

No.25-592

In the Supreme Court of the United States

TERESA MILLER,

Petitioner,

v.

OFFICER HELMS, ET AL.,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

PETITION FOR REHEARING

Teresa Miller
1300 Goshen Rd.
Apt. 5
Morgantown, WV 26508

Pro Se Petitioner

FEBRUARY MMXXVI

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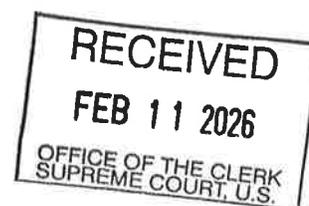


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Petitioner respectfully seeks rehearing under S. Ct. R.44 because the Court overlooked three dispositive issues.

REASONS FOR RECONSIDERATION

I. Accrual delayed by Heck

The Fourth Circuit applied a two-year West Virginia limitations period beginning on the July 13, 2018 search. *Heck v. Humphrey*, holds that a §1983 claim does not accrue when success would necessarily invalidate a criminal conviction; accrual is postponed until that conviction is reversed, expunged, or otherwise invalidated. 512 U. S. 477, 487 (1994). The conviction was vacated on November 29, 2022 because the search was unconstitutional; therefore accrual occurred on that date, and petitioner's March 2023 filing was timely.

II. Appearance of bias

Senior Judge Irene M. Keeley and Magistrate Judge Michael J. Aloï and Chief District Judge Thomas S. Kleeh presided over petitioner's criminal trial and post-vacatur proceedings. Under 28 U.S.C. §455(a) and *Liteky v. United States*, a judge must recuse when extrajudicial involvement or deep-seated favoritism creates an appearance of bias. 510 U. S. 540 (1994). The Fourth Circuit's blanket denial of petitioner's motion ignored this context, violating the statutory and constitutional standards for impartial adjudication.

III. Misclassification as a prisoner's petition

petitioner filed a standard civil action in West Virginia after her conviction was vacated; she was no longer incarcerated. Upon removal, the district court recharacterized the suit as a “prisoner’s petition,” subjecting it to 28 U.S.C. §1915A’s heightened screening, denial of appointed counsel, and limited discovery—procedural safeguards intended for inmates. This misclassification denied petitioner the protections afforded to ordinary civil litigants and infringed her Fourteenth-Amendment due-process rights.

CONCLUSION

The Court’s order fails to consider (1) the accrual postponement required by *Heck*, (2) the clear appearance of bias demanding recusal or venue transfer, and (3) the due-process violation inherent in treating a non-incarcerated plaintiff’s suit as a prisoner’s petition. Rehearing is therefore warranted to grant the petition and correct these oversights and ensure proper application of constitutional and statutory law.

Respectfully submitted,

Teresa Miller
1300 Goshen Rd.
Apt. 5
Morgantown, WV 26508

February 6, 2026

Pro Se Petitioner

**CERTIFICATION OF
UNREPRESENTED PARTY**

Pursuant to S. Ct. R. 44.2, I, Teresa Miller, hereby certify that the petition for rehearing is restricted to the grounds specified in Rule 44.2. I further certify that the petition for rehearing is presented in good faith and not for delay.

February 6, 2026

/s/ Teresa Miller

**CERTIFICATION OF
UNREPRESENTED PARTY**

Pursuant to S. Ct. R. 44.2, I, Teresa Miller, hereby certify that the petition for rehearing is restricted to the grounds specified in Rule 44.2. I further certify that the petition for rehearing is presented in good faith and not for delay.

February 6, 2026

/s/ Teresa Miller



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CERTIFICATE OF COMPLIANCE AND SERVICE

Pursuant to S. Ct. R. 33.1(h), I certify that the petition for rehearing contains 318 words, excluding parts exempted by S. Ct. R. 33.1(d).

Pursuant to S. Ct. R. 29.2, I certify that 40 copies in booklet format and 1 unbound copy of the petition for rehearing are sent to the Clerk of the Supreme Court of the United States through the United States Postal Service via Priority Mail postage prepaid, and was placed into the United Postal Service's possession on this 6th day of February, 2026.

Lastly, I certify pursuant to S. Ct. R. 29.5(c), 3 copies of the petition for writ of certiorari and its accompanying appendices are served upon Keith C. Gamble, PULLIN, FOWLER, FLANAGAN, BROWN & POE, PLLC, counsel of record for respondents Officer Helms and Officer Bradford, at 2414 Cranberry Sq., Morgantown, WV 26508-9209, and Matthew D. Elshiaty, KAY, CASTO & CHANEY, PLLC and Margaret

Lewis, MANCHIN INJURY LAW GROUP, PLLC, counsels of record for respondents Morgantown City Police Department and Eric Powell, respectively at 150 Clay St., Ste 100, Morgantown, WV 26501-5948, and 1543 Fairmont Ave., Fairmont, WV 26554-0054 on this 6th day of February, 2026 through the United States Postal Service via Priority Mail postage pre-paid.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 26, 2026.

Huang Tiange
President
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