

Case No. 17-7625

in the
SUPREME COURT OF THE UNITED STATES

STACY L. CONNER,
petitioner,

VS.

WILLIAM STEPHENS, et al,
respondents.

PETITION FOR REHEARING EN BANC

TO THE HONORABLE JUSTICES OF THIS U.S. SUPREME COURT:

Comes Now, Stacy L. Conner TDC #01428940, hereinafter referred to only as Conner, in the above-entitled and numbered cause who files Pro Se this "Petition for Rehearing En Banc" pursuant F.R.A.P. 35 and 40; including the Supreme Court's own local Rule 44(2), will present you with the following:

Conner, is very aware of how much this Court disfavors (immensely) to receive this type of pleading, especially one from a Pro Se prisoner. Yet, our system of government, in its wisdom,

has elected to make just such a safety valve available in order to protect against any unforeseen issues of importance from ever escaping the Court's attention which might result in an unfair ruling that leaves the scales of justice askewed at an odd or unsightly angle, and in order to preserve the proper balance, this revered Gatekeeper of the Constitution itself deserves the opportunity to make any necessary adjustments that may help to maintain harmony (and uniformity) with that Great sacred document symbolic of our American scheme of Justice: THE UNITED STATES' CONSTITUTION . . . which is ironclad and not easily bent.

Conner, is rather adamant in the belief that his position is exactly why such a modern or path of travel as this even exist. He humbly entreats and asks for this Court's liberality and patience in reconsidering the facts of his entire case so as to prevent a grave and unfair miscarriage of justice from occurring.

STATEMENT OF FACTS, THE ARGUMENT AND AUTHORITIES

After filing a timely Petition for Writ of Certiorari in case No. 17-7625; this Court, entered a short/concise order that simply "denied" Conner's petition on April 2, 2018.

In accordance to this Court's own Rule 44, the 25 day time limitation that permits the filing of this petition is due on or before April 27, 2018.

Conner, fully understands how (seemingly) excessive an En Banc pleading might be perceived by the Court to be, but feels their denial of his Writ runs so far outside the norm, and is

such a blatant contradiction to the protections guaranteed by the due process and access-to-court clause of the Constitution that the input of each panel member is certainly justified under the given circumstances presented here.

Conner, contends that once he was granted a COA he obtained an inalienable RIGHT to file a cognizable appellate brief with the 5th Cir. and to have his claims ruled upon solely on the value of their own merits.

Instead, what he actually received was an opinion written by the 5th Cir. that was so far removed from the issues presented and reality itself that it could easily be labeled as disingenuous (at best) and was factually flawed in a definitive way that harmed not only Conner but the integrity of the appellate court as well, which should be a major concern to the U.S. Supreme Court.

Valid Reasons for Granting a Rehearing:

Conner, was clearly denied a fair, adequate or meaningful appeal because in resolving his claim the 5th Cir. wrote in their opinion an assertion that the record itself clearly (not only merely contradicts, but) PROVES their words to be false and entirely untrue!

Furthermore, in his appellate brief, Conner presented a distinct accusation that the lower court, in deciding his case, Penalized him for actively seeking redress...that the magistrate judge, in his recommendations to the district court, actually changed his position from 'denied without prejudice to with preju-

dice' when Conner refused to drop his suit and chose instead to exercise his RIGHT to access-to-court. This was a concise/strategic change within the lower court's recommendations, that because of the strict federal 3-strikes policy, definitely HARMS Conner. In his brief to the 5th Cir. Conner gave a detailed recital of the record that supports (more than not) this serious charge. Yet, there is not one mention nor reference regarding this issue to be found in the 5th Circuit's written opinion. Solely on the basis of this issue alone can it honestly be said that Conner received a fair, adequate, or meaningful appeal??

This very Supreme Court itself, resently, in deciding Buck v. Davis, 137 S.ct. 759; 197 L.Ed 2d 1 (2018 U.S,) found fault with the 5th Circuit's handling of a Texas prisoner's Pro Se application for COA... you clearly acknowledged that mistakes ARE, in fact, made. It was actually quite commendable of this Court to make the adjustment ruling in 'Buck' that preserved and protected a prisoner's RIGHT to access-to-court.

Which is why Conner was somewhat surprised and completely unprepared - after presenting in his Writ to this Court an indept argument concerning these matters mentioned - you simply issued an order that his petition was 'Denied'.

By the reasonings dictated many many times in your very own rulings, can it be honestly said that Conner received an "Adequate, Effective, or Meaningful" review of his Petition for Writ of Certiorari to the Supreme Court?

CONCLUSION

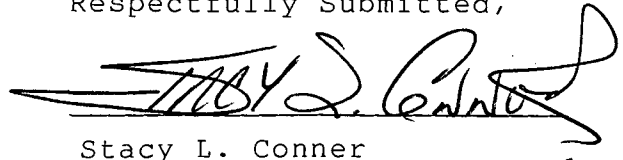
Once again Conner reiterates his awareness of how much this Court disapproves of this kind of pleading, and the fact that seldom (if ever) are they fruitful. Yet, this avenue of travel does exist; and Conner would respectfully suggest for reasons just such as the one presented here. And if not here and now, then when? What case, or issue could be any more serious or important than the ones displayed and argued here.

Both the 5th Circuit Court of Appeals and then the Supreme Court of the United States totally ignored and failed to address a Fact issue presented that clearly infers [and the record, and the evidence supports] that Conner (this Petitioner) was actually penalized [Punished] for choosing to exercise his RIGHTS to due process and access-to-court...if such behavior is to be condoned by this Court's silence, then surely - just as the sun rises in the east - the transgressions will only thrive and flourish unchecked, growing like a weed that is watered.

Wherefore, Premises Considered, Conner Prays that this Honorable Court will Grant his Petition for Rehearing, in all things; to deliver an opinion on the matters discussed, and will Grant any additional relief to which he may rightfully be entitled under the umbrella of the United States Constitution.

Dated: April 24, 2018

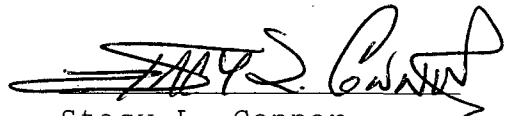
Respectfully Submitted,


Stacy L. Conner

CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rule 44(2) Conner assures this Court that his petition for rehearing is substantially grounded and limited to intervening circumstances, is made in good faith and not presented under any misguided purposes of strategy nor delay, but rather is soundly based upon the bedrock foundation of earnest justice alone, as dictated by our U.S. Constitution.

Executed on: April 24, 2018



Stacy L. Conner
Petitioner, Pro Se

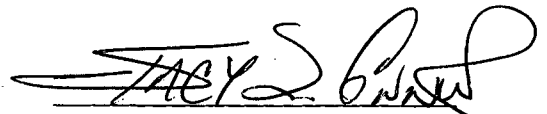
PROOF OF SERVICE

I do so certify that a true and correct copy of the proceeding "Petition for Rehearing En Banc" and "Certificate of Compliance" are being forwarded by first-class U.S. mail to:

Lori Davis, Director TDCj
P.O. Box 99
Huntsville, Tx. 77342-0099

by my placing them in the prison unit mailbox (for processing and mailing) on this: 24 day of April 2018.

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



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