

Case No.

Case No. 21-7973

IN THE
SUPREME COURT OF THE UNITED STATES

In re ROBERTO VILLARREAL

ON PETITION FOR A WRIT OF HABEAS CORPUS
UNITED STATES DISTRICT COURT
DISTRICT OF SOUTHERN TEXAS
28 U.S.C. 2242

PETITION FOR REHEARING
TO ORDER A RESPONSE
TO AN EXTRAORDINARY WRIT OF HABEAS CORPUS

Roberto Villarreal Pro se
#59214-179
FCI Three Rivers, mac-A
P. O. Box 4200
Three Rivers, TX 78071

PETITION FOR REHEARING
TO ORDER A RESPONSE
TO AN EXTRAORDINARY WRIT OF HABEAS CORPUS

Petitioner's Extraordinary Writ of Habeas Corpus was denied on June 21, 2022.

This Court violated its own rules by not ordering a response when applicant complied with 28 U.S.C. § 2242 in applying for habeas relief in the district court as required by 20.4.(a).

The ground for rehearing is "limited to intervening circumstances of a substantial or controlling effect" of Rule 20.4. (b) This rule requires the "court" to only to order or not to order a response.

20. 4. (b) Habeas corpus proceedings, except in capital cases, are ex parte, unless the Court requires the respondent to show cause why the petition for a writ of habeas corpus should not be granted. A response, if ordered, or in a capital case, shall comply fully with Rule 15 Neither the denial of the petition, without more, nor an order of transfer to a district court under the authority of 28 U. S. C. § 2241(b), is an adjudication on the merits, and therefore does not preclude further application to another court for the relief sought.

Denying the writ, the court has willfully overlooked the fact the applicant did make "application to the district court of the district in which the applicant is held." 28 U.S.C. 2242. There is no other court for habeas relief the petitioner can go to but to the Supreme Court of the United States. It is disingenuous to say there is.

As stated before, the Applicant had filed a Title 28 U.S.C. Chapter 153 - Habeas Corpus § 2255 Motion to Vacate conviction in the United States District Court, Southern District of Texas. (App. C) This court dismissed the motion and denied a certificate of appealability. 28 U.S.C. § 2253 (App. A) The district court response to ground one of the § 2255 motion to vacate: being in federal custody, incarcerated, is not a substantial denial of the constitutional right of liberty.

Being in compliance with 28 U.S.C. 2242 as required by rule 20.4.(a), there is only one choice available to this court under Rule 20. 4.(b). This court is to issue an order directing the Solicitor General of the United States to respond and to show cause why the writ should not be granted within three days. 28 U.S.C. § 2243.

/s/ Roberto Villarreal Pro se
#59214-179
FCI Three Rivers, mac-A
P. O. Box 4200
Three Rivers, TX 78071

June 24, 2002

Certificate of Good Faith

Petitioner, Roberto Villarreal, certifies that petition for rehearing is presented in good faith and not for delay and restricted to the ground specified in Supreme Court Rule 44, intervening circumstances of a substantial or controlling effect of Rule 20.4. (a) (b).

Dated: June 24, 2022

/s/ Roberto Villarreal

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AFFIDAVIT OF SERVICE

I, Michael J. Dee, preparer, of lawful age, being duly sworn, upon my oath state that I did on June 24, 2022, sent out from 29 Hillcrest St. Augusta, Maine 04330, one copy of the

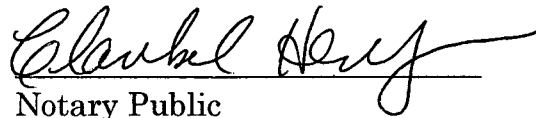
**PETITION FOR REHEARING TO ORDER A RESPONSE
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in the above-entitled case, has been served by first class mail addressed to:

Elizabeth Prelogar
Solicitor General of the United States,
Room 5616, Department of Justice,
950 Pennsylvania Ave., N. W.
Washington, DC 20530

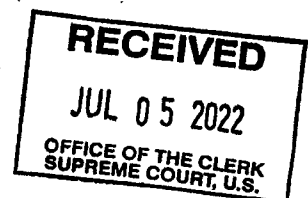
Subscribed and sworn to before me this 24th day of June, 2022.

I am duly authorized under the laws of the State of Maine to administer the oaths


Notary Public


Affiant

Claribel Henry
Notary Public, Maine
My commission expires
July 13, 2026



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CERTIFICATE OF COMPLIANCE


I, Michael J. Dee, preparer, declare that the
PETITION FOR REHEARING TO ORDER A RESPONSE
TO AN EXTRAORDINARY WRIT OF HABEAS CORPUS
contains two pages, 409 words. The petition was prepared in 12-point Century
Schoolbook font.

Subscribed and sworn to before me this ^{24th} day of June, 2022.

I am duly authorized under the laws of the State of Maine to administer the oaths



Notary Public



Affiant

Claribel Henry
Notary Public, Maine
My commission expires
July 13, 2026