

APR 14 2025

FOR MAILING
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IN THE
SUPREME COURT OF THE UNITED STATES
24-6565

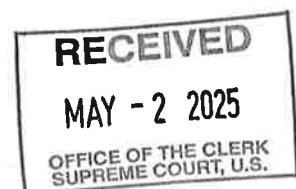
ALEX HERNANDO GOMEZ PETITIONER

v

RICKY DIXON, SECRETARY DEPARTMENT OF
CORRECTIONS, et al RESPONDANT

PETITION FOR REHEARING

ALEX HERNANDO GOMEZ
DC # 428086
Santafosa Correctional
Institution Annex
5850 East Milton Road
Milton, FL 32583



CONSTITUTIONAL PROVISIONS

Article I Section 9

"... The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it."

Article III Section 2

The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States and Treaties made, or which shall be made under their Authority.

Article VI Supremacy clause

This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States shall be the supreme Law of the land; and the Judges in every State shall be bound thereby; anything in the constitution, or laws of any state to the contrary notwithstanding.

Amendment V Due Process clause

... Nor be deprived Life Liberty or property without Due Process of Law...

TREATIES

OAS (Organization of American States)
American Declaration of the Rights and Duties of Man (1959)

- The Right to Equal Protection
- The Right to Personal Liberty
- The Right to Fair Trial
- The Right to Life
- The Right to Judicial protection

UNITED NATIONS GENERAL ASSEMBLY

Universal Declaration of Human Rights (1948)

Article 3

- Everyone has the right to Life, Liberty, and the security of every person.

Article 7

- All are equal before the Law and are entitled without any discrimination to equal protection of the Law.

Federal Statutes

28 USC 2253(c)(2)

28 USC 2254

Intervening Circumstances of a Substantial or Controlling Effect.

The "Petition for Rehearing" is filed for the following reasons which give rise to Intervening Circumstances of Substantial or Controlling effect.

The US Court of Appeals Decision demonstrates a Constitutional need for remedy of Review thru a "Petition for Writ of Certiorari" by this Court.

There are thousands of cases that are significantly effected by this erroneous trend in the misapplication of Standard of Review (By US Courts) to establish a false finding (of a denial of Constitutional Right) and preventing an issuance of "Certificate of Appealability" as stated in the instant "Petition for Writ of Certiorari."

Each case represents a human life that is arbitrarily being denied the protection of internationally recognized right to Writ of Habeas Corpus and the denial of the following Human Rights:

- The Right to Equal Protection
- The Right to Fair Trial
- The Right to Life
- The Right to Personal Liberty
- The Right to Judicial Protection

By failing to grant the Petition for Writ of Certiorari the inadvertence of the Supreme Court of the United States could be considered Actus Reus by the Supreme Court of the United States.

Wherein the failure to address the question of law and Review the denial of Habeas Corpus is allowing the US Courts to arbitrarily deny a Human being their inherent right to Equal protection, Right to Personal Liberty, Right to fair Trial, Right to Life, Right to judicial protection to name a few.

The international Community could consider the United States [STATE] thru the US Courts as violating International Treaties by committing various human Rights violations by arbitrarily issuing a denial of a "Certificate of Appealability." Wherein, the issuance of a Certificate of Appealability is required in order for an appeal to proceed in the US Court of Appeals pursuant to 28 USC 2253(c)(2), of a denial of a 28 USC 2254 petition for WRIT of Habeas Corpus.

Bolling v Sharpe (1954) dictates that the due process clause of the fifth amendment requires equal protection under the laws of the federal Government via reverse incorporation.

In 1948 the Universal Declaration of Human Rights was adopted by the United Nations General Assembly which declared in Art. 3:

"Everyone has the right to Life, Liberty, and the security of every person. Every human being has the inherent right to Life. This right shall be protected by law."

"No One shall arbitrarily be deprived of his Life"

Also in Article 7:

"All are equal before the Law and are entitled without any discrimination to equal protection of the Law."

The United States has entered into multiple treaties in the international community regarding the protection of human Rights, to include:

- The Right to Equal protection
- The Right to fair Trial
- The Right to Life
- The Right to Personal Liberty
- The Right to judicial protection

The United States [STATE] is obligated to uphold the human rights in the "Declaration of Rights and Duties of Man" as a treaty member of the OAS (Organization of American States) and the Universal Declaration of human rights as a treaty member of the United Nations.

The Supremacy clause in Article VI of the United States Constitution mandates that the treaties the United States has entered into be regarded as the supreme law of the land, as well as the US Constitution and the laws of the United States, and the judges in every state shall be bound thereby under Oath to uphold the same.

The US Supreme Court is obligated per international treaty to remedy the convoluted use of the "Certificate of Appealability" to evade the human rights protection of the Great Writ of Habeas Corpus, to ensure judicial protection equal protection and fair Trial. The US Supreme Court is obligated to grant the writ of Certiorari to address the erroneous application of the requisite standard as addressed in *Miller EL v Cockrell* and pursuant to 28 USC 2253(c)(2)

SUMMARY

The forementioned facts and argument have detailed the how and why a denial of the "Petition for Writ of Certiorari" could have serious international consequences resulting from substantial violation of controlling effect.

RELIEF

Having been given full notice of a need for Judicial remedy. The petitioner respectfully requests that this honorable court grant the "Petition for Rehearing"; and issue an Order to "vacate the denial of the 'Petition for Writ of Certiorari' issued on and granting the Motion for Leave to Proceed In forma Pauperis, and granting the 'Petition for Writ of Certiorari'."

The petitioner respectfully requests that this honorable court vacate the judgment and remand to the US Court of Appeals Eleventh Circuit with directions to issue a "Certificate of Appealability" in light of *Miller-El v Cockrell* 537 US 322 (2003)

Respectfully Submitted.

Dumped 428086
ALEX HERNANDO GOMEZ
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Santarosa Correctional
Institution Annex
5850 East Milton Road
Milton, FL 32583

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FOR MAILING BY
APR 14 2025
PROVIDED TO
SANTA ROSA C.I. ON

CERTIFICATE OF SERVICE

I HEREBY certify that a true and correct copy of the foregoing document "Petition for Rehearing" has been placed into the hands of Prison officials at Santarosa Correctional Institution Annex for pre-paid US, first class mailing to:

CLERK OF COURT
SUPREME COURT OF THE UNITED STATES
1 First Street N.E.
Washington, DC 20543

and

ATTORNEY GENERAL STATE OF FLORIDA
444 SEABREEZE BLVD suite 500
Daytona Beach, FL 32118

Executed on 14th Day of April 2025.

/ s/ Alex A 428086
ALEX HERNANDO LOMEZ
DC# 428086
Santarosa Correctional
Institution Annex
5850 East Milton Road
Milton, FL 32583

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CERTIFICATE

I HEREBY CERTIFY that the foregoing document "Petition for Rehearing" is presented in Good Faith, and Restricted to intervening circumstances of a substantial or Controlling effect, and Not for Delay.

Executed on 14th Day of April 2025.

Alex, A 428086
ALEX HERNANDO GOMEZ
DC# 428086
Santarsa Correctional
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Milton, FL 32583