

No. 17-8575

In the Supreme Court of the United States

DENNIS D. LINEHAN,

Petitioner, Pro Se

v.

EMILY JOHNSON-PIPER, Commissioner of
Minnesota Department of Human Services; et al.,

Respondent(s).

**AMENDED PETITION FOR EN BANC REHEARING OF
PETITION FOR WRIT OF CERTIORARI TO REVIEW
WRIT OF HABEAS CORPUS**

Dennis D. Linehan, *Pro Se*
1111 Hwy. 73
Moose Lake, MN 55767
15 Sec. Message Line (218) 351-1900

Petitioner Counsel

Petitioner, *Pro Se*

Dennis D. Linehan
1111 Hwy 73
Moose Lake, MN 55767
(218)485-5300 (Facility Voice)

Respondent(s) Counsel

Respondent(s)

Matthew Frank, Esq.
MN Assistant Attorney General
445 Minnesota Street Suite 1800
St. Paul, MN 55101-2134

PURPOSE OF AMENDED PETITION FOR REHEARING

- 1.) This court, in denying Petitioner's petition for writ of certiorari, causes Petitioner to continue suffering illegal confinement, harming him with grievous loss of fundamental and private rights, liberty, property and safety in violation of federal constitution amendment XIV Substantive/Procedural Due Process, Double Jeopardy and Separation of Powers Doctrine.
- 2.) The lower courts' rulings are clearly based on an unreasonable and biased determination of the facts, in light of the evidence presented, focusing instead on technicalities and decades-old dangerousness while disregarding the facts of Petitioner's claims.¹
- 3.) U.S. Supreme Court Rule 10(c) reads; *a state court or a United States court of appeals . . . has decided an important federal question in a way that conflicts with relevant decisions of this Court.* This Court, in *Linehan v. Minnesota 1997* has already once vacated and remanded back to the Minnesota State Supreme Court "*in light of Hendricks,*" only to have Minnesota refuse to

¹ ***Criminal Law & Procedure > Habeas Corpus > Procedure > General Overview:***

Interpretations of 28 U.S.C.S. 2241-2255 that would suffocate the writ in stifling formalisms or hobble its effectiveness with the manacles of arcane and scholastic procedural requirements is rejected.

While it is true that a habeas corpus proceeding is civil in nature, *see, e.g., Kurtz v. Moffitt*, 115 U.S. 487, 494, 29 L. Ed. 458, 6 S. Ct. 148 (1885), it is equally true that such a proceeding is dramatically different from any other type of civil action. As the Supreme Court has stated, habeas corpus proceedings are of " 'fundamental importance . . . in our constitutional scheme' because they directly protect our most valued rights." *Bounds*, 430 U.S. at 827 (quoting *Johnson*, 393 U.S. at 485). As a result, courts are not bound to systematically apply traditional rules governing civil proceedings when to do so would be inconsistent with the overriding purpose of the federal habeas corpus statute.

comply with that Order by acting under false authority of departmental “variances” to eliminate the Minnesota Sexual Psychopathic Personality Treatment Center (MSPPTC) program, thereby disregarding the clear purpose of Petitioner’s commitment, which is, to receive psychiatric care and treatment of a court determined mental illness that is causal to some current substantial dangerousness. Instead, DHS forced Petitioner, without a judicial hearing, into Minnesota Sex Offender Program (MSOP), mandating “behavior counseling” of decades-old criminal trial behavior.

- 4.) DHS also, under departmental variance, removed Petitioner from “patient” status grievously harming him with loss of invaluable rights and protections under state and federal Patient Health Care Bill of Rights. Thus, Minnesota has proven itself to be incapable of following this Court’s directives. These variances conflict with court orders, statutes and constitutions thereby violating federal Amendment XIV Procedural/Substantive Due Process, Double Jeopardy and Separation of Powers Act.
- 5.) The facts favor this Court’s intervention to grant certiorari to review Federal constitutional violations that will only be brought back to this court again as these claims affect thousands of civilly committed patients covering twenty states with sex offender civil commitment.
- 6.) MSOP is a program housed in a prison facility, situated on prison grounds, behind prison razor wire fencing mandating a psychologist’s behavior counseling program designed to gather information and, at best, counsel

while operating under punitive prison policies instituted by prison personnel with Ex-Warden Benson hired by DHS to bring MSOP into compliance with state prison standards.

- 7.) Because Respondent, acting under color of state law, unjustifiably, with deliberate indifference and willful intent, grievously harms Petitioner daily with infringements and deprivations of fundamental and private rights, liberty, property and safety, this Petition for Writ of Certiorari should be speedily GRANTED so this full court can finally and decisively make a ruling on an extremely important legal decision found in Petitioner's Writ complaints. There is no other adequate legal remedy to resolve Petitioner's Writ of Habeas claims.

Name, Address, Zip Code, Telephone Number, And Registration License

Number Of Attorney(S) For:

Petitioner, *Pro Se*

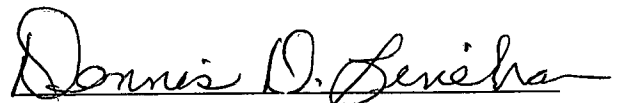
Dennis D. Linehan
1111 Hwy 73
Moose Lake, MN 55767
(218)485-5300 (Facility Voice)

Respondent

Matthew Frank, Esq.
MN Assistant Attorney General
445 Minnesota Street Suite 1800
St. Paul, MN 55101-2134

Pursuant to 28 U.S.C. 1746, I, Dennis D. Linehan, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and ability.

Executed on July 26, 2018



Dennis D. Linehan, *Pro Se*
1111 Hwy 73
Moose Lake, MN 55767

No. 17-8575

In the
Supreme Court of the United States

Dennis D. Linehan — Petitioner,

vs.

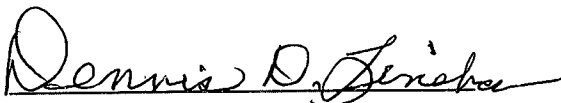
Emily Johnson-Piper, Commissioner of Minnesota Department of
Human Services (DHS) — Respondent,

CERTIFICATE OF GOOD FAITH

As required by Supreme Court Rule 44, Petitioner states that his Petition for Rehearing is limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented. This litigation is presented in good faith not for delay.

Pursuant to 28 U.S.C. 1746, I, Dennis D. Linehan, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and ability.

Dated: July 26, 2018



Dennis D. Linehan, *Pro Se*
1111 Hwy 73
Moose Lake, MN 55767
(218)485-5300 (Facility Voice)