

IN THE
SUPREME COURT OF THE UNITED STATES

BRIAN MICHAEL BREWER,

PETITIONER,

V.

UNITED STATES OF AMERICA,

RESPONDENT.

ON PETITION FOR WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

SUPREME COURT RULE 44 PETITION FOR REHEARING
PETITION FOR WRIT OF CERTIORARI

PRO SE

MR. BRIAN MICHAEL BREWER
#50290-048

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STATEMENT OF GROUNDS

First Amendment of the United States Constitution has been repeatedly granted as right unto the world [wide web service providers and its Website Owners] by internet pursuant to Holdings of the Supreme Court of the United States.

I. Is Stare Decisis First Amendment Precedent requiring revisiting post Anti-Terrorist Act pursuant Facial Challenge to the Title 18 U.S.C. § 2252A under Selective Prosecution ?

II. Is the world wide web/internet through Petition For Writ Of Certiorari under rehearing Petition exceeding Congress's Vested Authority to Grant "Immunity Provisions" pursuant to Title 18 U.S.C. § 2252A inclusive of the Anti-Terrorist Act; by virtue of foreclosure from First Amendment Protections withheld through Supreme Court of the United States Holdings in Miller v. California, and New York v. Farber ?

III. Petitioner declares right to discovery of co-defendant's Brady, Jencks, and Giglio Materials, as Computer Crimes as to receipt or possession manifest from unintelligent software protocols and lack of technological designs.

Facebook.com Mark Zuckerberg as of May 2018 had to make repeated appearances before the U.S. Congress as to Regulation of the Internet to explain company policy and practice, which, admittedly are failing in responsibility to self regulate. Petitioner sets forth elimination of Selective Prosecution/Enforcement of child obscenity and or pornography mandates and dictates so.

These grounds are possibly the most substantial presented.

JURISDICTIONAL STATEMENTS

This Supreme Court of the United States has discretion under Supreme Court Rule 44 to hear petition for rehearing of a petition for writ of certiorari, and pursuant to Title 28 U.S.C. § 1621 is authorized to grant relief or oral argument.

Oral Argument is requested hereof.

LIST OF PARTIES

United States of America	(U.S. District Court District of Nevada)
	(U.S. Court of Appeals for the Ninth Circuit)
	(United States Supreme Court)
Brian Michael Brewer	(American Born U.S. Citizen)
Co-Defendant	(World Wide Web/Internet)

ISSUES PRESENTED

QUESTION

Is the World Wide Web/Internet through Petition For Writ of Certiorari under rehearing Petition exceed Congress's Vested Authority to Grant "Immunity Provisions" pursuant to Title 18 U.S.C. § 2252A inclusive of the Anti-Terrorist Act; First Amendment Prohibition of Protections ?

PETITION

Brian Michael Brewer, herein requests that this Honorable Supreme Court of the United States allow a hearing in relation to a constitutional challenge under the criminal offense conviction as to possession/receipt of child pornography Title 18 U.S.C. § 2252. Whereas, a rehearing would be so petitioned pursuant an intervening change in law since creation of the petitioner's writ of certiorari denied April 23, 2018.

The primary argument under a standard of review just recently unobstructed hereafter as of February 21, 2018 in Class v. United States, U.S., No. 16-424. For the "Immunity Provision" entitling Internet Service Providers a Safeharbor under a First Amendment guarantee violates the Anti-Terrorist Act, when reasoned in context as to obscenity or pornography of children stare decisis's as through Miller v. California, or New York v. Farber, foreclosure of any First Amendment protections.

Further, the intents of Congress were made clear under black and white text, wherein Congress stated child pornography being so readily available on the world wide web or internet, that we must stamp out child pornography at the highest levels of its distribution chain. When in fact and under common-sense analysis and reasoning computer users are in themselves liable for the contents of their postings. But, too so is the very highest level of this distribution chain, being the world wide web and it's Internet Service Providers.

[I]nvention of automobiles required law to regulate travel, as well as, safety features, emissions, and quality underpinnings. And trial and error had to be removed before automobile could become the

commodity within our everyday marketing enterprise. The brakes had to perform or else someone would die.

In the same step, the internet has to also conform with laws and regulations, irrespective as to taxation or governmental oversight. And because technology is its primary source, it means, technology though complex and seeded in engineering advancements is itself the highest level of the distribution chain when possession and receipt of child pornography or child obscenity are realized. Solution can only be understood as through the technology on a reverse course analysis. Indeed, technology requires technology solutions, which, if taken as true must incorporate regulations and laws. Along with some technical advantages to prevent any receipt or distribution of child pornography or obscenities period!

WHEREFORE, though petitioner is liable for conduct involving receipt of child pornography, the Immunity Provisions afforded the technological fields of this vast array of world wide web services and internet tech giants are unable to remain unliable also.

The first steps undertaken to acknowledge that Website Owners were indeed liable for the contents of others postings arose from Backpage.com, LLC and has manifested into a complete miscarriage of justice through the lack of technological security precedents, as to children through victimization(s), or individual(s) becoming as radicalized terrorist(s), and or Terrorist(s) or Communist(s) internet posting(s) and content(s) victimizing children through obscenity, child pornography, as well as, through ideological radicalization. Even, to misinform or manipulate voters and jurists. This miscarriage, violates the Ninth Amendment of the United States Constitution and

by such Selective Prosecution and Enforcement of Child Pornography Statutes, with safe harbor provisions of immunity from prosecution, if world wide web service providers and website owners report such activity pursuant stare decisis that enables and affords these very Selective Prosecution(s) or Selective Enforcement(s), in the name of the First Amendment Protection(s) given only to the select(ed), (1) world wide web (2) internet tech giants (3) website owners (4) Internet Service Providers. But, not to any users.

Simply, stated, Petitioner has a co-defendant in order to have been prosecuted, and the development of Selective Prosecution(s) was raised under direct appeal. This Supreme Court requires to review that pursuant to stare decisis (1) the First Amendment was afforded entitlement to internet service providers in analysis through context of publishing reasoning, which, was completely incorrect and a grave miscarriage of justice; (2) Users of computer services became liable for contents of storage technology within computer devices, and the service providers only [immune from prosecution].

In reality, the service providers are obligated to create a technology and security system designed to forbid distribution or exchange of child pornography and or child obscenity. As you do not invent a car and sell everyone who can afford it a brake.

Nor, can computer internet services should ever be without a brake to stop, prevent, interfere, disrupt, and destroy terroristic and or communist(ic) threats, obscenities, pornographies, violence, or materials. Including any seizure, or theft, or radical religion, and or uninformed vote, purchase, and exchange. Realistically, the tech giants must be more advanced to invent, create, and manufacture

a world wide web deserving of a world market forum. And the context as to position if preacher becomes necessary under proposition(s) to petition for rehearing Petitioner's Petition For Writ of Certiorari pursuant Selective Prosecution/Selective Enforcement Claim.

[The U.S. Court of Appeals for the Ninth Circuit through Pro Se Supplemental Opening Brief raised the Constitutional Challenge as to the infirmancy within the "Immunity Provision" under 'Reporting Requirement' mandated through Title 18 U.S.C. § 2252A, which, are understood to be contrary to the (ATA) Anti-Terrorist Act.

WHEREBY, no world wide web providers and or internet users or providers may give material support to terrorists, therewith, the any and all 'Immunity Provisions' are defunct under Title 18 U.S.C. § 2252A Child Pornography 'Reporting Requirement' from prosecution(s).

CONCLUSION

If Congress can declare that child obscenity and child pornography are readily available on the internet, and further, choose to create the Anti-Terrorist Act (ATA), then a genius is not even necessary to extract from these common denominators that the internet and world wide web are very much within the context of regulation and software laws necessary to stamp out, on the internet and world wide web provision of any safe harbor to support or distribute, store, exchange, or display, promote, nor stream any such disgusting and vile things as child pornography, child obscenity, communism, or terrorist materials. Receipt contrives the basic concepts as in a geometric universe, the scope of receipt is upon human intellect as having been given or provided. Up or down loaded, it takes

another, and as such, discovery of Brady Material, Jencks Material, Giglio Material, and Discovery of Co-defendant(s) is basic fundamental criminal procedure. Congress is without authority to eliminate the foundations of basic criminal procedural practices under Title 18 U.S.C. § 2252A (Computer Crimes). Backpage.com, LLC became laible for the contents of others postings, cause of a more meaningful and a more forthright approach to maintain decency, responsibility, and internet societal morals.

Rehearing is necessary in light of the primary concern, that a world wide market requires software services that are technological technically enough so, that material support for terrorists and their inclination to promote distribution of child pornography and child obscenity images over the internet is forever stamped out. With no first Amendment Protection as was meant to be within the ruling precedential stare decisis holding from prior Supreme Court Decisions of the United States, wherein, a First Amenmdent analysis was reasoned to entitle publishing concepts to world wide web matters. First Amendment is meant for the United States and is not truely as ready for the world as possibly one may have imagined or reasoned. "Immunity Provisions" or 'Safe Harbors' are unconstitutional thereto.

It is the interests of human kind world wide to undertake a Rehearing of this Petitioner's Petition For Writ Of Certiorari. Kindly, grant this Rehearing Petition to stamp out child pornography at the highest level of the distribution chain ("www").

RESPECTFULLY SUBMITTED,


MR. BRIAN MICHAEL BREWER