

No.17-8975

IN IN THE
UNITED STATES SUPREME COURT OF THE UNITED STATES

COVER SHEET

ANDY BUXTON, In Propria Personam.
Petitioner.

v.

LEE J. ESTOCK, et
RESPONDENT

PETITION FOR EN BANC/REHEARING- NUNC PRO TUNC FROM THE COURT'S
June 25, 2018 DECISION

Filed on behalf of the petitioner


Mr. Andy Buxton MS#1885

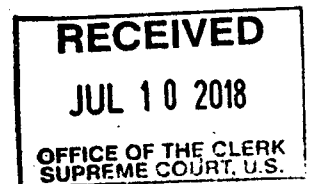
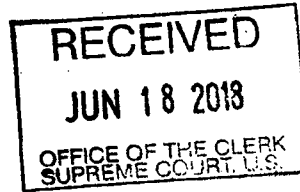
SCI-MERCER

801 Butler Pike Road

Mercer, PA 16137

Dated: May 29-2018//

Perfected: June 28-2018



T A B L E O F C O N T E N T S

Jurisdictional statement	iii.
Order Appealed From(Letter Issued by the Clerk)	1.
Argument	2-3.
Conclusion	3.
Certificate of Service	4.

JURISDICTIONAL STATEMENT

Petitioner respectfully Prays that a En Banc/and Rehearing Review Sua Sponte be granted in lieu of the current Miscarriage of Justice involving the unjust denial of a Good Faith Petition for Writ of Certiorari by a Panel of this Supreme Court of the United States on 6-28-2018; That En Banc Review is needed to correct on Appeal, a decision found to be in conflict with the Laws of the Land. The Jurisdiction of this Supreme Court of the United States is invoked to hold a En Banc/and Rehearing in this Matter pursuant to the following: 28 U.S.C. §1254. Et. seq., and §1257. Et seq.; Supreme Court Rules, Rule 13.; 44 Et. Seq., 22.1.; and also Rules of U.S. S.Ct., Rule 10(c).

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

June 25, 2018

Mr. Andy Buxton
Prisoner ID #MS-1885
SCI Mercer
801 Butler Pike
Mercer, PA 16137

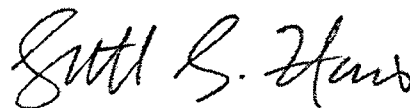
Re: Andy Buxton
v. Lee J. Estock, Acting Superintendent, State Correctional
Institution at Mercer, et al.
No. 17-8975

Dear Mr. Buxton:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Harris", written in a cursive style.

Scott S. Harris, Clerk

I. EN BANC/REHEARING IS NECESSARY BECAUSE THE JUNE 25, 2018 COURT PANEL'S ORDER NEEDS CLARIFICATION BECAUSE OF ITS FAILURE TO ENFORCE THE DEMANDS OF THE SUPREMACY CLAUSE UPON THE DISTRICT COURTS DURING COLLATERAL PROCEEDINGS.

This Appeal for Rehearing/En Banc is from the decisions entered by both the District and Third Circuit Court of Appeals.

Instantly, Andy Buxton, The Petitioner requests a "En Banc/Rehearing" on behalf of his case, as well as on behalf of all those whom are now similarly situated; Logically That he/they be granted Reconsideration of the Unconstitutional and Bias Denial of his/their good faith. Thus, He/Buxton and those whom are similarly situated demand both Clarification /Application, continuous Constitution Enforcement and Protection of Third Circuit Court Decisions. Herein, In Lieu of the aforesaid, Judicial Notice is given, That Petitioner's District Court and Current Petition for a "U.S Writ of Certiorari," should be Incorporated herein, as if same was set forth, both whole and in part.

Therefore, I, Andy Buxton, Express a belief, based upon a reasonable self-study of historical court judgments, (as well as the following citations) That the panel's decision of June 25, 2018, as was entered by the U.S. Supreme Court ... Is tantamount to the Court committing a "Structural Defect". Especially, as was done in this instant, We find that the Panel turned a blind-eye to what is seen clearly as proof as an act of injustice, Which is now compounded by the complained of panel's denying (Mr. Buxton) the petitioner, a good faith constitutional rights as well as, to address the Denial of Review of the bad faith/bias June 25, 2018 Letter' Sent in lieu of "Authentic Supreme Court Order" filed without an opinion at issue. . . Instantly is found contrary to well and clearly established laws and known U.S. Supreme Court Decisions. Moreover, it is believed that a good faith, Rehearing en banc is necessary because the Order of the Panel failed to Rule on the Writ before it. In this case the Panel has failed to respond to the fundamental arguments of the Petitioner. This Court can reach Mr. Buxton's Writ at this late date En Banc/Rehearing ... Because, "No matter where or how the injustice occurred-the ultimate power of the federal judiciary is adequate to undue the injustice that bounds the miscarriage of justice. Especially the Gideon violation.

II. FINALLY, THE PETITIONER ASK THE FULL COURT, TO OFFER A "JUDICIAL CLARIFICATION" CONCERNING THE FOLLOWING QUESTIONS:

- 1. WHETHER THE DISTRICT COURTS ERRED IN NOT ISSUING A CERTIFICATE OF APPEALABILITY IN THE PETITIONER CASE IN WHERE OTHER DISTRICT COURTS GRANTED SUCH?**
- 2. WHETHER THE THIRD CIRCUIT OF APPEALS ERRED IN NOT ISSUING A CERTIFICATE OF APPEALABILITY AND REMANDING BACK TO THE LOWER COURT? DUE TO GIDEON VIOLATION.**

Wherefore, A Rehearing by the En Banc Court is required because a Panel of this Court failed to satisfactorily Answer the Above Questions, thus, A Clarification is Necessary by this Court to Enforce the Demands of the Supremacy Clause on the inferior Courts during the proceedings. Moreover, There is a reasonable probability the Full Court will vindicate its powers to allow the Original Writ to be heard; Grant Certiorari and Reversal of the Denial.

III. REHEARING IS REQUIRED BECAUSE BOTH THE PANEL DECISIONS AND UNITED STATES SUPREME COURT'S DECISIONS FAILED TO EVALUATE WHETHER THE INFERIOR COURT'S JUDGMENT VIOLATED THE SUPREMACY CLAUSE OF THE U.S.CONSTITUTION.ALSO DENYING A CLEAR GIDEON VIOLATION:

We further express belief,based upon a reasonable study and Judgement that this appeal for En Banc/Rehearing In Llie of the Original Petition-Brief for Writ of Certiorari involves one or more questions of exceptional importance. This is true especially because these basic tenets of our Supreme Court Jurisprudence and Appellate Jurisdiction require immediate clarification and affirmation, and because the effect of Third Circuit Decisions and District Court as the "Law of the Land" shall be applied Equally to petitioner's benefit. Therefore,Reversal of the Panels decision of June 25,2018, shall be granted.Herein,the Order presents a series of counterrelaed questions of"exceptional importance" we urgently and respectfully request immediate reconsideration by this Court En Banc.

CONCLUSION

Based upon the foregoing arguments and authorities,upon the briefs peviously filed in this Court to grant a rehearing En Banc.

Dated:May 29 ,2018
Perfected:June 28,2018

Respectfully Submittied



Mr.Andy Buxton,MS#1885

SCI-MERCER

801 Butler Pike Road

Mercer,PA 16137

IN THE
UNITED STATES SUPREME COURT OF THE UNITED STATES

ANDY BUXTON, In Propria Personam/Pro se.,
Petitioner.

v.

LEE J. ESTOCK, et

Respondents(s).

PETITION FOR A EN BANC/REHEARING IN NUNC PRO TUNC./IN LIEU OF THE DENIAL OF HIS
PETITION FOR A WRIT OF CERTIORARI, IN THE U.S. SUPREME COURT
TO, THE HONORABLE JOHN G. ROBERTS, CHIEF JUDGE AND JUSTICES OF THE ABOVE COURT.

PETITION FOR EN BANC/REHEARING-NUNC PRO TUNC FROM THE COURT'S

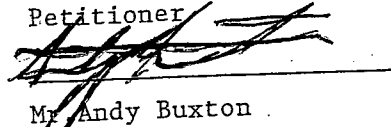
June 25, 2018 DECISION

COMES NOW, Andy Buxton, Petitioner/In Propria Personam, who hereby moves the Court in the above captioned case and matters to grant him Leave to File, A "Petition for EN Banc/Rehearing" Nunc Pro Tunc ... In Lieu of the denial of his "Petition for a Writ of Certiorari," filed to correct the Current Miscarriage of Justice and to ask the High Court to Rule, Adjudge and Clarify; whether the inferior lower Courts are denying Petitioner and Prisoners similarly situated the Constitutional Protection and Application of Court decisions during their Appeals; Pursuant to the U.S. Const. Art. 6 CL. 2. "The Supremacy Clause" ... The June 25, 2018, Ruling handed down in the present case directly conflicts with the well established decisions of the United States Supreme Court. Apprendi/Alleyne, Gideon violation per. Hurst v. Florida, 136 S.Ct. 616, 624 Note. (2016). Judicial Notice is given, that this Request for Redress is presented in good faith and not for delay. Herein, The Petitioner proffers the following in support of the "Petition for an En Banc/Rehearing," that the fu;;- Court Review/Reconsider the cause/effects of denial of rights; sua sponte, Shall Reconsider the unjust/unconstitutional denial of his good faith "Petition for a Writ of Certiorari". Furthermore, He/Andy Buxton, Petitioner represents that his Original :Petition for a Writ of Certiorari" and the Brief for Merit" filed in support thereof, should be incorporated herein as if same was set forth, both whole and in part.

He avers the following; The Petition is filed in good faith and not for delay:

Dated: May - 29-2018
Perfecting: June 28-2018

Filed on behalf of the
Petitioner


Mr. Andy Buxton

MS#1885

SCI-Mercer

801 Butler Pike Road

Mercer, PA 16137