

No. 24-6988

IN THE
SUPREME COURT OF THE UNITED STATES

RICARDO EDWIN LANIER PETITIONER

VS.

JUSTIN BURNS, ZANE CAPPS RESPONDENT(S)

ON PETITION FOR THE REHEARING OF AN ORDER
DENYING A PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

RICARDO EDWIN LANIER - 1210078

HENDERSON COUNTY DETENTION CENTER

375 1ST. AVE EAST

HENDERSONVILLE, N.C. 28792

I RICARDO EDWIN LANIER, am in fact the Petitioner in this matter, and am in fact counsel for myself in this matter as well. This respectfully written Petition for rehearing is fully invoked under rule 44 (REHEARING) of the RULES of the SUPREME COURT OF THE UNITED STATES. This Petition for rehearing is also in fact Presented in GOOD-FAITH and not for delay, but to respectfully bring to the SUPREME COURT'S attention that [N]either the Fourth Circuit Court of Appeals, nor the United States District Court (W.D.N.C.) Properly applied the 'Graham-Factors'... On Tuesday, June 16, 2025 The Court entered the following order in this case:

THE PETITION FOR A WRIT OF CERTIORARI IS DENIED. The clerk Scott S. Harris sent this notice to the Petitioner which the Petitioner received today Friday, June 20, 2025, thus Petitioner respectfully moves now to show the 'Graham Factors' were not applied, and that the Grounds contained herein are limited to Intervening circumstances of Substantial or Controlling Effect on to other Substantial Grounds Not Previously Presented.

In Graham v. Connor 490 U.S. 386 it was held: [ALL CLAIMS] that law enforcement officials have used excessive force -- deadly or not [xxx3] -- in the course of an arrest, investigatory stop, or other "seizure" of a [free citizen] are [P]roperly analyzed under the Fourth Amendment's "objective reasonableness" standard, rather than under a substantive due process standard. Pp. 393-394.

claims that law enforcement officials have used excessive force in the course of an arrest, investigatory stop, or other "seizure" of a free citizen are most properly characterized as invoking the protections of the Fourth Amendment, which guarantees citizens the right "to be secure in their persons... against unreasonable seizures", and must be judged by reference to the Fourth Amendment's "reasonableness" standard. Pp. 394-395.

The Fourth Amendment "reasonableness" inquiry is whether the officer's actions are "objectively reasonable" in light of the facts and circumstances [xxx4] confronting them, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. Pp. 396-397.

Determining whether the force used to effect a particular seizure is "reasonable" under the Fourth Amendment requires a careful balancing of "the nature and quality of the intrusion on the individual's Fourth Amendment interests" against the countervailing governmental interests at stake. Id. & Quoting United States v. Place 462 U.S. 696-703, our Fourth Amendment Jurisprudence [xx1872] has long recognized that the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it. See Terry v. Ohio 392 U.S. at 22-27 Because "[t]he test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application." Bell v. Wolfish 441 U.S. 520-559 however, its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer's or others, and whether he is actively [xxxx22] resisting arrest or attempting to evade arrest by flight. See Tennessee v. Garner 471 U.S. at 8-9 (the question is "whether the totality of the circumstances justify [s] a particular sort of... seizure")

The Fourth Circuit court of appeals [DID NOT] apply the 'Graham Factors' to the Petitioners' case/appeal see USCA4 Appeal: 23-7125 DOC: 24 filed 12-13-2024... Thus, the [PROPER APPLICATION WHICH REQUIRES CAREFUL ATTENTION TO THE SEVERITY OF THE CRIME AT ISSUE; WHETHER THE SUSPECT POSES AN IMMEDIATE THREAT TO THE SAFETY OF THE OFFICER'S OR OTHERS; AND WHETHER HE IS ACTIVELY RESISTING ARREST OR ATTEMPTING TO EVADE ARREST BY FLIGHT], materializing that the 4th circuit court of appeals ruling was with "clear error" leading to manifest injustice...

If the 'Graham Factors' were, and, or, are applied, meaning [now] by 'THE UNITED STATES SUPREME COURT'

The [FIRST] 'Graham Factor' favors the Petitioner. when the subject of a seizure "has [s] not committed any crime this factor weighs heavily in [the - subjects] favor. Bailey v. Kennedy 349 F.3d. 731 743-44 see also Turner v. Jordan 405 F.3d. 202-207 ("[T]he severity of the crime can not be taken into account because there was no crime.")

Defendant Burns Falsely charged and arrested Petitioner for grabbing his wife by the throat. See document 17-1 filed 7-11-2022 page 1 of 6 [ASSAULT ON A FEMALE file no. 21CR052696] Petitioner [N]ever grabbed his wife or assaulted her as Falsely charged and fabricated by both defendants' See document 22-1 Filed 8-10-2022 Pages 1; 2 of 2 'NOTORIZED AFFIDAVIT OF LAKESHA BUNCH - case # 21CR052696' [I WENT TO COURT GAVE THEM MY STATEMENT I TALKED TO THE DA (DISTRICT ATTORNEY) I TOLD THE DA SEVERAL TIMES MY VERSION OF WHAT HAPPENED THE DA ASKED ME MORE THAN ONCE IF HE PUT HIS HANDS AROUND MY NECK IF I WAS ASSAULTED I TOLD THE DA NO MORE THAN ONCE. LAKESHA BUNCH]

The [SECOND] 'Graham Factor' also favors the Petitioner. there is absolutely [no-evidence] that the Petitioner posed an immediate threat to the officer's or other's. The Petitioner was wearing boxer shorts without a shirt on, thus, the defendants' could clearly see the Petitioner's body as well as his hands to show that the Petitioner did not have any weapons that he could use to cause the defendants' any harm, [and] most importantly Petitioner [never] assaulted his wife, thus, there was [no immediate threat] to the Petitioner's wife either. The SUPREME COURTS needs to see document [S] 58-2 filed 2-17-2023 pages 6, 7 & of 22, CAPPs incident report [and] page 1 of 27 Burns incident report... neither defendant states in their 'original reports' [written by them] that they feared for their safety. also see document 58-2 filed 2-17-2023 page 10 of 22 [resist ~~w/o~~ violence]

However, the defendants' lawyer [S] strategically 'plotted' as well as [i] intentionally misled the court into believing the defendants' had a knowledge of Petitioner's [alleged 'assaultive' behavior... See document 64 filed 5-4-2023 [Deposition] page 27 lines 7-10 [LET ME ASK IT AGAIN. SO WHEN YOU TURNED AROUND, WOULD CAPPs OR BURNS HAVE ANY REASON TO KNOW THAT YOU WOULDN'T ASSAULT THEM] now see lines 11-13 [YES BECAUSE I'VE NEVER ASSAULTED ANY OFFICER ANY TIME THEY'VE EVER ARRESTED ME. I HAVE NO ASSAULTS ON NO OFFICER'S.] now see lines 16-17 [WELL YOU SERVED TIME IN PRISON FOR ASSAULTING OFFICER'S] now see Page 28 lines 11-13 [AND JUST SO WE'RE CLEAR. I MEAN YOU DID SERVE TIME FOR ASSAULTING CALEB WYKOFF [and] ANTONIO SORIANO]

Please note Petitioner only and only took an Alford Plea with regards to those charges, but most importantly which is a material fact: Both those alleged assaults took place on 2-11-2022... This incident in which is before the Supreme court took place on 7-9-2021... The file # for the Wycoff case is: 22CR050531, The file # for Soriano case is: 22CR050532 2022 is after 2021 so officer's couldn't have known about any alleged assaultive behavior which was used to get the defendant's qualified immunity too justify their malfeasance!!! And finally too show there was no assault to the Petitioner's wife see document 22-1 filed 8-10-2022 pages 1, 2 of 2

☐ I WENT TO COURT GAVE THEM MY STATEMENT I TALKED TO THE DA (DISTRICT ATTORNEY) I TOLD THE DA SEVERAL TIMES MY VERSION OF WHAT HAPPENED THE DA ASKED ME MORE THAN ONCE IF HE PUT HIS HANDS AROUND MY NECK IF I WAS ASSAULTED I TOLD THE DA NO MORE THAN ONCE. LAKESHA BUNCH)...

THE [THIRD] 'Graham Factor' also favors the Petitioner. there is [two evidence] that the Petitioner actively resisted arrest or attempted to evade arrest by flight... See EXHIBIT-B DISC # 2 at 00:06; 00:07; 00:17 to [visually show] Petitioner complied with officer's orders. also see document 58-2 filed 2-17-2023 page 8 of 22 CAPP's Incident report. CAPP's states [DEPUTY] BURNS PULLED OUT HIS TASER AND GAVE RICARDO VERBAL COMMANDS TO PUT HIS HANDS BEHIND HIS BACK. RICARDO TURNED AROUND AND FOLLOWED THE COMMANDS THAT HE WAS GIVEN] now see document 58-2 filed 2-17-2023 page 9 of 22 Burns incident report. Burns states [I POINTED MY TASER AT LANIER AND ORDERED HIM TO TURN AROUND AND PUT HIS HANDS BEHIND HIS BACK. DEPUTY CAPP'S THEN GRABBED LANIER BY THE WAIST AND 'PUT' A HANDCUFF ON IT]... Burns then states [WHEN DEPUTY CAPP'S TRIED TO CUFF THE 'OTHER-WRIST' LANIER SUDDENLY JERKED AWAY AND ATTEMPTED TO TURN TOWARDS DEPUTY CAPP'S. AT THIS TIME I DEPLOYED MY TASER]... The Petitioner [was-not] resisting the handcuff when he began to apply it had a ruff rusted edge that scraped Petitioner which caused him to jump. The court is thinking 'both hands were fully cuffed behind his back' Petitioner never said this!!! Petitioner even pointed this out. See document 14 filed 6-13-2022 page 5 of 6 ☐ SO THE WAY THE COURT IS SAYING IT AS IF I HAD HANDCUFFS ON AND THEN PLAINTIFF

was TAZED WHICH CAN EASILY BE DISPUTED BY THE DEFENSE... AND PLAINTIFF'S CASE GET THROWN OUT SO THIS NEEDS TO BE RECTIFIED AS WELL... REREAD PLAINTIFF'S COMPLAINT REGARDING THIS PLAINTIFF HAD ONLY 'ONE HANDCUFF ON' WHEN THE OTHER WAS APPLIED IT SCRATCHED PLAINTIFF BURNS PUSHED PLAINTIFF THEN PLAINTIFF WAS Tazed]. This error was the exact reason Petitioner's case was dismissed, thus, Proving the court did not take into perspective what Petitioner brought to the court's attention. See document 76 filed 9-29-2023 page 3 of 6 [THE COURT HELD THAT IN LIGHT OF PREEXISTING LAW, IT WAS CLEARLY ESTABLISHED THAT AN UNARMED, [r]estrained individual [WHO] WAS COMPLYING WITH COMMANDS AND OFFERING NO VIOLENT RESISTANCE, HAD THE RIGHT TO BE FREE FROM THE USE OF EXCESSIVE FORCE. [Id. at 16] THE COURT NOTED, HOWEVER, THAT "IF THE JURY AT TRIAL FINDS THAT PLAINTIFF [WAS NOT] FULLY RESTRAINED AND TURNED AND CAME AT [A DEFENDANT] WITH HIS HANDS UP DEFENDANT'S WOULD BE ENTITLED TO QUALIFIED IMMUNITY." Id. (citation omitted)]

To the 'contrary' of the 4th. circuit court of appeals as well as the United States district court (W.D.N.C.) ruling [S]; All relevant evidence indicates that the Petitioner was in fact compliant and non-threatening... In sum, given [Proper] 'Standard of review', the 'Graham Factors' do not justify Burns or CAPP's use of a taser nor the unlawful entry to Plaintiff's home or the false arrest/ False imprisonment.

The United States District court (W.D.N.C.) ruling was [also] improper and with complete error leading to manifest injustice in its first order dated 5-27-2022 HOLDING: [IT IS THEREFORE ORDERED THAT ALL CLAIMS ASSERTED IN THIS MATTER ARE HEREBY DISMISSED FOR FAILURE TO STATE A CLAIM EXCEPT FOR PLAINTIFF'S FOURTH AMENDMENT EXCESSIVE FORCE CLAIM AGAINST DEFENDANT'S IN THEIR INDIVIDUAL CAPACITIES, WHICH PASSES INITIAL REVIEW]... The DISTRICT COURT [did not] 'apply' the most important 'Graham Factor' [THE SEVERITY OF THE CRIME AT ISSUE] See Document 12 filed 5-27-2022 page 8 of 14

[HERE TAKING PLAINTIFF'S ALLEGATIONS AS TRUE AND GIVING PLAINTIFF THE BENEFIT OF EVERY REASONABLE INFERENCE, THE COURT FINDS THAT PLAINTIFF'S CLAIM AGAINST DEFENDANT BURNS AND CAPPS SURVIVES INITIAL REVIEW AS TO THE FORCE USED IN ARRESTING PLAINTIFF AS THESE CLAIMS ARE NOT CLEARLY FRIVOLOUS.] The court [a]llowed the 'excessive-force' claim in [arresting] the Petitioner, but [DID NOT] QUESTION THE SEVERITY OF THE CRIME AT ISSUE: meaning the court only and only adopted the defendants Factual Position, which was that Petitioner assaulted his wife, Petitioner didn't assault his wife; and even submitted evidence to show the court that he didn't assault his wife, but the court ignored Petitioner's filings, for example see document 1-1 filed 4-8-2022 page 3 of 5 "This was a text message from Petitioner's wife stating [AS FAR AS WHATEVER CHARGES THEY GOT I AIN'T TOLD NOBODY THAT YOU PHYSICALLY ASSAULTED ME BECAUSE YOU DIDN'T AND I AIN'T THE TYPE OF PERSON THAT'S GOING TO SAY A MAN'S PUT THEIR HANDS ON ME THAT AINT PUT THEIR HANDS ON ME.] Also see again Document 22-1 filed 8-10-2022 pages 1-2 of 2 'NOTORIZED AFFIDAVIT' OF LAKESHA BUNCH - CASE # 21CR052696 [I WENT TO COURT GAVE THEM MY STATEMENT I TALKED TO THE DA (DISTRICT ATTORNEY) I TOLD THE DA SEVERAL TIMES MY VERSION OF WHAT HAPPENED THE DA ASKED ME MORE THAN ONCE IF HE PUT HIS HANDS AROUND MY NECK IF I WAS ASSAULTED I TOLD THE DA NO MORE THAN ONCE. LAKESHA BUNCH.] Both documents show the court that the Petitioner did [N]ot 'assault' his wife, thus, if the first 'Graham Factor' would of been applied it would easily be seen [T]he 'Severity of the crime can not be taken into account because there was [no crime] committed which respectfully sheds light on Petitioner's unlawful entry claim; as well as the False Imprisonment claim as well as the excessive force claim.

Petitioner now respectfully moves to bring to the 'supreme courts' [a]ttention another improper ruling: see document 15 filed 6-24-2022 page 5 of 6 [PLAINTIFF, HOWEVER, DOES NOT ALLEGE OR SHOW THAT THE RELATED STATE CHARGES RESOLVED IN HIS FAVOR. MOREOVER, NO WARRANTS ISSUED FOR PLAINTIFF'S ARREST IN THESE CASES [see Doc. 13-2 at 1,3]]

AS SUCH NO DOCUMENTS EXIST THAT WOULD HAVE BEEN RESPONSIVE TO PLAINTIFF'S REQUEST TO THE CLERK IN ANY EVENT. THE COURT PROPERLY DISMISSED PLAINTIFF'S CLAIM BASED ON HIS ALLEGED FALSE ARREST AND IMPRISONMENT. AGAIN THERE IS NO INTERVENING CHANGE IN RELEVANT FACTS OR LAW AND NO "CLEAR ERROR" LEADING TO MANIFEST INJUSTICE]... This ruling is rather [c]orrecous because Petitioner sent the court proof that the charge [s] 'existed' [and] that Petitioner was in fact charged. See document, 13 filed 6-6-2022 page 3 of 5 [see enclosed documents to in fact support Plaintiff's motion which were:

- document 13-2 filed 6-6-2022 page 1 of 9 - "Assault on a female 21CRO52696";
- document 13-2 filed 6-6-2022 page 3 of 9 - "communicating threats / resisting Public officer 21CRO52697";
- Document 13-2 filed 6-6-2022 - Page 4 of 9 - "letter Petitioner wrote * Also whatever happened with case '21CRO52696' because I was never tried on it? Plus I never Plead on it meaning Plead out to it? "

Document 13-2 filed 6-6-2022 page 5 of 9 "clerk stating: After Searching our System I can not locate any cases for the file numbers 21CRO52696 21CRO52697" The ruling states NO WARRANTS ISSUED FOR PLAINTIFF'S ARREST. Petitioner was [c]orrested and [c]brought to jail for an assault that didnt take place, thus Petitioner was falsely arrested and subjected to false Imprisonment.

The law will protect an officer who is attempting to make a lawful arrest or to make a lawful search, from consequences of his acts done necessarily in the performance of his duty. This principle can not be invoked, however, in defense of an officer who is attempting to make an unlawful arrest or unlawful search, commits an assault with or without a deadly weapon. For the consequences of his unlawful acts he must be held responsible to the same extent and with the same result as others who do not profess to act under law.

State v. Simmons 192 N.C. 692-695; 135 S. E. 866-867

The defendants did not make an lawful arrest because Petitioner never assaulted his wife. The defendants made an unlawful arrest and in the course of the false unlawful arrested used excessive force, thus, they should be held responsible

On Summary Judgment a court may not make credibility determinations, weigh the evidence, or decide which inferences, to draw the facts, these

are Jobs for a Factfinder. Anderson v. Liberty Lobby Inc. 477 U.S. 242-255; 91 L. Ed. 2d. 202; 106 S. Ct. 2505; Betaco v. Cessna Aircraft Co. 32 F.3d. 1126 1138; Sarshe v. Sears Roebuck & Co. 3 F.3d. 1035-1041 Rather "the court has one task and one task only: to decide based on the evidence of record, whether there is any material dispute of fact that requires a trial. Waldridge v. Am Hoechst Corp. 24 F.3d 918-920 Summary Judgment is not appropriate "if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." Anderson 477 U.S. at 248 we must look therefore at the evidence as a jury might, construing the record in the light most favorable to the nonmovant and avoiding the temptation to decide which party's version of facts is more likely true. Shepard v. Slater Steels Corp. 168 F.3d. 998-1009.

The general right to be free from unreasonable seizures is as old as the Fourth Amendment, and the specific requirement that a Police officer have "some minimal level of objective justification" before seizing a person was established by at least 1968 when the Supreme Court decided Terry v. Ohio. id. In this case there was [no] assault, thus, there is, or was, [no] "minimal level of objective justification" for unlawfully reentering Petitioners' home, using excessive force in falsely apprehending Petitioner, subjecting Petitioner to false imprisonment for an alleged assault that never took place, as stated by the alleged victim seen in document 22-1 filed 8-10-2022 pages 1; 3 of 2...

Excessive force claims generally require a fact based, case by case inquiry and as such we have often held: that the question of whether force is excessive must be decided by a jury Cyrus v. Town of Mukwonago 624 F.3d. 856-862 [**43] McAllister v. Prince 615 F.3d. 877-884; Abdullahi v. City of Madison 423 F.3d. 763-773 [w]e have recognized that [Summary Judgment] is often "inappropriate" in excessive-force cases because the evidence surrounding the officer's use of force is often susceptible of different interpretation. Cyrus 624 F.3d. at 862.

CONCLUSION

The Petitioner has in fact respectfully shown the UNITED STATES SUPREME COURT; that the FOURTH CIRCUIT COURT OF APPEALS [DID NOT] apply the 'Graham Factors' as held by THE SUPREME COURT in Graham v. Connor 490 U.S. 386 where it was HELD: '[ALL CLAIMS]' that law enforcement officials have used excessive-Force -- deadly or not in the course of an arrest, investigatory stop, or other seizure of a [Free-citizen] are [P]roperly analyzed under the Fourth Amendment's 'objective Reasonableness' Standard, rather than under a Substantive due Process Standard, thus, the Fourth circuit court of appeals order was not proper, thus, respectfully warranting reversal...

The district courts ruling was not proper either because the [First] 'Graham Factor' was not applied, thus, Petitioners case was not properly analyzed, thus, rendering an improper Judgment / order, thus, respectfully warranting reversal... WHEREFORE, the Petitioner respectfully asks THE SUPREME COURT for a 'rehearing' of an order Denying a Petition for a writ of certiorari... For the aforementioned reasons Stated herein this Petition should be granted and Petitioner's Petition for a writ of certiorari should be granted and this action be reversed and remanded back to the court with proper instructions given because in this Petition for rehearing the grounds raised are limited to Intervening Circumstances of Substantial and/or Controlling effect or to Substantial Grounds not previously presented.

Also please note: Petitioner 'noticed' [several] small errors in his filed [PETITION FOR A WRIT OF CERTIORARI] See page 3 of 30 6. numbering of pages Table of contents it states "document 58-2 Filed '2-17-22' 22 pages" (this is not correct) [it should read]: "document 58-2 filed '2-17-23' 22 pages"; See page 12 of 30 it states "Now THE COURT MUST VIEW 'document 13 of 22' (this is not correct) [it should read]: "document 58-2 page '13 of 22'"

Petitioner spoke with case analyst 'Katie Heidrick' on the [P]hone about [receiving] a 'stamped-filed-copy' of his Petition for a writ of certiorari. On June 27, 2025, Petitioner [received a stamped filed copy] as requested. Upon reviewing the copy Petitioner noticed: [page 19 of 30 on the reverse side was page 23 of 30]. Petitioner [called] Ms. Heidrick who pulled this up on her computer and [also saw] the 'error'. Petitioner was concerned and wrote clerk HARRIS about this error, and asked for a true copy too show that the error was rectified; so this misprint wouldn't cause the Petition to be rejected, then Petitioner saw it was rejected... So in case the court didn't receive the full Petition because of this misprint is also yet another valid reason for a rehearing as well because all page[s] were sent just copied wrong...

I hereby declare under Penalty of Perjury that the foregoing is true and correct [and] hereby verify that I have in fact read the foregoing Petition for rehearing and that all things mentioned herein are true and correct.

Rick E. 2

Rick E. 2

Dated 7-28-2025

Subscribed and sworn before me this 25 day of July 2025.

Melinda Davidson

Signature of Notary Person

3-8-2028

my commission expires





James B. Davidson
Notary Public
Henderson County, NC

July 25, 1905

3-8-2058

Michael Davidson

IN THE
SUPREME COURT OF THE UNITED STATES

RICARDO EDWIN LANIER- PETITIONER

VS.

JUSTIN BURNS; ZANE CAPPS- RESPONDENTS

CERTIFICATE STATING THAT THE GROUNDS ARE
LIMITED TO INTERVENING CIRCUMSTANCES
OF SUBSTANTIAL OR CONTROLLING EFFECT OR
TO OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY
PRESENTED...

I RICARDO EDWIN LANIER, hereby certify that I am in fact the petitioner appearing as counsel for myself in this matter, and that this CERTIFICATE STATING THAT THE GROUNDS ARE LIMITED TO INTERVENING CIRCUMSTANCES OF SUBSTANTIAL OR CONTROLLING EFFECT OR TO OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED, is to respectfully advise the Court that in the PETITION FOR REHEARING 11-pages received by the SUPREME COURT on: JULY 17, 2025 that he did not attach this aforementioned CERTIFICATE, and now respectfully moves to do so...

In the PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT, the Petitioner did not bring to the Supreme Court's attention that the 4th. Cir. Court of Appeals did not apply the 'GRAHAM FACTORS' to his appeal, thus, the 4th. Cir. Court of Appeals was with clear error leading to manifest injustice, respectfully warranting 'CERTIORARI' of the SUPREME COURT since in Graham v Connor 490 U.S. 386 it was held: ['All-claims'] that law enforcement officials have used excessive force—doubtly or not in the course of an arrest, investigatory stop, or other "seizure" of a ['free-citizen'] are [properly analyzed] under the Fourth Amendment's "objective reasonable" standard rather than under a substantive due process standard. Pp. 393-394.

The United States District Court (W.D.N.C.) ruling was [also] improper and with complete error leading to manifest injustice in it's very first order dated: 5-27-2022 (document 12) because the district court [did not] 'apply' the most important 'GRAHAM-FACTOR' [The severity of the crime at issue]... In this case there was [no crime] because [no crime] was committed, thus, proving the entire case if and when given proper review of Document 1-1 filed 4-8-22 Page 2 of 5 email from wife dated 7-29-2021 5:16 PM [this document was filed when the complaint was first filed], Document 22-1 filed 8-10-22 pages 1 & 2 of 2... Both documents are from Petitioner's wife who states Petitioner [never] assaulted her, these documents are highly pertinent but were clearly ignored by the courts, again another valid reason warranting certiorari because if the First Graham Factor was applied correctly that may have changed the outcome of the improper order, thus, the grounds are limited to intervening circumstances of substantial or controlling effect or to other GROUNDS NOT PREVIOUSLY PRESENTED...

The Petitioner when he filed the Petition for a writ of certiorari filed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS which shows RECEIVED MARCH 24 2025... Petitioner has not, nor was not, given another form to fill out with regards to the filing fee of \$1200 pursuant RULE 38 (b); thus Petitioner asks that this fee be waived also since he was able TO PROCEED IN FORMA PAUPERIS

I hereby certify and declare under penalty of perjury that this foregoing instrument is true and correct [and] hereby verify that I have in fact read the foregoing CERTIFICATE STATING THAT THE GROUNDS ARE LIMITED TO INTERVENING CIRCUMSTANCES OF SUBSTANTIAL OR CONTROLLING EFFECT OR TO OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED and that all things mentioned herein are true and correct.

Ricardo E. Larios

Ricardo E. Larios

Dated: 7-25-2025

Subscribed and Sworn before me this 25 day of July 2025

Melinda Davidson

Signature of Notary Person

3-8-2028

my commission expires



NO. 24-6988

IN THE
SUPREME COURT OF THE UNITED STATES

RICARDO EDWIN LANIER - PETITIONER

VS.

JUSTIN BURNS; ZANE CAPPS - RESPONDENTS

CERTIFICATION OF COUNSEL (OR OF A PARTY
UNREPRESENTED BY COUNSEL)

I RICARDO EDWIN LANIER, hereby Certify that I am in fact the Petitioner unrepresented by counsel, thus, am in fact appearing as counsel for myself in this matter and that this Petition for the rehearing of an order denying a Petition for a writ of certiorari to the UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT is in fact presented in GOOD FAITH and not for delay; and also has another Certificate attached stating THAT THE GROUNDS ARE LIMITED TO INTERVENING CIRCUMSTANCES OF SUBSTANTIAL OR CONTROLLING EFFECT OR TO OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED in the original filed Petition

I hereby certify and declare under Penalty of Perjury that this foregoing instrument is true and correct.

Page 2

Ricardo Edwin Lanier

dated: 7-25-2025

Subscribed and sworn before me this 25 day of July 2025.

Melinda Davidson

Signature of notary person

3-8-2028

my commission expires



NOTARY PUBLIC

STATE OF NEW YORK

County of _____

_____ (or of _____)
_____ (or of _____)

I, _____, of the County of _____, State of New York, do hereby certify that _____ is the _____ of _____, and that _____ is the _____ of _____.



3-8-2022
