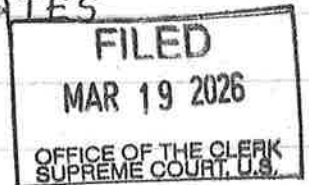


IN THE
SUPREME COURT OF THE UNITED STATES

Auburn Calloway, Petitioner
vs
United States, Respondent

Case No.
25-6516



~~ORIGINAL PETITION FOR REHEARING~~
~~PETITION~~
PETITION
FOR REHEARING OF
CERTIORARI PETITION
TO THE SIX CIRCUIT COURT OF APPEALS



Auburn Calloway, Sr.
Federal Correctional Complex USP 1
P.O. Box 1033 Coleman, FL 33521
352 689-6000

Pursuant to Rule 44, Auburn Calloway Sr., pro se and in forma pauperis under incarceration with a life sentence, petitions the Court for rehearing of the petition for a writ of certiorari denied on February 23, 2026. In support of rehearing, the above-entitled cause petitioner respect-

fully shows that a rehearing of the denial of the writ is a matter of fundamental fairness to Mr Calloway, is in the interest of justice, and would not unduly burden the Court.

This rehearing petition is presented together with certification that it is presented in good faith and not for delay, signed by this unrepresented petitioner under incarceration in a federal institution. The grounds for this rehearing petition are limited to Intervening circumstances of a substantial or controlling effect. There are also other substantial grounds not previously presented.

Due to the extraordinary circumstances explained in the grounds justifying rehearing, petitioner moves the Court to call for the views of the Solicitor General (CVSG) before making a final decision about whether to grant this petition. Rule 44.3 see *Schriber-Schroth v. Cleveland Trust Co.*, 305 U.S. 47, 50 (1938) (substantial new grounds); *Myers v. U.S.* 139 S. Ct 1540, 1541 (2019); *Grzegorzcyk v. U.S.* 142 S. Ct. 2580, 81, 83-4 (2022).

GROUND FOR REHEARING

Auburn Calloway, Sr., an honorably discharged decorated veteran of the United States Navy (Appendix 1), now 74 years of age

having been incarcerated since April 1994 (32 years), petitioned this Court for a writ of certiorari under the 2018 First Step Act, codified most relevantly at 18 U.S.C. § 3582(c)(1)(A)(ii) (Appendix 2), to the 6th Circuit Court of Appeals.

Mr. Calloway respectfully shows that a rehearing of the denial order of February 23, 2026 is a matter of fundamental fairness to him and, in the interests of justice, prays that the Court will duly consider the following intervening circumstances of a substantial or controlling effect:

(-1-)

On October 10, 2025, federal prisoner Dwayne Tottleben, a white American male (WAM), was shot to death by prison staff on the recreation yard just outside this petitioner's housing unit. The incident was "all over the news" as inmate Tottleben was unarmed when he was killed. The killing was intentional rather than accidental.

(-2-)

On August 27, 2025 during a prolonged prison lockdown, staff conducted an institution-wide "property compliance shakedown" during which all of Mr Calloway's legal files were confiscated and kept well outside the scope of the national policy for the Federal Bureau of Prisons. Only 5 law books, of more than 18, were returned. Despite the warden granting the appeal for the return of all law books, none have been returned so far (Appendix 3).

(3)

On 2/23/26, after at least two attempts to file the petition for certiorari against the firewall the Court's Rules impose on incarcerated nonlawyers proceeding pro se, this Court denied certiorari with Justice Kagan recusing due to prior government (DOJ) employment.

The basis for her recusal, 28 U.S.C. 455(b)(3) and Canon 3B(2)(e), was surprising because that identical basis applies to Judge Joan L. Larsen who did ~~not~~ recuse as a panelist on this case in the court below to which Mr. Calloway seeks certiorari!

Curiously, Judge Kevin Ritz, less than one year removed from his DOJ employment (Memphis U.S. Attorney), recused when Mr. Calloway moved for an en banc rehearing, consistent with Justice Kagan.

Judge Joan L. Larsen also had prior government (D.O.J.) employment for years (Appendix 4) as Deputy Assistant A.G.! Therefore, because Mr. Calloway has not been given an opportunity by this Court to argue why Judge Thomas L. Parker and Judge Joan L. Larsen's failure to recuse should not be determined by the same rules Judge Ritz and Justice Kagan used to recuse, the circumstances of this disparity is surely of a substantial or controlling effect not previously present that should

garner a rehearing that gives this Court a second look at the petition in view of the cornerstone and number one question being "Judicial Disqualification".

Substantial Grounds Not Previously Presented

The Court is asked to notice the government's killing of Renee Good and Alex Preti in Minneapolis where neither ICE agent was criminally charged. Instead, the government's news media spin demonized and vilified both victims to justify the killings and shift the blame to the victims as "terrorists". This brings to mind how the government treated Richard Jewel, the initial suspect in the Atlanta Olympics bombing case. The government's prejudicial publicity against Jewel prior to pursuing Eric Rudolf, the real bomber, compares well with the government's pretrial prejudicial publicity in Memphis in 1994 against Calloway.

Jewel died young from stress-related illnesses attributable to his mistreatment by the D.O.J. Mr. Calloway has contracted PTSD in prison resulting from the harsh and unconstitutional conditions of confinement which may be a blessing compared to Dwayne Tottleben, Id. Murderers and conspirators with long criminal histories have received First Step Act releases in contrast to Mr. Calloway's zero criminal history and status as an honorably discharged decorated veteran.

Mr Calloway has suffered severe forms of harm while incarcerated for 32 years including medical neglect, prolonged solitary confinement, physical violence, and a host of other ills. (Appendix 5) Constitutional remedies have been limited to injunctions and damages but they rarely redress the totality of the harm a prisoner suffers. Thus, the 8th Amendment fails to provide adequate relief especially to elderly inmates.

Since the 2018 passage of the First Step Act, federal geriatric inmates like Mr. Calloway have a new legal remedy justiciable in federal courts, i.e. compassionate release under 18 U.S.C. 3582(c)(1)(A)(ii).

In November 2023, the U.S. Sentencing Commission amended its Guidelines to include claims based on the types of harms usually litigated under the 8th Amendment. The amended Guidelines represent a watershed reform to sentencing laws giving courts more discretion to reexamine sentences.

In view of PLRA challenges and restrictions for redressing harms under the 8th Amendment, a rehearing of this petition under "other substantial grounds" not previously presented, Rule 44.2, should include the Guidelines' expansion to encompass harmful conditions of confinement in the interests of justice for a large class of aging inmates.

A rehearing allows a more appropriate remedy for harms done to inmates like Mr. Calloway by prison staff than traditional civil remedies. Such remedies for the harms to elderly inmates are presently the only relief avenue in which such remedies can be achieved.

There are several practical and doctrinal advantages to having adverse conditions of confinement redressable under compassionate release. Upon rehearing the petition for a writ of certiorari, this Court can support the U.S. Sentencing Commission's expansion of extraordinary and compelling reasons cognizable under the First Step Act. It gives this Court the opportunity to set a standard for 2018 First Step Act release of elderly inmates consistent with and pursuant to 18 U.S.C. 3582(c)(1)(A)(ii).

Mr. Calloway reiterates in closing his request that the U.S. Solicitor General be called for his views (CVSG), despite not having opposed the petition, where there is a reasonable probability that with the requisite ethical integrity not shown at the U.S. Attorney level, D. John Saver will support Mr Calloway's petition before this Court's final decision. See Grzegorzcyk vs. U.S. 142 S.Ct. 2580, 2022 US LEXIS 3273; Brown vs. U.S. 538 U.S. 1010 (2003)

Auburn Calloway
29 March 2026

CERTIFICATION OF GOOD FAITH

I, Auburn Calloway Sr. certify that this pro se 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.

19 March 2026

DATE

Auburn Calloway

Signature

PROOF OF SERVICE

I, Auburn Calloway Sr., certify that I handed this Petition for Rehearing to prison staff to be mailed to U.S. Solicitor General D. John Sauer on March 19, 2026 to be mailed to the following address: U.S. Dept. of Justice Rm 5616 450 Pennsylvania Avenue NW Washington DC 20530-0001.

Auburn Calloway
signature

DECLARATION

Setting forth the date of deposit in the institution's mail system stating that first class postage was prepaid. Rule 29.2. in compliance with 28 U.S.C. § 1746.

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

I deposited my petition for rehearing (pro se) in the institution's mail system on March 19, 2026 but apparently it was not taken to the post office due to staff absence and shortage until days later.

Executed on March 19, 2026

Camburn Calloway
Auburn Calloway

4601-076

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Coleman FL 33521

**Additional material
from this filing is
available in the
Clerk's Office.**