

No. 25-7240

**IN THE
SUPREME COURT OF THE UNITED STATES**

LARRY WAYNE KIMES,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

On Petition for Writ Of Certiorari To The
United States Court Of Appeals For The Fifth Circuit

Case No. 24-50294

PETITION FOR REHEARING

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On June 22, 2026, the Court denied Kimes' Application for a Writ of Certiorari. Kimes received notice of the denial on June 26, 2026.

Kimes understands that the Court does not look favorably on motions for reconsideration.

This petition for rehearing is a procedural request made to the Court to reassess its prior decision. Kimes believes the Court overlooked important facts and made a legal error, which could significantly affect the outcome of this case.

This Petition for Rehearing is limited to intervening circumstances of a substantial or controlling effect, other substantial grounds not previously presented, or clear error.

In Issue No. 1 below, Kimes asserted that the district court judge, the Honorable Fred S. Biery, did not follow clearly established federal appellate law when he denied motion after motion filed by Kimes.

Kimes believes that the Court overlooked Kimes' arguments relative to the failure of his district court judge to follow clearly established federal law.

It should be fundamental that lower court judges follow clear appellate law.

By denying the application for a writ of certiorari, the Court sends the message that lower-court judges are NOT required to follow clearly established federal appellate case law.

Kimes does not believe that this Court supports judges who do not follow the law set forth by appellate courts. To allow lower court judges to pick and choose which laws they wanted to follow would lead to chaos.

It is important to note that on May 22, 2026, the Solicitor General waived his right to file a response in this case. It seems that the Solicitor General either thought the application for the writ of certiorari had no merit or realized the application

would have been granted and that filing a response was not an efficient use of his time and effort.

The following issues were presented to the Court in the Application for a Writ of Certiorari:

QUESTIONS PRESENTED FOR REVIEW

ISSUE NO. 1

Kimes filed several pleadings in the district court, which was presided over by the Honorable Fred S. Biery. Numerous citations to federal law were cited. Kimes subsequently discovered that Judge Biery had ignored the vast majority of cases and law cited in the various pleadings, which resulted in the denial of Kimes' 28 U.S.C. 2255 Motion and Fed. R. Civ. Pro. Rule 60 Motion, thereby denying Kimes' constitutional right to due process. Judge Biery's failure to "read" the law is an abuse of discretion. Should a federal district judge be required to review and consider all law set forth in pleadings before their court, before granting or denying the various motions?

ISSUE NO. 2

In the district court, after discovering Judge Biery's failure to follow the law, Kimes filed a second Rule 60 Motion. The district court construed the Rule 60 Motion as a second or successive 2255 Motion, reclassified it, and then denied it, despite the motion being clearly filed pursuant to Rule 60. The Court abused its discretion when it did so. Was it reversible error for the Court to reclassify the Rule 60 Motion as a Section 2255 Motion and then deny it?

ISSUE NO. 3

Kimes filed an application for a certificate of appealability in the Fifth Circuit. The application was denied. Did the Fifth Circuit err or abuse its discretion when denying the application for the certificate of appealability?

For the purposes of this motion, Kimes believes the Court should only concern itself with Issue No. 1.

REASON FOR GRANTING THE WRIT

Kimes believes the Court should grant this petition for rehearing to compel all lower court judges to read, review, and apply the federal appellate law cited in all pleadings.

PRAYER

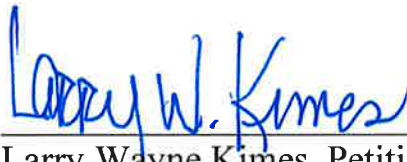
Based on the facts and arguments set forth in this petition, Kimes respectfully requests that this Court grant it and allow Kimes' leave to proceed with this appeal.

Kimes seeks all additional relief to which he may be entitled.

Pursuant to 28 U.S.C. §1746, under penalty of perjury, I, Larry Wayne Kimes, hereby affirm that the facts contained herein and in the attached certificate are true and correct.

DATED: July 14, 2026.

Respectfully submitted,



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