nature of proceeding, e.g.,  
ON PETITION FOR WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE 4th CIRCUIT]

PETITION FOR REHEARING

Thomas Waters [Name of counsel of record]  
Counsel of Record for Thomas Waters [Name of party]  
\_\_\_\_\_[Address]  
\_\_\_\_\_[City, state, zip code]  
\_\_\_\_\_[E-mail address]  
\_\_\_\_\_[Telephone number]

PETITION FOR REHEARING  
(Sup. Ct. R. 44. \_\_\_\_\_ [1 or 2])

Appellant presents its petition for a rehearing of the above-entitled cause, and, in support of it, respectfully shows: "see" attached documents in support of motion for rehearing

Grounds for Rehearing

A rehearing of the decision in the matter is in the interests of justice because: "see" attached documents  
\_\_\_\_\_[Brief statement of grounds justifying rehearing, e.g.,]

1. On 1-8-18 (date), this Court denied (describe decision, e.g., determined to affirm the decision of the lower court or denied the petition for writ of certiorari).

2. The principal ground cited in the Court's per curiam opinion was that the crucial issue had been fully and completely determined by the ruling of the Court in Bockley v. U.S. (citation), a case decided a mere 90 days before the decision in this case. 137 S.Ct. 896

3. The grounds for the ruling in Beckles v. U.S. (citation) came as a surprise to petitioner. Petitioner had briefed the crucial issue in this case carefully, and was aware that a related issue was pending in Beckles v. U.S. (citation), but the parties in that case did not extensively brief the issue that was crucial to the Court's decision in that case. A decision in the Johnson v. U.S. (citation) case was expected only on related issues.

4. Petitioner was not granted any opportunity by the Court to distinguish this case from the Beckles v. U.S. (citation) case or to suggest why they should not be determined by the same rule.  
1375, at 890

5. This case contains several crucial factual and procedural distinction from the case of Beckles v. U.S. (citation) that warrant its determination by a different or at least altered rule.  
1375, at 890

a. The government (First factual or procedural distinction). Waived it's rights to argue the residual clause. The 4th cir made this argument for the government. The government procedurally defaulted and should be estopped from arguing it now. The 4th cir also didn't use any south carolina state cases to determine if my charge fit the federal elements for a crime of violence

b. Under USSC 262.1 (Second factual or procedural distinction). bc the government failed to meet it's burden of showing that I used or possessed the firearm in connection with another felony. And the charge I got the enhancement for got dismissed when I requested to go to trial in state court and the charges was dismissed. I'm being enhanced for charges I don't even have, ...

6. In an earlier decision, Johnson v. United States, 130 S.Ct 1265 (older citation), the Court had noted that cases with these factual and procedural distinctions should be treated by a markedly different rule of law from those properly applicable in the Beckles v. U.S. (citation) decision that the Court, in its order, stated was controlling in this case.

7. A rehearing tightly and squarely focused on the distinctions between this case and the Johnson v. U.S. (citation) case, and whether these distinctions merit a different rule of law, is a matter of fundamental fairness to petitioner and would not unduly burden the Court].

#### Conclusion

"see" attached documents

For the reasons just stated, Thomas Waters [name of petitioner] urges that this petition for a rehearing be granted, and that, on further consideration, "see attached" 4 [relief sought, e.g., the Petition for Certiorari be granted or the judgment of the lower court be reversed or as appropriate].

Dated: 1-29-18

Respectfully submitted,

Thomas Waters

 [signature of counsel of record]

Thomas Waters [typed name]

P.O. Box 2099 Bollock LA.

71467 [full address]

N/A [e-mail address]

N/A [telephone number]

Counsel of Record for Thomas Waters

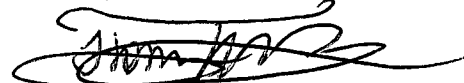
Thomas Waters  
-v-  
United States

U.S. Supreme Court  
No. 17-6894

Dear most honorable clerk, I'm now sending you my petition for rehearing this is only the rehearing application, the motion to proceed in forma pauperis and the proof of service, my brief in support of this motion for rehearing will be mailed separately. This Penitentiary is on lock down and I don't have access to bigger envelopes, so I will mail them separately. I would also like to know what is the status of the rule 21 motions that I filed with this court before my petition for writ of certiorari was denied? I filed a motion under rule 21 of this court's rule of court. In that motion I informed this court that the 4th cir court of appeals did not rule on my pro se supplemental briefs, The 4th cir granted both of my pro se supplemental briefs "see" docket #45, 47 but never addressed them. In my rule 21 motion to this court I sent in an exhibit from the 4th cir in which it claims it no longer has jurisdiction over my case. If this is true then what happens to the pro se supplemental briefs that the 4th cir granted but never addressed? How can I appeal these issues in a § 2255 if no court ever ruled on them? I am not a lawyer I'm being forced to represent my self, so I must ask questions to try to protect my rights. So can I have a up date on the rule 21 motions that was filed in this honorable court before my petition for writ of certiorari was denied...

Respectfully

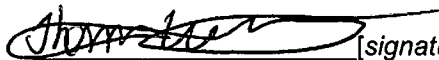
Thomas Waters



1-29-18

*Certificate of Good Faith by Counsel*

I, Thomas Waters [name of counsel], counsel for Thomas Waters [name of petitioner], certify that the this Petition for Rehearing is presented in good faith and not for delay, and that it is restricted to the grounds specified in Supreme Court **Rule 44** of the Rules of this Court.

 [signature]

Counsel for Thomas Waters

*Certification of Compliance With Word Limits*

As required by Supreme Court Rule 33.1(h), I certify that the document contains \_\_\_\_\_ [number] words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 1-29-, 2018.

 [signature]

Thomas Waters [typed name]