

No. 25-7549

IN THE SUPREME COURT OF THE UNITED STATES

JAMES SHELTON RAY, JR.,

Petitioner,

v.

J. H. HANAK, Officer; W. T. SPENCER, Sergeant; P. J. HOWARD, Officer,

Respondents.

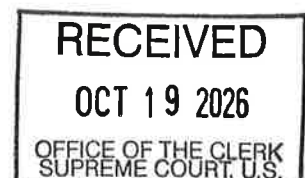
PETITION FOR REHEARING

Petitioner James Shelton Ray, Jr., proceeding pro se, respectfully petitions for rehearing of the Court's order of October 5, 2026, denying the petition for a writ of certiorari.

I. Grounds for Rehearing

Under Rule 44, rehearing is appropriate where the order was entered on a material misapprehension of the facts or law, or where an intervening development of controlling importance has occurred. Petitioner submits that the petition presented a substantial federal question concerning the application of *Heck v. Humphrey*, 512 U.S. 477 (1994), and the Fourth Amendment probable-cause standard in a warrantless-arrest context, and that the lower courts' treatment of the state-court disposition and supporting record warrants further review.

1. The state-court judgment of "not guilty" accompanied by an express finding of "no probable cause," followed by an order of expunction under North Carolina law, satisfied the favorable-termination requirement of *Heck*. The lower courts' contrary conclusion creates a circuit conflict or an erroneous application of this Court's precedent on when a § 1983 false-arrest claim may proceed.
2. Undisputed or minimally disputed record evidence (plaintiff's affidavit, contemporaneous police reports documenting the complainant's admission of first aggression, 911-call content, video, and witness declarations) raised a genuine issue whether the arresting officers possessed probable cause at the moment of the warrantless arrest, particularly in light of the officers' alleged failure to investigate or disclose plainly exculpatory information. Summary judgment on the Fourth Amendment claim was therefore improper under the standards of *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986), and *English v. Clarke*, 90 F.4th 636 (4th Cir. 2024).



3. The petition also presented a properly preserved First Amendment retaliation claim linked to a prior internal-affairs complaint acknowledged by the department's chief, together with evidence of an officer's subsequent unprovoked physical contact while on the curtilage. The lower courts' resolution of that claim conflicts with *Nieves v. Bartlett*, 587 U.S. 391 (2019), and related circuit authority on the causation standard for retaliatory arrests.

These issues are of recurring importance to the administration of § 1983 claims arising from domestic-related warrantless arrests and to the proper application of *Heck* after a state-court "no probable cause" disposition and expunction. Rehearing is therefore appropriate so that the Court may correct any misapprehension of the record or the governing legal standards.

II. Conclusion

For the foregoing reasons, Petitioner respectfully requests that the Court grant rehearing, vacate the order denying certiorari, and either grant the petition for a writ of certiorari or summarily reverse and remand for further proceedings consistent with this Court's precedents.

Respectfully submitted,



James Shelton Ray, Jr.
1935 Canady Landing Road
Aurora, NC 27806
jim@agtechs.online
Pro se Petitioner

CERTIFICATE OF GOOD FAITH

I certify that this petition for rehearing is presented in good faith and not for delay.



James Shelton Ray, Jr.

Date: October 13, 2026

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

October 5, 2026

Mr. James Shelton Ray, Jr.
1935 Canady Landing Road
Aurora, NC 27806

Re: James Shelton Ray, Jr.
v. J. H. Hanak, Officer, et al.
No. 25-7549

Dear Mr. Ray:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Harris", written in a cursive style.

Scott S. Harris, Clerk

CERTIFICATE OF SERVICE

I certify that on October 13, 2026, I served a true copy of the foregoing Petition for Rehearing on counsel for Respondents by depositing the same in the U.S. Mail, first-class postage prepaid, addressed as follows:

Jacob H. Wellman

Teague Campbell Dennis & Gorham, LLP

P.O. Box 19207

Raleigh, NC 27619-9207

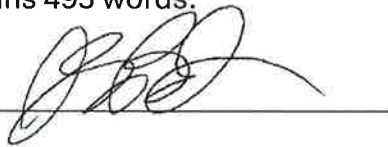
Signature: _____



CERTIFICATE OF COMPLIANCE

I certify that this petition complies with the type-volume limitation of Supreme Court Rule 33.1 and contains 495 words.

Signature: _____



James Shelton Ray, Jr.

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Pro Se Petitioner