No. 25-6232

IN THE

SUPREME COURT OF THE UNITED STATES

STANLEY FOSTER BAKER - PETITIONER

VS.

ERIC GUERRERO - RESPONDENT

PETITION FOR REHEARING

STANLEY FOSTER BAKER

WILLIAM P. CLEMENTS UNIT

9601 SPUR 591

AMARILLO, TEXAS 79107-9606

PHONE NUMBER - N/A

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I, Stanley Foster Baker, hereby humbly and respectfully petition the Honorable Justice ALITO for rehearing of my petition for writ of certiorari, to the Fifth Circuit Court of Appeals, denied on January 26, 2026.

I herein argue that the lower courts conspicuous failure to apply governing legal rules, and the Court's recent decisions in Klein v. Martin, 2026 U.S. LEXIS 700, 94 U.S.L.W. 3226, 2026 LX 42529 (January 26, 2026)(per curiam) and Clark v. Sweeney, 607 U.S. 7, 223 L.Ed.2d 157, 2025 U.S. LEXIS 4472 (November 24, 2025)(per curiam), are intervening circumstances of a substantial or controlling effect warranting the rehearing of my petition for writ of certiorari.

First, in Cooter & Gell v. Hartmarx Corp., 496 U.S. 384, 405, 110 S.Ct. 2447, 110 L.Ed.2d 359 (1990) the Court held, "[a] district court would necessarily abuse its discretion if it based its ruling on an erroneous view of the law or on a clearly erroneous assessment of the evidence." The Court reiterated this holding in Koon v. United States, 518 U.S. 81, 100, 116 S.Ct. 2035, 135 L.Ed.2d 392 (1996) (A district court by definition abuses its discretion when it makes an error of law.)(citing Cooter, id., at 405). And most recently in Kemp v. United States,

596 U.S. 528, 142 S.Ct. 1856, 213 L.Ed. 2d 90 (2022), the Court defined that a judges error of law or fact constituter a "mistake" within Federal Rules of Civil Procedure 60(b)(1).

In my timely and procedurally correct Rule 60(b)(1) motion, denied by the district court on October 31, 2024, I alleged errors of law and fact warranting relief from the district court's erroneous December 18, 2023 judgment denying my first federal habeas petition as time-barred. The district court conspicuously failed to apply governing law to my claims of State interference, and two (2) newly discovered factual predicates, under 28 U.S.C. §2244(d)(1)(B) and (D). In order to properly apply 28 U.S.C. §2244(d)(1)(B) and (D), the district court was statutorily obligated to establish the date(s) that triggered my one year limitations period under 28 U.S.C. §2244(d)(1). The district court failed to perform this ministerial duty.

In Klein v. Martin, 2026 U.S. LEXIS 700, 94 U.S.L.W. 3226, 2026 CX 42529 (January 26, 2026) (per curiam) - decided the same day the Court denied my petition for writ of certiorari - the Court stated, "Under the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA)...federal courts are dutybound to comply with AEDPA, and we have granted summary judgment

when the lower courts have departed from the role AEDPA assigns. See, e.g., Clark v. Sweeney, 607 U.S. ___, 223 L.Ed.2d 157 (2025)(per curiam)... This is such a case." (quoted in part, emphasis added).

My case is also such a case. Both, the district court and Fifth Circuit, conspicuously failed to apply 28 U.S.C. §2244(d)(1)'s plain statutory mandate - and the Court's governing law - in making their determinations that: (i) my federal habeas petition was time-barred; (ii) I failed to show that jurists of reason could debate whether the district court abused its discretion in denying relief from its December 18, 2023 judgment under Rule 60(b)(1); (iii) my claims did not deserve encouragement to proceed further (Fifth Circuit did not make this determination).

The governing statute, 28 U.S.C. §2244(d)(1) states: "A 1-year period of limitations shall apply to an application for a writ of habeas corpus by a person in custody pursuant to a judgment of a State court. The limitations period shall run from the latest of -
...(B) the date on which the impediment to filing an application created by State action in violation of the constitution or laws of the United States is removed, if the applicant was prevented

from filing by such State action.

...(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence." (quoted in part, emphasis added). 28 U.S.C. §2244(d)(1)(B) and (D). See also McQuiggin v. Perkins, 569 U.S. 383, 388-389, 133 S. Ct. 1924, 185 L.Ed.2d 1019 (2003) (If the petition alleges newly discovered evidence, however, the filing deadline is one year from "the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence". §2244(d)(1)(D).) (emphasis added).

The district court conspicuously failed to apply the governing law when it did not calculate the one year limitations period from the date(s) alleged by me - November 23, 2021 and May 12, 2023. Had the district court complied with the madate of AEDPA, and applied the governing law using either of these dates, my petition would be timely. See Salazar-Limon v. City of Houston, 581 U.S. 946, 947, 137 S. Ct. 1277, 2017 U.S. LEXIS 2627 (2017) (we may grant review if the lower court conspicuously failed to apply a governing legal rule. See this Court's Rule 10.) (Justice Alito, with whom Justice Thomas joined, concurring in the denial of certiorari.).

moreover, the district court conspicuously failed to apply the

Federal Rules of Civil Procedure, and the Rules Governing Section 2254 Cases - Rule 6, to Respondent's admissions admitted by default - as a matter of law - during the discovery ordered by the district court. This was a drastic departure from the principle of party presentation. See Clark v. Sweeney, id., 607 U.S. 7 (2025)(per curiam).

Compounding the district court's conspicuously drastic departure from the principle of party presentation, it further departed from this principle when it failed to hold Respondent to its initial burden of pleading and proving its affirmative statute of limitations defense and ignored dispositive material facts, evidence, and arguments (defenses to Respondent's affirmative defense) that defeat Respondent's affirmative defense. (i.e., Respondent's admissions; Respondent's misrepresentation of the date the first factual predicate was discovered; my affidavit of facts and exhibits showing the dates I in fact discovered the two (2) factual predicates through due diligence - November 23, 2021 and May 12, 2023; equitable estoppel, judicial estoppel, estoppel by silence, and fraudulent concealment arguments). See Tolan v. Cotton, 572 U.S. 650, 659, 662, 134 S. Ct. 1861, 1866 L. Ed. 2d 895 (2014)(per curiam)(we intervene because the opinion below reflects a clear misapprehension of summary judgment standards in light of our precedents.), and (I agree that there are genuine

issues of material fact and that this is a case in which summary judgment should not have been granted)(quoted in part - Justice Alito, with whom Justice Scalia joins, concurring in judgment). See also, Nelson v. Allen, 130 S.Ct. 3491, 177 L.Ed.2d 1081, 2010 U.S. LEXIS 5124 (2010); Fed.R.Civ.P. 36, 81; Order dated June 07, 2023.

Therefore, I argue the courts recent decision in Clark v. Sweeney, 607 U.S. 7, 146 S.Ct. 410, 223 L.Ed.2d 157 (2025)(per curiam) supports and validates my arguments - to both the district court and Fifth Circuit in my timely and procedurally correct Rule 59(e) motion, 60(b)(1) motion, and motions for COA, IFP, and re-hearing in the Fifth Circuit - that the district court violated the principle of party presentation when it assumed a defensive posture for Respondent by ignoring the admissions legally obtained during the discovery ordered by the district court.

Without any answer, objection, motion for a protective order, or motion to withdraw from Respondent, the district court jettisoned its role as neutral arbiter, and became an advocate for Respondent, when it overlooked and ignored material admissions and evidence showing (proving) my Constitutional rights were violated and that its procedural ruling was wrong.

By overlooking Respondent's failure to contest its defaulted admissions; ignoring those admissions obtained during court

ordered discovery; denying my timely and procedurally correct motion to Compel and Objection thereto; and arguing for Respondent that I was using the discovery ordered, and unlimited, by the district court as a "fishing expedition", the district court abused its discretion by conspicuously failing to apply the governing rules and drastically departed from the principle of party presentation. See, Clark v. Sweeney, 607 U.S. 7, at 8 (Because the Court of Appeals departed dramatically from the principle of party presentation, we reverse.); also, Trump v. Illinois, 223 L.Ed. 2d 294, 299-300, 2025 U.S. LEXIS 4766, 146 S.Ct. 432 (2025) ("In our adversarial system of adjudication, we follow the principle of party presentation". Clark v. Sweeney, 607 U.S. ___, ___, 223 L.Ed. 2d 157, 159 (2025) (per curiam) (quoting United States v. Sineneng-Smith, 590 U.S. 371, 375, 140 S.Ct. 1575, 206 L.Ed. 2d 866 (2020). If a party passes up what seems to us a promising argument, we do not assume the role of advocate.)

Having correctly cited the Court's governing law - just as the Court cites in Clark v. Sweeney, id. - I argued, "[I]n our adversarial system of adjudication, we follow the principle of party presentation", United States v. Sineneng-Smith, 590 U.S. 371, 375..., and, "In our adversary system, in both civil and criminal

cases, in the first instance and on appeal, we follow the principle of party presentation. That is, we rely on the parties to frame the issues for decision and assign to courts the role of neutral arbiter of matters the parties present." Greenlaw v. United States, 554 U.S. 237, 243, 128 S. Ct. 2559, 171 L. Ed. 2d 399 (2008).

Neither, the district court or the Fifth Circuit, applied these governing rules to my case despite my arguments invoking their application. This was an abuse of discretion.

In my request for a COA, I specifically argued in the Fifth Circuit that the Court of Appeals had a duty to ensure the district court applied the correct standards - governing law. See Fox v. Vice, 563 U.S. 826, 838-839, 131 S. Ct. 2205, 180 L. Ed. 2d 45 (2011) (But a trial court must apply the correct standard, and the appeals court must make sure that has occured... A trial court has wide discretion when, but only when, it calls the game by the right rules.). See also, Clark v. Sweeney, 607 U.S. 7, 9 (2025) (per curiam) (To put it plainly, courts call balls and strikes, they don't get a turn at bat. Lomax v. Ortiz-Marquez, 590 U.S. 595, 599, 140 S. Ct. 1721, 207 L. Ed. 2d 132 (2020)).

Therefore, under governing law, the Fifth Circuit abused its discretion when it conspicuously failed in its duty to ensure

the district court called the game by the right rules. As the Court is the nation's expounder of our federal law, its decisions on federal issues must be obeyed. See Bank of Nova Scotia v. United States, 487 U.S. 250, 255, 108 S.Ct. 2369, 101 L.Ed.2d 228 (1988) (...federal courts have no more discretion to disregard the Rule's mandate than they do to disregard constitutional or statutory provisions,) (quoted in pertinent part); also, Hollingsworth v. Perry, 558 U.S. 183, 199, 130 S.Ct. 705, 175 L.Ed.2d 657 (2010) (If courts are to require that others follow regular procedures, courts must do so as well.); see also, 23 Moore's Federal Practice - Civil §510.42.

Once the district court erroneously dismissed my habeas petition as untimely, I filed a timely and procedurally correct Rule 59(e) motion requesting the district court alter or amend its judgment to correct: its manifest errors of law and fact; its clearly erroneous assessment of the evidence presented, and obtained, during the proceedings; its drastic departure from the principle of party presentation; and the resulting manifest injustice incurred due to district court's errors, thereby, forever barring me from the one fair opportunity I am entitled to receive. See Banister v. Davis, 590 U.S. 504, 140 S.Ct. 1698, 207 L.Ed.2d 58 (2020), at 507.

As repeatedly argued, and backed up by governing law, not only was my Rule 59(e) motion procedurally proper, but it

should have been granted. See, Smith v. Alumax Extrusions, Inc., 868 F.2d 1469 (5th Cir. 1989), also, Garciano v. La. Log Home Co., 569 Fed. Appx. 292, 300 and n. 28 (5th Cir. 2014)(unpublished)(citing Smith v. Alumax, 868 F.2d 1469, 1472 (5th Cir. 1989)(remanding a case on the basis of a Rule 59(e) motion for the purpose of allowing the district court to rule on contentions it had previously failed to address).

As argued in my subsequent Rule 60(b)(1) motion, the district court completely misconstrued and ignored clear arguments presented, mistated facts, and conspicuously failed to apply governing law to my Rule 59(e) motion. most obvious of which was the district courts conspicuous failure to address my argument concerning its failure to apply governing law to establish the trigger date(s) under 28 U.S.C. §2244(d)(1)(B) and (D). Instead, in its October 31, 2024 denial of my Rule 60(b)(1) motion, the district court erroneously argued that I had contested its sole timeliness determination under 28 U.S.C. §2244(d)(1)(A). This manifest error of fact alone should have been enough for the Fifth Circuit to reverse and remand.

moreover, the district court conspicuously failed to apply governing Fifth Circuit precedent (precedent) to my claimed errors. Under clear Fifth Circuit precedent, it has been determined that failure to address key legal arguments is an abuse of discretion warranting reversal to the district court. See Smith, 868 F.2d 1469,

1472 (5th Cir. 1989); Garziano, 569 Fed. Appx. 292, 300, and n. 28 (5th Cir. 2014)(unpublished). The district court conspicuously failed to apply this governing law, in spite of the fact I cited the governing law as the foundation for my argument.

Next, again under clear Fifth Circuit precedent, it was clearly determined in AAA v. AAA Legal Clinic of Jefferson Crooke, P.C., 930 F.2d 117 (5th Cir. 1991) that the district court abused its discretion, and prejudiced the appellant, when it failed to follow governing law (Fed. R. Civ. P. 36) and ignored admissions that were not withdrawn or amended by motion. See also, Carney v. IRS (In Re Carney, 258 F.3d 415 (5th Cir. 2001). In my case, Respondent conspicuously failed to contest its admissions, and the district court conspicuously failed to apply the governing laws (law) to Respondent's conspicuous failure. Again, this was an abuse of discretion that should have been corrected by the Fifth Circuit.

Compounding the district courts' mistake(s) (error(s)), and abuse of discretion, the Fifth Circuit conspicuously failed to apply its own governing law - in addition to its conspicuous failure to apply governing federal statutes - to the facts and circumstances of my case. This too was an abuse of discretion warranting the grant of writ of certiorari to the Fifth Circuit. See, Mohasco Corp. v. Silver, 447 U.S. 807, 826, 100 S.Ct. 2486,

65 L.Ed.2d 532 (1980) (...experience teaches us that strict adherence to the procedural requirements specified by the legislature is the best guarantee of evenhanded administration of the law.) (quoted in part).

Furthermore, I argue the district court conspicuously failed to apply governing law to my timely, and procedurally correct, Rule 60 (b)(1) motion. In its October 31, 2024 Order (which has not been published on LEXIS NEXUS - I argue because it is obviously erroneous), the district court cites the controlling law, Kemp v. United States, 596 U.S. 528, 142 S.Ct. 1856, 213 L.Ed.2d 90 (2022), but conspicuously fails to apply it correctly to the mistake(s) alleged by me. As argued in my pleadings, the district court's interpretation of Kemp is obviously erroneous because it placed an impermissibly higher burden on me than Kemp and Rule 60(b)(1) demands. In Kemp the Court held that any error of law or fact made by a judge qualifies as a mistake within Rule 60(b)(1), including "a mistake in calculation". See Kemp, id., at 534 (emphasis original and added). Moreover, the district court erroneously applied inapposite circuit law to my case that contravenes the Court's holding in Kemp. See, October 31, 2024 Order.

If all of this is not enough, the district court also completely disregarded my argument and evidence, and conspicuously failed

to apply governing law, in regard to my thoroughly briefed argument concerning State (Respondent) interference with my appeal. I adamantly argued, and presented evidence corroborating my argument, that I did not voluntarily abandon (fail to prosecute) my appeal of the district court's December 18, 2023 and January 26, 2024 judgments - but that I was prevented from appealing due to Respondent's interference (confiscating all of my legal material and tablet needed for my appeal). The facts do not support the district court's argument.

Nowhere, does the district court or the Fifth Circuit, address this argument or apply the governing law to the facts and circumstances of my case. See Pioneer Inv. Servs. v. Brunswick Assocs. Ltd. P'ship., 507 U.S. 380, 387, 394, 113 S.Ct. 1489, 123 L.Ed.2d 74 (1993); also, Klapprott v. United States, 335 U.S. 601, 69 S.Ct. 384, 93 L.Ed. 266 (1949). This conspicuous failure to apply governing law to the argument, explicitly and thoroughly argued by me, was an abuse of discretion.

Furthermore, both the district court and Fifth Circuit conspicuously fail to acknowledge my argument that the district court's mistakes are the but-for-cause reason necessitating the appeal, and that the district court's failure to grant a certificate of appealability (COA) should prevent any argument by the district court that I failed to prosecute an appeal it denied me the opportunity to pursue.

Finally, in its June 20, 2025 Order, the Fifth Circuit conspicuously fails to apply the governing law and properly analyze whether jurists of reason could debate that the district court abused its discretion in refusing to grant relief from its judgment due to mistake(s) as defined by the Court in Kemp v. United States, id., at 537 U.S. 322.

Most obvious is the Fifth Circuit's conspicuous failure to cite governing law (Kemp) and conduct the appropriate analysis under 60(b)(1) to the mistake(s) (error(s)) alleged by me. Instead, the Fifth Circuit merely attempts to recite my alleged errors, (I say attempts because, as I pointed out in my motion for rehearing in the Fifth Circuit, the Fifth Circuit misstated and misconstrued the facts of my alleged errors), without any analysis whatsoever or any legal bases with the governing law to justify its wholly conclusory statement that "Baker otherwise has not shown that reasonable jurists could debate whether the district court abused its discretion in denying his Rule 60(b) motion." See June 20, 2025 Order at *2. How did the Fifth Circuit reach its conclusion? It could not have used Kemp as its legal bases to adduce support for its ruling, because the Court's holding in Kemp not only makes the district court's denial debatable - it makes it wrong.

The Fifth Circuit conspicuously failed to apply governing

law and a threshold inquiry into the factual and legal bases adduced in support of my claims. I argued Kemp in support of my claims of error(s)(mistake(s)) made by the district court, yet the Fifth Circuit conspicuously failed to apply Kemp to my claims. It should be beyond any reasonable debate that had the Fifth Circuit conducted the correct threshold inquiry, applying the governing law, it would certainly be required to issue a COA because the issues are debatable among jurists of reason, the issues deserve encouragement to proceed further, and the district court in fact abused its discretion in denying to grant relief under Rule 60(b)(1) due to mistake(s) as defined by the Court in Kemp. See Miller-El v. Cockrell, 537 U.S. 322, 123 S.Ct. 1029, 154 L.Ed.2d 931 (2003).

The district court drastically departed from the principle of party presentation, and conspicuously failed to apply governing law to the facts of my case and errors alleged. The Fifth Circuit was dutybound to correct the district court's errors - instead it sanctioned them. See S.Ct. Rule 10. This was an abuse of discretion warranting the grant of writ of certiorari. Therefore, I humbly and respectfully petition Your Honor to rehear my petition for writ of certiorari so that I may receive my one fair opportunity to seek relief in accordance with governing law, Due Process, and Equal Protection. See Rosales-Mireles v. United States, 585 U.S. 129, 138 S.Ct. 1897, 201 L.Ed.2d 376 (2018); Wallace v. Miss., 43 F.4th 482, 501 (5th Cir. 2022)(U.S. Const. Amend. ~~V~~, XIV).

CERTIFICATION BY PARTY UNREPRESENTED BY COUNSEL

I, Stanley Foster Baker, in accordance with Supreme Court Rule 44 hereby certify that my petition for rehearing is restricted to intervening circumstances of a substantial or controlling effect and that it is presented in good faith and not for delay.

Stanley Foster Baker - [signature]

CERTIFICATE OF SERVICE

I, Stanley Foster Baker, do swear that on this date, February 18, 2026, as required by Supreme Court Rule 29 I have served the enclosed petition for rehearing on Nathan Tadema, Assistant Attorney General, P.O. Box 12548, Austin, TX 78711-2548; by depositing an envelope containing the above documents in possession of the mailroom staff at the William P. Clements Unit properly addressed to counsel and with first-class postage prepaid for delivery within 3 calendar days.

I declare under the penalty of perjury that the foregoing is true and correct (28 U.S.C. §1746). Executed on February 18, 2026

Stanley Foster Baker - [signature]