

SUPREME COURT
OF THE UNITED STATES OF AMERICA

Marvin Steve Martinez-Hernandez §

v. §Case No.17-7448

UNITED STATES OF AMERICA §

PETITION FOR REHEARING

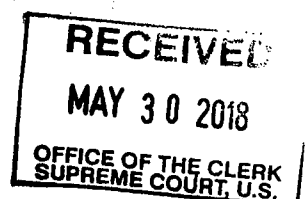
COMES NOW, Martin Steve Martinez-Hernandez, pro se, Petitioner, to petition this Court to grant the Petitioner a Rehearing.

BRIEF

The Petitioner raised a Constitutional issue in that the Petitioner was sentenced beyond the guidelines and that the Petitioner's sentence did utilize the "Violent Crime" definition given within the United States Code Service, to which this Court has decided is unconstitutional. 18 U.S.C. §16(b).

CONCLUSION

The Petitioner has shown that these facts within the original brief. This Court recently decided the Lynch v. Dimaya, case shows that this Court is the last hope for the Petitioner in this endeavor and that the Petitioner is suffering the same cruel and unusual punishment that Dimaya has been suffering. Lynch v. Dimaya, 137 S. Ct. 535, 803 F.3d 1110; (2015) Thereby this Petitioner requests that this Court grant the Petitioner a Rehearing in order that a miscarriage



of justice does not ensue.

PRAYER

The Petitioner prays that this Court grant the Petitioner substantial leeway in regards to the filing of this Petition, since the Petitioner is filing this Petition pro se.

Respectfully Submitted,



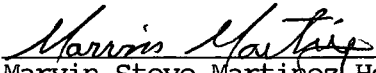
Marvin Steve Martinez-Hernandez

CERTIFICATE OF INTERVENING CIRCUMSTANCES AND GOOD FAITH

I, Marvin Steve Martinez-Hernandez, pro se, Petitioner, do hereby certify pursuant to The United States Supreme Court Rule 44 that this petition only states grounds which are limited to intervening circumstances of substantial or controlling effect, to wit: this Court's ruling in Sessions v. Dimaya (previously Lynch v. Dimaya).

Further, I do hereby certify that this petition for rehearing is presented in good faith and not for delay.

Respectfully Submitted,



Marvin Steve Martinez-Hernandez

5-19-18

Date

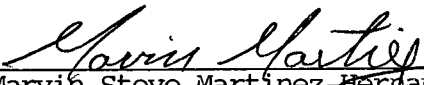
CERTIFICATE OF SERVICE

I, Marvin Steve Martinez-Hernandez, pro se, Petitioner, do hereby certify pursuant to 28 U.S.C. §1746 that on this day, May 21, 2018, I have placed a true and correct copy of the foregoing, Petition to Request a Rehearing, in the Mail System for prisoners located herein at the Beaumont Medium Federal Correctional Institution, to be forwarded to the foregoing parties:

SUPREME COURT
FOR THE UNITED STATES OF AMERICA
William K. Suter, Clerk
1 First St., NE
Washington, D.C. 20543-0001

Solicitor General
of the United States of America
Department of Justice
Room 5614
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Respectfully Submitted,


Marvin Steve Martinez-Hernandez