

No. 24-7040

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IN THE  
SUPREME COURT OF THE UNITED STATES

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Neville McGarity  
Petitioner

V

D. Sproul, Warden  
Respondent

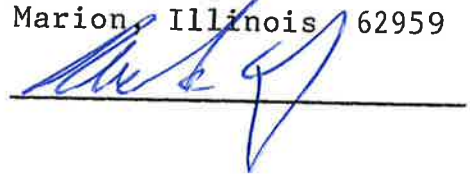
28 U.S.C. § 2241

Petition For Rehearing

Solicitor General of the United States  
Room 5616  
Department of Justice  
950 Pennsylvania Ave. N.W.  
Washington, D.C. 20530-0001

Dated: 8/19/2025

Neville McGarity  
11774-280  
FCI Marion  
P.O. Box 1000  
Marion, Illinois 62959



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Neville McGarity,  
Petitioner

Case No.

24-7040

V

D. Sproul, Warden,  
Respondent

Petition For Rehearing

Comes now, Neville McGarity, the Petitioner in the above numbered cause to file this Petition For Rehearing of the denial of Certiorari to review the denial of his 28 U.S.C. § 2241 by the Seventh Circuit Court of Appeals.

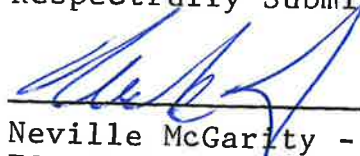
This Court granted certiorari to Fernandez v United States, Case No. 24-556, on May 26, 2025. Fernandez is a petition for Compassionate Release under 18 U.S.C. § 3582(c)(1)(A), with issues similar in nature to the Petitioner's § 2241.

The Seventh Circuit Court of Appeals has stated in their denial the issues presented by the Petitioner are issues which can only be brought by a second or successive § 2255 petition. Fernandez challenges the denial of a petition for compassionate release based on actual innocence.

The Petitioner has filed an actual innocence claim based on the facts of the record, and evidence he has gathered over the past 15 years which prove his innocence.

In light of Fernandez, the Petitioner moves this Honorable Court for a Rehearing on their denial of certiorari, or as an alternative, Remand back to the Seventh Circuit Court of Appeals.


Respectfully Submitted,

  
\_\_\_\_\_  
Neville McGarity - 11774-280  
FCI Marion

7/19/2025

Solicitor General of the United States  
Room 5616  
Department of Justice  
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\_\_\_\_\_  
Neville McGarity - 11774-280  
FCI Marion  
pro se


### Certification

I Neville McGarity, do hereby CERTIFY and DECLARE the foregoing document, Petition For Rehearing, is under the 1,500 word limit as mandated by Supreme Court Rule 34.2.

Fernandez v United States, Case No. 24-556 concerns a similar issue, and has a substantial and controlling effect on the Petitioner's case.

This Petition For Rehearing is presented in Good Faith, and not intended for Delay.

Respectfully Submitted,

  
\_\_\_\_\_  
Neville McGarity - 11774-280  
FCI Marion

Dated: 8/19/2025

pro se

**SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001**

August 15, 2025

Neville McGarity  
#11774-280  
USP Marion  
P.O. Box 1000  
Marion, IL 62959

RE: Petition for Rehearing  
No: 24-7040

Dear Mr. McGarity:

The enclosed motion for reconsideration is construed as a petition for rehearing in the above-entitled case, which was postmarked June 12, 2025 and received June 27, 2025. It is herewith returned for failure to comply with Rule 44 of the Rules of this Court. The petition must briefly and distinctly state its grounds and must be accompanied by a certificate stating that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

You must also certify that the petition for rehearing is presented in good faith and not for delay.

Please ensure to appropriately title the document as a "Petition for Rehearing". Rule 34.1(e).

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 15 days of the date of this letter, the petition will not be filed. Rule 44.6.

Sincerely,  
Scott S. Harris, Clerk

By: 

Sara Simmons  
(202) 479-3023

Enclosures