

SUPREME COURT of the UNITED STATES  
OFFICE of the CLERK  
WASHINGTON, DC 20543-0001

Case No. 24-7495

JOSE MARIO LOPEZ CARRILLO.  
#411726. H5-Cell-65-L  
Staford Creek Corr. Cent.  
191 Constantine Way  
Aberdeen Wa. 98520

JOSE mario Lopez carrillo  
petitioner  
v.  
Karin Arnold Super intendent,  
Respondent

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PETITION FOR RE HEARING OF DENIAL OF THE WRIT FOR CERTIORARI

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JOSE LOPEZ, respectfully ask the a copy of these Petiton be send to:  
ATTORNEY GENERAL OF WASH. CORR.DIV. PO.BOX 40116. OLYMPIA WA. 95604-0116

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To the Clerk of the Supreme Court of the United States. Case No.23-7495  
JURISDICTION

THE U.S. SUPREME COURT HAVE JURISDICTION UNDER 28 § 1254(1)

In Hohn v. United States, 524 U.S. 236,(1998)(Held tha pursuant § 1254(1)

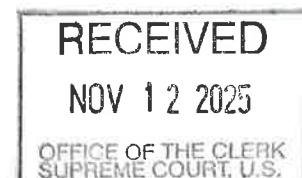
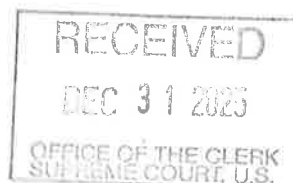
The U.S. Supreme Court has Jurisdiction to review of denied of (COA).

1. IDENTITY OF PETITIONER

1 Jose Mario Lopez Carrillo, Pro se made this Petition for rehearing is taken from the Supreme Court decision on OCTOBER 06,2025. Denying the Petition for writ of certiorari.

Mr.Lopez only pointing the grounds or the misapprehended a point of law or fact in the records.

The petitioner point and identify the Constitutional rights he lost and tray to only include points of fact or Constitutional violations, which court's may overlook or misapprehended.



### QUESTIONS FOR REVIEW

1. Did the court commit obvious or probable error when Rule that ground one exhausted.?
2. Was the defense counsel ineffective when did not provide or discuss Discovery.?
3. Was defense counsel ineffective when was no present a pre-trial stages.?
4. Was defense counsel ineffective and prejudicial when he did not call or present evidence by medical specialist who diagnosis a conditions that exculpate the defendant.?
5. Was defense counsel deficient and prejudicial when fail to recorded the interview he performed to alleged victim A.L. ?
6. Did trial court commit a clear error by restriction or obstruct or prevent defense counsel for executing a Constitution statute guaranteed to defendant under United States Constitution.?
7. Did trial court violate the protection of the Fourteenth Amendment, rights guaranteed to every person within its jurisdiction, when convict petitioner by fail Brady mandate affecting the preparation to trial ?
8. Did the trial court violated the Constitutional law right to counsel by fail to provide Un-conflicted Counsel. After the was inform that he cannot provide the Constitutional requirements to his client.?
9. Did trial judge commit error by out court spiking to a witness for the prosecution on same case, "saying the "she will put Mr.lopez in prison for a long time".?
10. Did trial court commit error by convict accused on a secret meeting. ?
11. Did Arresting officer would have know the probable cause, to arrest and charge, was illegal in light of all Circumstances.?
12. Did Trial court commit error by using the exclusionary rule to remove the Fourth Amend. Claim. on Conflict with U.S. Supreme Court Authority.?

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SUPREME COURT, U.S.

#### ONE GROUND

R&R "Claim one is exhausted. ECF, No. 9 at 9. Because Lopez Claim one was of Discovery violation, and tacked to his Ineffective Assistance of counsel."

Lopez Timely file RCW 10.73.090, Under RCW 10.73.100(2)(4) Except time bar.

#### STANDARD REVIEW

Strickland v. Washington, 466 U.S. 668, 691, (1984) "The Sixth Amend. require Investigation and preparation not only to exonerate, but also to secure and protect the right of the accused. Such Constitutional right is granted to the innocent and the guilty alike." :Wash.State.Const. Art.1, and 22

#### ONE GROUND

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#### INTRODUCTION . SOUGHT REHEARING ON THESE CLAIM

Petition for Discovery was made on May 03, 2017. which Lopez ask for to his Attorney serve times he said he not have, Lopez Claim the State no produce discovery. ~~EXHIBITS~~ = 0

Also defense counsel was not present at Pre-trial stages, Like Presentment Arrangement, indictment.

Also defense counsel performed in interview to alleged victim. which he not Audio, video, recorded, so was no transcripts to such interview. Which affect and prejudice the second counsel, because trial court denied the right to re-interview A.L. an witnesses on January 24, 2018. P.43, on file

The trial counsel's performance had been Constitutional incompetent and prejudicial enough to support the two prongs of Strickland Test.

Unless the motion, files, and records, of the case conclusively show that the prisoner entitle to no relief. As prisoner were claim the right to release on the grounds Of Actual innocence and imprisonment on violation of the Constitutional and laws of the United states.

Respectfully Lopez, ask these Hon. Court for review Claims to determine whether the Court acted in conformance with the Applicable law.

## TWO GROUND

The Court On August 18, 2023. "After reviewing the original information, as well as the Amended charging papers, the Court agrees with the Supreme Court that Petitioner was put on "Full notice of the charges."

Mr. Lopez, argue that he have receive defective indictment that the statute require written the essential facts the prosecution must prove beyond a reasonable doubt, which is not in the information of charges.

## STANDARD REVIEW

"In all criminal prosecution the accused shall enjoy the right to informed of the nature of the accusations." Sixth Amend. U.S. Const. Fed.R.Civ.P.7(c)(1)"Require that the indictment be plain concise an define written statements "of the essential facts" the constitute the offense charged."

"The indictment by the grnd jury has been regarded is the "epitome" of Due Process, upon the presentment of the indictment of good and lawful is recognized by law is the golden standard of Due Process against which all other procedure are to compared." Hurtado v. People, 110,U.S.516,522,4. S.Ct.111,28,L.Ed.323,(1884).

## ISSUE SOUGHT FOR REVIEW

These Hon. Court must reviewing court decision and if the essential facts did not support by evidence in the record the court may have committed in error of law, and the court must reverse the decision.

In this case the petitioner is deprived notice of the essential facts of crime charge these error is subject to harmless error review, but error is harmful were did not have notice of essential facts from any source. No Discovery, witness statements, physical examination, scientific DNA reports. all these information require by law was no provide to defendant prior to trial.

Therefore the conviction entered without Due Process of Law and is Un-constitutional. Mr. Lopez persuade these claim by the facts, law, and the records. because the charged information is not support by the record.

THREE GROUND

R&R "August 18, 2013." Lopez fail to show that the prosecution possessed and withhold material exculpatory evidence."

STANDARD REVIEW.

SOUGHT REVIEW

"the prosecution is require to provide exculpatory evidence material even if not requested by the defendant."

Brady v. Maryland, 373 U.S. 83, S.Ct. 1194, 10, L.Ed. 215, (1963).

"Violation of Brady is by definition constitutional error.(rejecting the Rule making :every nondisclosure automatic error."

United States v. Agurs, 427, U.S. at 112).

"Any scientific test report would be need by defendant in avance to trial Records of every any test, examination and experimental performed by state lab within a reasonable time to prepare for defense." RCR.7.24.

"The Due process is violated when favorable evidence is not turned over upon request and evidence is material for guilt or punishment." Brady at 87

Under these "mandate" the prosecution must disclosure every evidence that proof innocence. Brady rule unquestionable Applied to this case Claim because prosecution fail to disclosure Exculpatory evidence that was clearly readily to defendant.

The Records show the Scientific Test. DNA, Tr. EXHIBIT 272-72 ("I feel Rather confident that there was not seminal fluid. Tr. 265-66) EXHIBIT J

The testing did not support the present of semen on any items. (Tr. 312 Detective Stephen Evitt. "Nothing was found in the materials. (Tr. 260) Ex-K There is not Physical Evidence with the allegation of Rape, Sexual, abuse or Assault." (EXHIBITS E

The record Show in these case claim the suppression of evidence here was not only favorable but also unquestionably material for guilt or innocence Therefore Conviction entered in violation of United States Constitution and these reviewing Court reach appropriate decison an conviction reverse.

#### FOURTH GROUND

On August 18, 2023, P.20 ("petitioner fourth cause of action assert that the trial court infringed upon his right to confrontation, effective counsel and Due process. Under The Sixth and Fourteenth Amendment by refusing to allow his replacement counsel to reinterview A.L." (ECF No.1 at 37.

#### STANDARD REVIEW

#### SOUGHT REVIEW

The right to assistance of counsel is a right to effective assistance." Strickland v. Washington, 466 U.S. at 686, (1984)., U.S. Const. Amend. VI., IVX. "The trial judge has independent duty to ensure that criminal defendant's receive a trial that is fair and does not contravene the Sixth Amendment." Cook, 45 F.3d. at 399.; see also Wash. State Const. Art 1. & 22.

These means There be no restriction upon the fusion of counsel in defending a criminal prosecution in accord with the traditions of the adversarial system that has been Constitutionalized in the Sixth, an Fourteenth Amend. Herring v. New York, 422 U.S. 853, 857, (1975).

"deny interview of allege victim and witness infringing the Constitutional right to confrontation." Delaware v. Arsdall, 457, U.S. 673, 679, S.Ct. 1431, 89, 674, (1986)., "The right to compulsory process include a right to interview witness prior to trial." State v. Burris, 87, Wn.2d. 175, 281, 1231, (1911).

"a defendant Sixth Amendment right to compulsory process has been violated is a legal issue that must review de novo..are subject to harmless error review." Janecka v. Cockrell, 301 F.3d. 316, 327, (5th Cir. 2002).

#### THE COURT DECISION CONFLICT WITH OTHER CIRCUITS.

Here two cases The granted relief to prisoner by deny interview witnesses.

(1) Fowler v. Sacramento, Sheriff Dep't, 421 F.1072, 1035-38, (2005).

(2) Holley v. Yarborough, 421 F.3d. 1081, 1098-1101, (2005).

The Ninth Circuit conflict with its own decisions, is bound its own Decision Based in the record is clear that petitioner was denied his constitutional to counsel and Due Process of law.

Miller-El v. Cockrell, 53, U.S. 322, 123, S.Ct. 1029 (2003) ("A prisoner seeking COA need only demonstrate a substantial showing of the denial of a constitutional rights."

Applied to all claims for rehearing Lopez confidence that reviewing court would reach the right decisions.

## FIVE GROUND

R&R AUGUST 18, 2023. "Lopez, alleged that he receive ineffective assistance of counsel because his attorney fail to interview A.L." EFC No.1 at 56, 27.

## STANDARD REVIEW

"A criminal defendant is guaranteed the right to effective assistance of counsel by the Sixth Amendment to the U.S. Constitution. This right include the correlative right to representation free from any conflict of interest the undermine or affect counsel performance." People v. Rice, (2017) 4, Cal. 5th 49, 65, 226, Cal Pdtr. 3d. 118, 406, P. 3d. 788)., Strickland v. Washington, 466 U.S. at 668., 18 USC. § 3006A.

Mr. Lopez, Claim the Sixth Amendment right to counsel was violated because trial counsel suffered from a conflict of interest after counsel inform the court the he cannot provide the requirement of the U.S. Constitutional effective assistance to his client, without first interview A.L. and determine the nature of her testimony, because there is no corroborating evidence to the assault or rape sexual abuse. I have discussed with Mr. Wallace the interview he conduct with A.L. The interview was not audio or video recorded, and was no transcripts. Should the court compel me to go forward without the opportunity to interview A.L. I don't believe i can provide effective assistance to Mr. Lopez, at trial. see EXHIBITS E p 25 \*

The Facts underlying the claim. The trial court have the opportunity to eliminate the conflict the affect counsel performance but the court fail to discharge its Constitutional duty and significant prejudice and affect counsel performance. Based on the facts of and record Lopez ask Re-rearing.

## CONFLICTING CASES

In re Richardson, 100, Wn. 2d. 669, P. 2d. 209, (1983) ("If a conflict of interest existed and trial court failure to inquiry is automatic reversal."

"Once a defendant has show that a conflict of interest actually affect the adequacy of his representation, he not have to prove prejudice in order to obtain relief." Quyer v. Sullivan, 466 U.S. 335, 64, L. Ed. 2d. 333, 100, S. Ct. 1708, (1970). Based on the facts of the claim Respectfully ask a Re-hearing

## SIXTH GROUND

R&R."in ground six petitioner allege he receive ineffective assistance of counsel because his second lawyer was unable to interview A.L."ECF No.1.56

## STANDARD REVIEW

"Under the Sixth Amendment a criminal defense counsel has a duty to make a reasonable investigation." Strickland v. Washintong, 466 U.S.at 687-91.

"Failure to investigate "start witness" is deficient performance an suffer prejudice is a result." Howard v. Clark, 608,F.3d.563,671,(9th Cir.2010).

## SOUGHT

Mr.Lopez counsel was ineffective by fail to conduct a proper investigation because the trial court interfere with the ability of counsel to present a completed defense, because there was not facts or evidence of Rape,sexual abuse or assault, and no DNA. So make necessary to defense counsel to move the court Motion for interview the alleged victim to understand the nature of her allegations. but trial court denied the Motion for reinterview A.L. The denial for investigation of the A.L. and Witnesses, infringe the Right Counsel under the Sixth and fourteenth Amendment to the U.S. Constitution.

"As a matter of substantive Constitutional law. That the State court take action requirements reflect judicial recognition of the fact the most rights secure by the Constitution are protected against infringement by the government." Lune v. Edmondson, Oil Co. 457,U.S.922,936,102,S.Ct.2744, 73, L.Ed.2d.482,(1982).

The U.S. Supreme court have a rule Under (AEDPA) limit relief for any claimdecide in the state court proceedings, on violation of Constitutional rights. —

mR.lopez based upon the facts on record of these case claim, Respectfully ask ~~for~~ rehearing and all the ~~claims~~, it is clear the Mr.Lopez conviction was made on violation of rights protected by the United State Constitution By Compel and restricting defense attorney from executing a constitutional statute Guaranteed to defendant under the Unites States Constitution.

## SEVEN GROUND

R&R "The Court reasonable denied the claim of ineffective assistance of counsel because Lopez carrillo did not show both defecient representation and prejudice." Claims 4,5,6,7,) APP..P.25 Pg.2-2 on record.

## STANDARD REVIEW

"The right to assistance of counsel is a right to effective assistance of counsel." Strickland v. Washington, 466 U.S. at 686 (1984)., U.S. Const. Amed. VI

'A lawyer who fail adequately to investigated, and introduce evidence that demonstrate his client innocence or that raise sufficient doubts as to question to undermine confidence in the verdict, render deficient performance." Reynoso v. Giurbino, 462 F.#d.1090, (9th Cir.2006)(citation omitted.

Mr. López, did not receive effective assistant of counsel as guaranteed by the sixth Amendment to the United states constitution when defense counsel fail to present evidence of diagnosis of Md. Urology specialist about a Medical condition the exculpate the defendant. see, EXHIBIT. 1 X

1. Urology, Diagnosis, treatment, and findings, recomendation. EXHIBIT- /

2. Dr Lynn, " He suffer Ed since 2015, 2016, and clarify by Md Urology On November 28, 2018. Perir to trial. see, Tr.258-59 EXHIBIT- 1 X

3. DETECTIVE EVITT " Nothing was found." TR.249-50. EXHIBIT- 4 X

4. ETHAN SMITH forensic. " No semen found in its testings." TR.265. EX- I

5. Fed R.Evid.R.702. "required that court to ensure The any and all Scient-ific testimony or evidence is not only relevant but reliable."

6. Fed.R.Evid.R.803 "The principle the oral testimony may be disregarded when if irreconcilable with the physical evidence in the case."

## PLEADING

Fail to call Urology to testify of Diagnosis the exculpate the defendant Lopez was deprived of his right to effective assistance of counsel, and Due process right to be hear in his defense. It Is beyond doubt above all the requirements of the law. The Lopez Receive ineffective assistance of counsel. Based on the above Respectfully Lopez ask for rehearing on Claims

## EIGHT GROUND

R&R "In his eight ground for relief Mr.Lopez alleged that His Due process right were violated by Judge Ferrera Bias...by improper communication, judge repordly with A.L.Father she recusal herself from case."

ECF No.10-2 at 6. August 18,2023. P.24.

## STANDARD REVIEW

1."The Fourteenth Amed. to U.S. Const. Establish a Constitutional Consti floor not uniform standard for judicial Bais Claim."

Brady v. Brambley,520,U.S.899,904,17,S.Ct.1793,138,L.Ed.2d.97,(1997).

2."No person shall deprived of life,liberty,or property, without Due Process of law." U.S. Constitution Amendment Fifth."

3.From these Fundamental principles an accused has a Constitutional right to unbiased and impartial judge." United States v.Cooper, 127,F.4th 1092

## FACTS ON RECORD

The record show that Hon.Judge Kristine Ferrera, Been Holding out-Court In her Chamber's Spiking and vouching about the case, saying to Mr.Gibert Lerma, "That she will put Mr.Lopez in prison for a long time" See, Report of April 25,2018)(no liminated)., APPENDIX-F P.3.

4.Supreme Court hold;"A judge acting as one-person Grand jury cannot be consistent with Due Process Clause fo the Fourteenth Amendment....

Summary Convicting a accuser in a secret."

5."A private communication between witness are absolutr forbidden invalid the verdict." Mattox v. United States,146,U.S.at 140.

Armstrong, 654,F.2d.at 1332."., Rodriguez,125,F.3d. at 744.

Under these Statutes judge Ferrera, to be Bais an has committed a reversal Error forbidding by law the lead to Miscarriage of justice. by violations the petitioner rights and laws of the U.S. Constitution, to Petitioner to unbiased judge guaranteed by the Fifth Amendment.

PETITIONER ASK RESPECTFULLY FOR ERROR REVIEW IN THESE CALIMS.

Fed.R.Crim.P.R.52(b) "Plain error that affect substantial rights maybe considered even though it was not brought to the court attention.

## NINTH GROUND

R&R On March 01,2023. "We remove the Fourth Amendment claim from the scope of habeas review by Exclusionary rule." MARCH 01, 2013. on File.

R&R On August 18,2023."In the final Claim Petitioner assert that Probable cause did not exist Warrant for his arrest, the search his apartment, and seizure, property, including Blankets, and couch cushions which was latter DNA testing." EFC No.1.at 63.

## BACK GROUND

ON April 18,2017. Jose Lopez, was arrest and charge with five counts on third degree child molestation without probable cause on warranless arrest by detective Stephen Evitt,a at the Police station, and put in jail.

## ~~SOUGHT REVIEW~~

Mr.Lopez, claim Fourth Amendment Constitutional violation, do to false arrest, false imprisonment, and without legal Process an without Probable Cause, Put In prison on violation of his Constitutional rights and laws of of the United States. and sought relief.

## STANDARD REVIEW

"The fourth Amendment of the Constitution of the United States. "Require that no warrant be issue but upon Probable Cause Supported by oath or affirmation and describing the place to be searched and the person or things seizure."

"The fourth Amendment To the Constitution of the U.S. "demand a factual showing sufficient to comprises Probable Cause. The assumption is that will be truthful showing and so, if there were nothing more to concider it will the veracity of a supporting affidavit could be tried on Motion to suppres United States v.Delaware,439,U.S. at 154,(1978).; United States v. Halsey, 257,F.Supp.1002.

"The Affidavit must demonstrate "Nexus" to crime charged and place to be serched and evidence found." United States v. Coleman,923,F.3d.457, (6th Cir.2004)., Illionois v. Gates, 46, U.S. 231.238-39(1983).

Under these Constitutional statutes the magistrate will issue the Probable Cause may be issue.

Act of June 15, 1917. Tilt, 40 Stat. 228. Sec. 11. ("The proof of probable Cause must be made Before a search Warrant may be issue. Must be of facts to closed related to the issue of the Warrant is to satisfied findings of Probable cause." see also, Sec. 5., 6.

"the Magistrate must independent determine that Probable cause exist after weighting the evidence supplied by the arresting officer."

Whiteley v. Warden, 401 U.S. 560, 564, 91, S.Ct. 1031, 28, L.Ed. 2d. 306, (1971).,  
Giordenello v. United States, 357, U.S. 580, 487, S.Ct. (\*:775), 1254, 2, L.Ed. 2d. 1503, (1958).

The record show that Mr. Evitt, is Writing the search warrant at Mr Lopez apartment after Charge, & arrest him at Police station and put him in jail

1. Tr. 221. pg. 20. "I was writing my search warrant.

2. Tr. 224. pg. 16-20. "At that time i got the search warrant.

The record show of Mr. Evitt testimony;

3. Tr. 229., 250. "Nothing was found."

Testimony of Scientific Ethan Smith.

5. Tr. 272, pg. 18. "The testing did not support the present of semen on any of items."

"Whether a reasonable well training officer would have know that probable cause, arrest, and charges was illegal in light of all circumstances."

Harring v. United States, 555, U.S. 135, 145, 129, S.Ct. 695, L.Ed. 2d. 496, (2009).

"The Fourth Amendment of the Constitution of United States, does not bans on false arrest, false imprisonment, or seizure. U.S. Constitution Amend. fourth. Torts have traditionally distinguished "a detention before the issuance of "legal process" and detention after it "any charges actually invoke by arresting officer at the time of the arrest, we focus on the validity of the arrest, and not on the validity of each charges."

Jaegly v. Couch, 439, F.3d. 149, 154, (2th Cir. 2006).

PLEADING

Respectfully Mr. Lopez has show of denial of Constitutional rights and bing in Prision, on violation of rights and laws of the U.S. and Ask for relief

QUESTION FOR REVIEW ON THESE CLAIM

1. Whether R&R decision lead to unsound conclusions by using the Exclusionary rule to out of scope the Fourth Amendment Claim, in conflicting with the United States Supreme Court Authority, and others Circuits the have addressed the issue. ?
2. CONFLICTING WITH.

Tower v. Janis, 428,U.S.433,(1976)("The purpose of the exclusionary Rule of the United States Constitution Amend. Fourth is the preservation of Judicial intergraty."

3. Tower V. City of New York, 176,F.3d.136,145,9,(2d.Cir.1990)("Conclude The exclusionary rule does not apply to civil actions."
4. illionis v. Krill,480,U.S.349-50,107,S.Ct.1160,94,L.Ed.364,(1987)  
The United States Supreme court Hold; "We unanimously upheld the practice that unless the statute is clearly unconstitutional and officer cannot be expected to question the judgement of the legislation that passed the law."
5. S.Ct. R.10(a)(b)(c).; S.Ct. App. 35(A)(B).

I Jose Mario Lopez Carrillo.

I declared under the penalty of the laws of Washington that the foregoing is truth to the best of my knowledge. The undersigned hereby this certificate of proof under the penalty of perjure pursuant 28 § 1746.

Sing *for Mr. Jose Carrillo*.....

CASE CERTIFICATIO

No.24-7495

I Jose Mario Lopez Carrillo, pursuant Rehearing to the United States Supreme Court Of a judgement entered on November 18,2017.

Mr Lopez, alleged he is in custody on violation of the Constitutional laws or treated of the United States,Pursuant relief Whether the Constitutional questions was clearly established at the time of the conduct in issue in these claim case. This case is undoubtedly and of substantial important because the arguments and reasons give by the court's conflicting with the Constitutional right protected to every person under its jurisdiction Is the cause why these honorable court should grant these petition.

Which involved question of exceptional importance the will affect the public and the judicial system, and warrant a significant attention and be resolved by these court. were the Constitutionally of an Act of Congress In a proceeding is in question.

In Fed.R.App.R. 44(a) "Constitutional challenge to Federal Statute.... the questioning party must give written notice to the Circuit Clerk..... the Clerk must then Certify that fact to the attorney General.

Also In USC. § 2304(a) " In any proceedings in this court in which the Constitutionally of an act of Congress is drawn in question, shall the Shall the Certificate to Attorney General.

I Jose Mario Lopez Carrillo made these Petition for rehearing is presented in good faith and not for delay the process.

I Jose Mario Lopez declared under the penalty of the laws of Washington State that the foregoing is truth to the best of my knowledge.

The undersigned hereby execute this Certificate under penalty of perjury pursuant 28 § 1746.

SIGNED ...these day. 1/12/18/25.

Pusuant S.Ct.R.29(2) send 1st Class legal mail timely send.

The United States Supreme Court have jurisdiction Under 28 § 1254(1) To Review the final decision of denial of writ Certiorari or COA.

Here in these Claims Case are issues of exceptional importance the bring in question the rights protected by the Constitution an laws of the United States, The will affect the public and the judicial system. And the laws of the United States, and the Constitutionally of the Congress are drawn in question 28 USC. § 2403(a)(b) And needs to proper resolution of the denial of Constitutional right to Petitioner, resulting in imprisonment of Petitioner.

Mr.Lopez, Respectfully ask the reviewing court must independent review the relevant evidence and records and decide whether the factual findings are rationally an consistent with the applicable law an support by substantial evidence on the record to those findings.

The Facts, law and records, are the basis of these Petition to test " the sufficient of the allegations within the whole scope of the record after those allegations is taken is true.

The Petition is based upon The U.S. Supreme Court R.10(a)(b)(c); U.S. S.Ct.R.35(a) The rehearing of the court of Appeals are not "favored" Except when consideration by the full courts is necessary to secure or maintain uniformity of its decions.

(b) The proceeding involved a question of exceptional important.

#### CLOSSING

Mr Lopez, respectfully ask these Hon. Court for rehearing on these case.

Mr Lopez, Claims, actual innocence and in prision on violation of rights protected by U.S. Constitution, to all people under its jurisdiction.

Mr. Lopez is now 73 years old and permanent Resident of the United States for over 50 years with no prior criminal record,or history, an relation to his character can be ask to any one who know him they will testify of his character. including here in prison.

Based on the foregoing these Hon court may grand review of case claims, so justice be serve.