

No. 25-5456

IN THE SUPREME COURT OF THE UNITED STATES

Elbert Gaynor- PETITIONER

VS

Extended Stay- RESPONDENT(S)

(Civil) "On Petition for Rehearing From The Supreme Court of Maryland"

"Petition For Rehearing"

Elbert Gaynor

Counsel of the Record

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Petitioner requests a rehearing of his denial of petition for writ of certiorari on substantial grounds not previously presented that the Supreme Court of Maryland failed to certify to the Attorney General of Maryland that the constitutionality of the State's statutes Real Property 8-902 involving Access to Counsel in eviction proceedings affecting the public interest was drawn into the question. The question raised focused on a person's right to notice of counsel and representation of counsel in eviction proceedings under the State's statute Maryland Real Property 8-902. Petitioner raised the question in his petition to the Supreme Court of Maryland and further clarified the question in a motion to amend the petition which was denied (see Supreme Court Order following the petition). The statute 28 U.S.C. 2403(b) states the court shall certify such fact to the attorney general of the State, and shall permit the State to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The Supreme Court of Maryland's decision not to comply with 28 U.S.C. 2403(b) conflicts with the decisions of the Supreme Court of Minnesota and Utah who complied with the statute to allow the Attorney General to intervene. In re Haggerty, 448

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NW 2d 363 - Minn: Supreme Court 1989, Hirpa v. IHC Hospitals, Inc., 948 P. 2d 785 - Utah: Supreme Court 1997. The 4th Circuit's decision to grant rehearing upon finding lower courts non-compliance with 28 U.S.C. 2403 In re Walters, 868 F. 2d 665 - Court of Appeals, 4th Circuit 1989. This court's decision for granting a rehearing due to the Supreme Court of Arizona's non-compliance with 28 U.S.C. 2403(b) Arizonans for Official English v. Arizona, 520 US 43 - Supreme Court 1997, Cameron v. EMW Women's Surgical Center, PSC, 595 US 267 - Supreme Court 2022. Petitioner also requests a rehearing of his denial of petition for writ of certiorari on substantial grounds not previously presented that the Petitioner (pro se) made an unintentional error in not including in the jurisdiction section of his petition for writ of certiorari filed with this court that the Supreme Court of Maryland pursuant to 28 U.S.C. 2403(b) did not certify to the Attorney General of Maryland the fact that the constitutionality of state statute affecting the public was drawn into question. Petitioner did not include in the jurisdiction section of his petition for writ of certiorari filed with this court that 28 U.S.C. 2403(b) may apply and notice was not provided to the Attorney General under Rule 29(c) and rule 14(e)(v). Petitioner had also uploaded orders from his appendix section of his petition at the time that were not legible. The petitioner who is homeless due to not receiving his legal right of access to counsel experienced an uncontrollable and unforeseeable circumstance that led to the overlooking of errors noted above. Petitioner attempted in good faith to correct the errors by motion to the clerk of the court requesting to update the docket but was told no changes could have been made to the petition while it was pending. This court stated a pro se document filed needs to be liberally construed Estelle v. Gamble, 429 US 97 - Supreme Court 1976. Petitioner requests this court to grant a rehearing to certify to the Attorney General of Maryland that the constitutionality of the State's statute Real Property 8-902 involving Access to Counsel in eviction proceedings affecting the public interest was drawn into the question allowing the Attorney General of Maryland to Intervene pursuant to 28 U.S.C. 2403(b).

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Extended Stay- RESPONDENT(S)

"On Petition for Rehearing" to The Supreme Court of Maryland

CERTIFICATION OF ELBERT GAYNOR "PETITION for REHEARING"

ELBERT GAYNOR

COUNSEL OF RECORD

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Elbert Gaynor states that the petition presented for rehearing is restricted to substantial grounds not previously presented and is in good faith and not for delay.



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