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NO. 25-5679 CSY

OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

WASHINGTON D.C.

LEWIS ANDERSON
PETITIONER

VS.

CALIFORNIA THE PEOPLE OF THE STATE OF
RESPONDENTS

CRIMINAL APPEAL

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE D.C. CIRCUIT

PETITION FOR REHEARING

LEWIS ANDERSON

COUNSEL OF RECORD FOR LEWIS ANDERSON

VALLEY STATES PRISON
21633 AVENUE 24 CHOWCHILLA
CA. 93610

PETITION FOR REHEARING
(SUP. CT. R. 44.1)

2054

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4 WILLIAM BLACKSTONE COMMENTARIES 26	6
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1 SEEK REHEARING OF THE COURT'S ORDER DENYING CERTIORARI BASED ON
2 A POSTLARD DENIAL, WITHOUT A DECISION OR OPINION ON THE MERITS OF
3 THE CLAIM. THE DENIAL OF CERTIORARI HERE ARE DIRECTLY CONFLICTING
4 WITH FEDERAL AND CONSTITUTIONAL LAWS, ESTABLISHED BY THIS COURT
5 AND ACTS OF CONGRESS DETERMINED IN OLD CHIEF V. UNITED STATES,
6 519 U.S. 172 (1997).

7 PETITIONER ASSERT TO UNITED STATES V. GORDON, 2023 U.S. APP. LEXIS
8 30796. IN THAT APPEAL GORDON CHALLENGE THE CONSTITUTIONALITY OF
9 THE MCA. THE CONSTITUTIONALITY OF THE FEDERAL STATUTE IS A QUESTI-
10 ON OF LAW WHICH WE REVIEW DE NOVO. UNITED STATES V. LUSAN, 504 F.3d
11 1003, 1006 (7TH CIR. 2007) WE HAVE JURISDICTION UNDER 28 U.S.C. § 1291 WE
12 AFFIRM.

13 PETITIONER ASSERT TO MONROE V. CITY OF RIVERSIDE, 2025 U.S. DIST. LEXIS
14 230695. RELEVANCE EVIDENCE FEDERAL RULES OF EVIDENCE 402 EXPLI-
15 CITLY PROHIBITS THE INCLUSION OF RELEVANT EVIDENCE. THE RULE DICTAT-
16 ES THAT RELEVANT IS ADMISSIBLE "UNLESS" ANY OF THE FOLLOWING PROVIDES
17 OTHER: THE UNITED STATES CONSTITUTION; A FEDERAL STATUTE; THESE RULE
18 OR OTHER RULES PRESCRIBED BY THE SUPREME COURT IRRELEVANT EVIDENCE
19 IS NOT ADMISSIBLE.

20 GROUNDS FOR REHEARING

21 A REHEARING OF THE DECISION IN THE MATTER IS IN THE INTEREST OF JUSTICE
22 BECAUSE:

- 23 (i) THE COURT'S DECISION TO DENY THE WRIT OF CERTIORARI ARE IMPROPER, AND
24 PREJUDICE TO PETITIONER AND A DISRESPECT TO THIS COURT'S PRECEDENTS ON
25 GROUNDS THAT ARE CONTRARY TO AN UNREASONABLE APPLICATION OF CLEARLY
26 ESTABLISHED FEDERAL AND CONSTITUTIONAL LAW.
- 27 (ii) PETITIONER ASSERT THAT IT IS DUE FOR THE COURT'S TO DENY PETITIONER HIS
28 FIFTH AMENDMENT, CONSTITUTIONAL RIGHTS TO THE UNITED STATES

1 CONSTITUTIONS, WHICH STATES IN PART, THE FOLLOWING, NOR SHALL ANY
2 PERSON BE SUBJECT FOR THE SAME OFFENCE TO BE TWICE PUT IN JEOP-
3 ARDY OF LIFE, OR LIMB; NOR BE DEPRIVED OF LIFE, LIBERTY, OR PRO-
4 PERTY, WITHOUT DUE PROCESS OF LAW.

5 (iii) PETITIONER ASSERT THAT IT WOULD BE BIAS AND PREJUDICE TO APPELLANT FOR
6 THE COURTS TO DENY APPELLANT THE FOURTEENTH AMENDMENT TO THE
7 UNITED STATES CONSTITUTION WHICH STATES IN PART, THE FOLLOWING,
8 SECTION ONE, NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL
9 ABRIDGES THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED ST-
10 ATEs; NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR
11 PROPERTY, WITHOUT DUE PROCESS OF LAW, NOR DENY TO ANY PERSON WITH-
12 IN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS.

13 (iv) PETITIONER ASSERT THAT IT IS PREJUDICE BIAS FOR THE COURTS TO
14 DENY APPELLANT THE EQUAL PROTECTION OF FEDERAL RULES OF EVIDENCE
15 RULE 403, WHICH STATES IN PART, FOR PURPOSES OF DETERMINING WHE-
16 THER EVIDENCE SHOULD BE EXCLUDED UNDER RULE 403 OF THE FEDERAL
17 RULES OF EVIDENCE, THE TERM "UNFAIR PREJUDICE," AS TO CRIMINAL DEFEN-
18 DANT, SPEAKS TO THE CAPACITY OF SOME CONCEIVELY RELEVANT EVID-
19 ENCE TO LURE FACTFINDER INTO DECLARING GUILT ON A GROUND DIFF-
20 ERENT FROM PROOF SPECIFIC TO THE OFFENSE CHARGED.

21 (v) PETITIONER ASSERT THAT IT IS PREJUDICE BIAS FOR THE COURTS TO DENY
22 APPELLANT THE EQUAL PROTECTION OF FEDERAL RULES OF EVIDENCE RULE
23 404 (a), CHARACTER EVIDENCE (1) IS "PROHIBITED USES," EVIDENCE OF A PER-
24 SON'S CHARACTER OR CHARACTER TRAIT IS NOT ADMISSIBLE TO PROVE THAT
25 ON A PARTICULAR OCCASION THE PERSON ACTED IN ACCORDANCE TO THE
26 CHARACTER OR TRAIT.

27 (vi) PETITIONER ASSERT THAT IT IS PREJUDICE BIAS FOR THE COURTS TO DENY
28 APPELLANT THE EQUAL PROTECTION OF FEDERAL RULES OF EVIDENCE RULE

1 404 (b), WHICH REFLECTS THE COMMON-LAW TRADITION DISALLOWING
2 SUCH PROPENSITY EVIDENCE; THAT PROPENSITY IS AN IMPROPER BASIS
3 FOR CONVICTION, AND EVIDENCE OF A PRIOR CONVICTION IS SUBJECT
4 TO ANALYSIS UNDER RULE 403 FOR (1) RELATIVE PROBATIVE VALUE, AND
5 (2) PREJUDICIAL RISK OF MISUSE AS PROPENSITY EVIDENCE. OLD CHIEF V.
6 UNITED STATES, 519 U.S. 172.

7 (vii) PETITIONER ASSERT THAT IT IS PREJUDICE BIAS FOR THE COURT'S TO
8 DENY TO APPELLANT THE GOVERNING LAW SET FORTH IN FEDERAL RULES
9 OF CRIMINAL PROCEDURE 23 (a) (1), (2) AND (3) WHICH STATES (a) JURY TRIAL
10 IF A DEFENDANT IS ENTITLED TO A JURY TRIAL, THE TRIAL MUST BE BY
11 JURY UNLESS (1) THE DEFENDANT WAIVES A JURY TRIAL IN WRITING;
12 (2) THE GOVERNMENT CONSENTS; AND (3) THE COURT APPROVES.

13 (viii) PETITIONER ASSERT THAT IT IS PREJUDICE BIAS FOR THE COURT'S TO DENY TO
14 APPELLANT, THE UNITED STATES CONSTITUTION SIXTH AMENDMENT RIGHTS
15 MADE APPLICABLE TO THE STATES BY THE FOURTEENTH AMEND., WHICH
16 GUARANTEES THAT "IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL
17 ENJOY THE RIGHT TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM
18 THE CLAUSE PROHIBITS THE GOVERNMENT FROM INTRODUCING "TESTI-
19 MONIAL HERESAY AGAINST THE DEFENDANT, INCLUDING "PRIOR TESTI-
20 MONY AT A PRELIMINARY HEARING.

21 (ix) PETITIONER / APPELLANT ASSERT THAT HE BELIEVES THAT HE HAS RAISED CREDIBLE
22 ALLEGATION IN HIS WRIT OF HABEAS CORPUS THAT THE GOVERNMENT SECURED
23 HIS SENTENCE AND CONVICTION BY WITHHOLDING EXCULPATORY EVIDENCE
24 AND ELIZAVIA KNOWINGLY INTRODUCE FALSE TESTIMONY IN THE COURT OF
25 APPEALS FOR THE STATE OF CALIFORNIA, IN VIOLATION OF BRADY V. MARYLAND
26 373 U.S. 83 (1963); AND NAPUE V. ILLINOIS, 360 U.S. 264 (1959).

27 (x) PETITIONER / APPELLANT ASSERT THAT ALL OF THE ABOVE GROUNDS FOR A REHEAR-
28 ING ARE BASED ON CONSTITUTIONAL AND FEDERAL LAWS WHICH MAY BEEN APP -

ROVED BY THE ENACTMENTS OF THE UNITED STATES CONGRESS, AND
THE SUPREME COURTS OF THE UNITED STATES OF AMERICA.

(xi) AN APPLICATION FOR A WRIT OF HABEAS CORPUS ON BEHALF OF A PERSON IN CUSTODY PURSUANT TO THE JUDGMENT OF A STATE COURT SHALL NOT BE GRANTED WITH RESPECT TO ANY CLAIM THAT WAS ADJUDICATED ON THE MERITS IN STATE COURT PROCEEDING UNLESS THE ADJUDICATION OF THE CLAIM, (1) RESULTED IN A DECISION THAT WAS CONTRARY TO, OR INVOLVED AN UNREASONABLE APPLICATION OF CLEARLY ESTABLISHED FEDERAL LAW AS DETERMINED BY THE SUPREME COURT OF THE UNITED STATES; (2) RESULTED IN A DECISION THAT WAS BASED ON AN UNREASONABLE DETERMINATION OF THE FACTS IN LIGHT OF THE EVIDENCE PRESENTED IN STATE COURT PROCEEDING, 28 U.S.C. § 2254 (d). FOR PURPOSES OF APPLYING § 2254 (d)(1), "CLEARLY ESTABLISHED FEDERAL LAW" CONSISTS OF HOLDINGS OF THE SUPREME COURT AT THE TIME OF THE LAST REASONED STATE COURT DECISION. THOMPSON V. KUNNELS, 705 F.3d 1039, 1046 (9th Cir. 2013).

(xii) A STATE COURT DECISION IS "CONTRARY TO" CLEARLY ESTABLISHED FEDERAL LAW IF THE DECISION "CONTRADICTS THE GOVERNING LAW SET FORTH IN [SUPREME COURT] CASES". WILLIAMS V. TAYLOR, 529 U.S. AT 405. A STATE COURT DECISION "UNREASONABLY APPLIES" FEDERAL LAW "IF THE STATE COURT IDENTIFIES THE CORRECT RULE FROM [SUPREME COURT] CASES BUT UNREASONABLY APPLIES IT TO FACTS OF THE PARTICULAR STATE PRISONER'S CASE." Id. AT 407-08. IT IS NOT ENOUGH THAT THE STATE COURT WAS INCORRECT IN THE VIEW OF THE FEDERAL HABEAS COURT. THE STATE COURT DECISION MUST BE OBJECTIVELY UNREASONABLE. WIGGINS V. SMITH, 539 U.S. 510, 520-21, 123 S. CT. 2527, 156 L. ED. 2d 471 (2003).

(xiii) A MENS REA REQUIREMENT GENERALLY APPLIES TO EACH ELEMENT THAT

1 CRIMINALIZES OTHERWISE INNOCENT CONDUCT. 12. ACCORDING TO BLACKST-
2 ONE, AN ACT COMMITTED "WITHOUT A VICIOUS WILL IS NO CRIME AT ALL".
3 4 WILLIAM BLACKSTONE COMMENTARIES 3-6183 "21 THE SUPREME COURT HAS APP-
4 LIED BLACKSTONE'S PRINCIPLE TO CONSTRUCT AN EXPLICIT MENTAL-STATE
5 REQUIREMENT AS ATTACHING TO OTHER ELEMENTS TO AVOID A CONSTR-
6 UCTION THAT WOULD REQUIRE THE DEFENDANT TO HAVE KNOWLEDGE ONLY
7 OF TRADITIONALLY LAWFUL CONDUCT." SEE 2.4, STAPLES V. UNITED STATES,
8 511 U.S. 600, 603, 614-15, 617-18, 114 S. CT. 1793, 128 L. ED. 2A 608 (1994) (1
9 APPLYING A "KNOWING" MENS REA TO AN ELEMENT BECAUSE THE DEFEN-
10 DANT'S ACTIONS "WERE ENTIRELY INNOCENT" WITHOUT THE ELEMENT }
11 (IN OTHER WORDS, THE OTHERWISE-INNOCENT-PRESUMPTION DIS FAVORS
12 INTERPRETATIONS OF CRIMINAL STATUTES THAT MERELY REQUIRE PROOF OF
13 A "WILL", NOT A WILL THAT IS "VICIOUS". UNITED STATES V. MOREIRA-BR-
14 AVO, 56 F. 4TH 568.

15 (XIV) PETITIONER ASSERT THAT THE PROVISION OF THE NINTH AMENDMENT TO THE
16 UNITED STATES CONSTITUTION STATE THE FOLLOWING: THE ENUMERAT-
17 ION IN THE CONSTITUTION, OF CERTAIN RIGHTS, SHALL NOT BE CONSTR-
18 UED TO DENY OR DISPARAGE OTHERS RETAINED BY THE PEOPLE.

19 (XVI) PETITIONER ASSERT THAT THE "POSTCARD DENIAL" ISSUE BY THIS COURT ON
20 THE ABOVE FEDERAL AND CONSTITUTIONAL LAWS IS PREJUDICED TO PETITI-
21 ONER IT IS UNLAWFUL, BIAS, AND DISCRIMINATORY. IN ACCORDING TO THE CE-
22 ARTMENTS OF CONGRESS AND THE SUPREME COURT'S LAWS, AS WELL AS TO SAY
23 THAT ALL CITIZENS IN THIS COUNTRY DO NOT AND CAN NOT ENJOY THE RIGHT
24 TO "DUE PROCESS" AND "EQUAL PROTECTION" OF THE LAW AS GUARANTEED BY
25 THE CONSTITUTION OF THE UNITED STATES. PLEASE SEE COURT'S DENIAL AS
26 EXHIBIT A.

27 (1). ON NOVEMBER 17, 2025, THIS COURT DENIED THE PETITION FOR WRIT OF CER-
28 TIORARI.

1 2. THE PRINCIPAL GROUND CITED IN THE COURT'S PER CURIAM OPINION WAS THAT
2 THE CRUCIAL ISSUE HAD BEEN FULLY AND COMPLETELY DETERMINED BY THE
3 RULING OF THE COURT IN THEIR ARE NO CITATIONS, A CASE DECIDED A MERELY
4 N/A DAYS BEFORE THE DECISION IN THIS CASE.

5 3. THE GROUNDS FOR THE RULING IN "THE POSTCARD DENIAL" CAME AS A SURPRISE
6 TO PETITIONER. PETITIONER HAD BRIEFED THE CRUCIAL ISSUES IN THIS CASE
7 CAREFULLY AND WAS "NOT AWARE THAT A RELATED ISSUE WAS PENDING IN
8 THERE ARE NO NEW ISSUES. BUT THE PARTIES IN THAT CASE "NO NEW" CASE DID
9 NOT EXTENSIVELY BRIEF THE ISSUE THAT WAS CRUCIAL TO THE COURT'S DECIS-
10 ION IN THAT CASE. A DECISION IN THE NO ADVERSE DECISIONS CASE WAS EX-
11 PECTED ONLY ON RELATED ISSUES.

12 4. PETITIONER WAS NOT GRANTED ANY OPPORTUNITY BY THE COURT TO DISTINGU-
13 ISH THIS CASE FROM ANY OTHER CASE OR TO SUGGEST WHY THEY SHOULD
14 NOT BE DETERMINED BY THE SAME RULE.

15 5. THIS CASE CONTAINS SEVERAL CRUCIAL FACTUAL AND PROCEDURAL DISTINCTIONS
16 FROM THE CASE OF THERE ARE NO CITATIONS THAT WARRANT ITS DETER-
17 MINATION BY A DIFFERENT OR AT LEAST ALTERED RULE.

18 A. THERE ARE NO ADVERSE OPINIONS

19 B. THERE ARE NO ADVERSE OPINIONS

20 6. IN AN EARLIER DECISION, NO ADVERSE OPINIONS V. N/A N/A.

21 THE COURT HAD NOTED THAT CASES WITH THESE FACTUAL AND PROCEDURAL DISTI-
22 NCTIONS SHOULD BE TREATED BY A MARKEDLY DIFFERENT RULE OF LAW FROM TH-
23 ose PROPERLY APPLICABLE IN THE OLD CHIEF V. UNITED STATES, 519 U.S. 172
24 DECISION THAT THE COURT, IN ITS ORDER, STATED WAS CONTROLLING IN
25 THIS CASE.

26 7. A REHEARING TIGHTLY AND SQUARELY FOCUSED ON THE DISTINCTIONS BET-
27 WEEN THIS CASE AND THE OLD CHIEF V. UNITED STATES, 519 U.S. 172 CASE,
28 AND WHETHER THESE DISTINCTIONS MERIT A DIFFERENT RULE OF LAW, IS

1 A MATTER OF FUNDAMENTAL FAIRNESS TO PETITIONER AND WOULD NOT
2 UNDULY BURDEN THE COURT.

3 BALLENTINE'S LAW DICTIONARY

4 RULES ENABLING ACT.

5 THE FEDERAL STATUTE OF JUNE 19, 1934, EMPOWERING THE SUPREME COURT
6 TO PRESCRIBE RULES OF PRACTICE FOR THE FEDERAL COURTS. SUBJECT TO
7 THE CONDITION THAT THE COURT SHALL NOT ABRIDGE, ENLARGE, OR
8 MODIFY SUBSTANTIVE RIGHTS IN THE GUISE OF REGULATING PROCEED-
9 URE. 28 U.S.C. §§ 723 b. AND 723 c.

10 U.S. SUPREME CT. R. 44

11 2. DENIAL OF WRIT OF CERTIORARI

12 RULE 44 ON REHEARING. RIGHT TO SUCH CONSIDERATION WAS NOT TO BE
13 DEEMED AN EMPTY FORMALITY AS THOUGH SUCH PETITION WOULD AS MATTER
14 OF COURSE BE DENIED; DENIAL OF PETITION FOR CERTIORARI SHOULD NOT BE TREATED AS
15 DEFINITIVE DETERMINATION IN SUPREME COURT, SUBJECT TO ALL REASSESS-
16 QUMENT OF SUCH AN INTERPRETATION. FLYNN V. UNITED STATES, 75 S. CT. 285
17 99 L. ED. 1298, 1955 U.S. LEXIS 1553 (1955).

18 3. MISCELLANEOUS

19 REAL PURPOSE, AS WELL AS INTENDED EFFECT, OF PREDECESSOR TO RULE 44 WAS
20 VIOLATED WHEN MINORITY OF FOUR JUSTICES WHO DISSENTED FROM RULING OF SUPRE-
21 ME COURT ON CONSTITUTIONAL QUESTION CAUSED RE-EXAMINATION OF QUEST-
22 TION BY VOTING TO NOT PROBABLE JURISDICTION IN SUBSEQUENT CASE INVOL-
23 VING PRECISELY SAME QUESTION. OHIO EX REL. EATON V. PRICE, 360 U.S. 246, 79
24 S. CT. 978, 3 L. ED. 2D 1200, 1959 U.S. LEXIS 858 (1959).

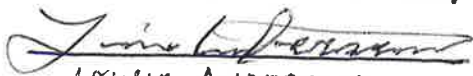
25 INTEREST IN FINALITY OF LITIGATION, AS EXPRESSED IN PREDECESSOR TO RULE
26 44, MUST YIELD WHERE INTERESTS OF JUSTICE WOULD MAKE UNFAIR STRICT
27 APPLICATION OF THE RULE. GONDEK V. PAN AMERICAN WORLD AIRWAYS INC., 382
28 U.S. 25, 86 S. CT. 153, 15 L. ED. 2D 21, 1966 AMC 12, 1965 U.S. LEXIS 2216 (1965).

CONCLUSION

FOR THE REASONS JUST STATED, LEWIS ANDERSON URGES THAT THIS PETITION FOR A REHEARING BE GRANTED, AND THAT, ON FURTHER CONSIDERATION, HERE ON FEDERAL AND CONSTITUTIONAL RULES, THIS PETITION FOR CERTIORARI BE GRANTED OR THE JUDGMENT OF THE LOWER COURT BE REVERSED OR AS APPROPRIATE.

DATED: DECEMBER 12, 2025.

RESPECTFULLY SUBMITTED,



LEWIS ANDERSON
VALLEY STATE PRISON #BT9728
21633 AVENUE 24,
CHOWCHILLA, CA 93610

NO E-MAIL ADDRESS

NO TELEPHONE NUMBER

COUNSEL OF RECORD FOR LEWIS ANDERSON

CERTIFICATE OF GOOD FAITH BY COUNSEL

I, LEWIS ANDERSON, COUNSEL FOR LEWIS ANDERSON, CERTIFY THAT THIS PETITION FOR REHEARING IS PRESENTED IN GOOD FAITH AND NOT FOR DELAY AND THAT IT IS RESTRICTED TO THE GROUNDS SPECIFIED IN SUPREME COURT RULE 44 OF THE RULES OF THIS COURT.



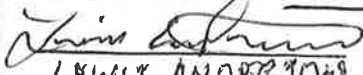
COUNSEL FOR LEWIS ANDERSON

CERTIFICATION OF COMPLIANCE WITH WORD LIMITS

AS REQUIRED BY SUPREME COURT RULE 33.1 (h), I CERTIFY THAT THE DOCUMENT CONTAINS 2497 WORDS, EXCLUDING THE PARTS OF THE DOCUMENT THAT ARE EXEMPTED BY SUPREME COURT RULE 33.1 (d).

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED ON DECEMBER 12, 2025



LEWIS ANDERSON
COUNSEL FOR LEWIS ANDERSON

FORM NO. 51120 PARTY'S NOTIFICATION TO THE UNITED STATES
ATTORNEY GENERAL OF CONSTITUTIONAL CHALLENGE - FEDERAL
STATUTE QUESTIONED

LEWIS ANDERSON # BT9728.

NO FIRM

VALLEY STATE PRISON, D-3-27-44

21033 AVENUE 24

CHOWCHILLA, Ca. 93610

NO TELEPHONE

NO FAX NUMBER

NO E-MAIL ADDRESS

NO STATE BAR NUMBER

PRO SE ATTORNEY FOR LEWIS ANDERSON

ATTORNEYS FOR UNITED STATES, MERRICK B. GARLAND

UNITED STATE DISTRICT COURT
WASHINGTON D.C. DISTRICT OF COLUMBIA

LEWIS ANDERSON,

PLAINTIFF

VS.

THE PEOPLE OF THE STATE OF CALIFORNIA
AND SUPREME COURT OF THE UNITED STATES,

DEFENDANTS

No. _____

NOTICE TO UNITED STATES
ATTORNEY GENERAL OF
ACTION CHALLENGING
CONSTITUTIONALITY OF
FEDERAL STATUTE
FED. R. CIV. P. 5.1 (a) (2)

TO THE UNITED STATES
ATTORNEY GENERAL: GARLAND

TAKE NOTICE THAT ATTACHED TO THIS DOCUMENT ARE:

1. A COPY OF A NOTICE FILED IN THE UNITED STATES DISTRICT COURT FOR
THE COLUMBIA DISTRICT OF WASHINGTON ON DECEMBER 12, 2025,
STATING THAT LEWIS ANDERSON, PLAINTIFF IN THIS ACTION HAS RAISED
A CONSTITUTIONAL CHALLENGE TO OLD CASE 514 U.S. 172, FEDERAL STATUTE

1 IN QUESTION, FEDERAL RULES OF CRIMINAL PROCEDURE § 23 (a).

2 ADVISORY COMMITTEE, NOTE TO SUBDIVISION (a). 1. THIS RULE IS FOR-
3 MULATION OF THE CONSTITUTIONAL GUARANTY OF TRIAL BY JURY,
4 CONSTITUTION OF THE UNITED STATES, ARTICLE III, SEC. 2, PAR. 3.
5 FEDERAL RULES OF EVIDENCE RULE 402.

6 HISTORY: ANCILLARY LAWS AND DIRECTIVES, NOTES OF ADVISORY CO-
7 MMITTER ON RULES. THE PROVISIONS THAT ALL RELEVANT EVIDENCE
8 IS ADMISSIBLE, WITH CERTAIN EXCEPTIONS, AND EVIDENCE WHICH IS
9 NOT ADMISSIBLE ARE "PRESUPPOSITION INVOLVED IN THE VERY CON-
10 CEPTION OF A RATIONAL SYSTEM OF EVIDENCE"; THAYER, PRELIMINARY
11 TREATISE ON EVIDENCE 264 (1898). THEY CONSTITUTE THE FOUND-
12 ATION UPON WHICH THE STRUCTURE OF ADMISSION AND EXCLUSION REST
13 FEDERAL RULES OF EVIDENCE RULE 403.

14 HISTORY: ANCILLARY LAWS AND DIRECTIVES, NOTES OF ADVISORY COMMIT-
15 TEE ON RULES. THE CASE LAW RECOGNIZES THAT CERTAIN CIRCUMSTAN-
16 CES CALL FOR THE EXCLUSION OF EVIDENCE WHICH IS UNQUESTIONED RE-
17 LEVANCE. THOSE CIRCUMSTANCES ENTAIL RISKS WHICH RANGE ALL THE WAY
18 FROM INDUCING DECISION ON A PURELY EMOTIONAL BASIS, AT ONE EXTRE-
19 ME, TO NOTHING MORE HARMFUL THAN MERELY WASTING TIME, AT THE
20 OTHER EXTREME. SITUATION IN THIS AREA CALL FOR BALANCING THE
21 PROBATIVE VALUE OF THE NEED FOR THE EVIDENCE AGAINST THE HA-
22 RM LIKELY TO RESULT FROM ITS ADMISSION. SLOUGH, RELEVANCY UNRAVE-
23 LED, 5 KAN. L. REV. 1, 12-15 (1956); TRAUTMAN, LOGICAL OR LEGAL
24 RELEVANCY - A CONFLICT IN THEORY, 5 VAIL. L. REV. 385, 392 (1952);
25 MCCORMICK § 152, PP. 319-321.

26 FEDERAL RULES OF EVIDENCE RULE 404 ✓

27 (b) OTHER CRIMES, WRONGS, OR ACTS.

28 (b) (1) PROHIBITED USES. EVIDENCE OF ANY OTHER CRIMES, WRONGS, OR ACT IS

1 NOT ADMISSIBLE TO PROVE A PERSON'S CHARACTER IN ORDER TO SHOW
2 THAT ON A PARTICULAR OCCASION THE PERSONS ACTED IN ACCORDANCE
3 WITH THE CHARACTER.

4 FEDERAL CONSTITUTIONAL AMENDMENT SIXTH,

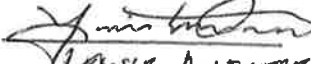
5 CRAWFORD V. WASHINGTON, 541 U.S. 36, DEFENDANT'S RIGHT TO CON-
6 FRONT WITNESSES WAS VIOLATED.

7 2. A COPY OF LEWIS ANDERSON'S PLAINTIFF'S PETITION FOR A REHEARING
8 IN WHICH THE CONSTITUTIONAL CHALLENGE IS RAISED.

9 DATED: DECEMBER 12, 2025.

10 NO FIRM NAME

11 BY


LEWIS ANDERSON

12 VALLEY STATE PRISON

13 21133 AVENUE 24

14 CHOWCHILLA, CA. 93610

NO TELEPHONE NUMBER

NO E-MAIL ADDRESS

15 PRO SE ATTORNEY FOR LEWIS ANDERSON

1 PROOF OF SERVICE BY MAIL

2 BY PERSON IN STATE CUSTODY

3 (FED R. CIV. P. 5: 28 U.S.C. § 1746)

4 I, LEWIS ANDERSON, DECLARE:

5 I AM OVER 18 YEARS OF AGE AND A PARTY TO THIS ACTION. I AM
6 A RESIDENT OF: VALLEY STATE PRISON, IN THE COUNTY OF
7 CHOWCHILLA IN THE STATE OF CALIFORNIA, MY PRISON IS
8 VALLEY STATE PRISON, 31633 AVENUE 24 CHOWCHILLA, CA.
9 93615.

10 ON DECEMBER 12, 2025, I SERVED THE ATTACHED DO-
11 CUMENTS: SUPREME COURT OF THE UNITED STATES AN
12 APPLICATION FOR A REHEARING ON A WRIT OF CERTIORARI

13 (DESCRIBE DOCUMENT)

14 ON THE PARTIES HEREBY BY PLACING TRUE AND CORRECT CO-
15 PIES THEREOF, ENCLOSED IN A SEALED ENVELOPE. WITH POSTA-
16 GE THEREIN FULLY PAID IN THE UNITED STATES MAIL IN A DEP-
17 SIT BOX SO PROVIDED AT THE ABOVE-NAMED CORRECTIONAL IN-
18 STITUTION IN WHICH I AM PRESENTLY CONFINED. THE ENVELOPE
19 WAS ADDRESSED AS FOLLOWS: (1) CHAMBERS OF THE HONORA-
20 BLE, WALTER H. KUBELIA, JUDGE, SUPERIOR COURT OF CALIFORNIA
21 4056 MAIN STREET RIVERSIDE CALIFORNIA 92501 AND TO: (2) ROB
22 BONTA (SDN 202668) ATTORNEY GENERAL OF CALIFORNIA, 600 WEST
23 BROADWAY SUITE 1800 SAN DIEGO, CA 92101 P.O. BOX 85266 SAN
24 DIEGO CALIFORNIA 92186-5266.

25 I DECLARE UNDER THE PENALTY OF PERJURY UNDER THE LAWS OF THE
26 UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.
27 EXCELLED ON DECEMBER 12, 2025

28 