№ 16-343

In the

# Supreme Court

of the

# United States

WALTER TUVELL

*Petitioner*

*v.*

INTERNATIONAL BUSINESS MACHINES (IBM)

*Respondent*

***On Petition for Writ of Certiorari to the United States Court of Appeals for the First Circuit***

## PETITION FOR REHEARING (WITH APPENDIX)

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*1* • Tuvell is not "really" *pro se* — see main Petition ϕvif6.

# Judicial Oath of Office

We the People of the United States, in Order to … *establish Justice* [which includes *Truth*] …

— U.S. Const Preamble (emphasis added)

[A]ll executive and judicial Officers, both of the United States and of the several States, *shall be bound* by Oath or Affirmation [i.e., **Promise**], to support this Constitution [esp. law (Art. III), which incorporates the doctrine of *stare decisis*] …

— U.S. Const Art VI (emphasis added)

Each justice or judge of the United States *shall* take the following oath or affirmation …: "I, *[first name] [last name]*, do solemnly swear (or affirm) [**promise**] that

***I will administer justice***

*[unconditionally]* … **So help me God.**"

— 28 USC §453 (emphasis added)

# TABLE OF CONTENTS

# CONTENTS OF APPENDIX

# TABLE OF AUTHORITIES

## Constitutional Provisions



## Supreme Court Cases

## Judicial Rules



## Statutes



## Treatises; Articles; Miscellaneous

# Signing of the Constitution†

Constitutional Convention, Independence Hall,
Philadelphia, September 17, 1787


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† · *Scene at the Signing of the Constitution of the United States,* Howard Chandler Christy (1940); on exhibit in the U.S. Capitol Building, House of Representatives wing, east stairway.

# [2,3]PETITION FOR REHEARING

Pursuant to Sup.Ct.R. 44.2, petitioner hereby submits this Petition for Rehearing **("PetReh";** with Appendix, **"RehApx")** for review[4] of his Petition for Writ of Certiorari **("PetWritCert")** — which in turn consists of: (i) the main Petition proper **("Petition");** (ii) its Required Appendix **("ReqApx");** (iii) its two Supplemental Briefs **("SuppBrief$_1$", "SuppBrief$_2$"),** with their Appendices **("SuppApx$_1$", "SuppApx$_2$").**

Frankly, I suspect the Justices of this Court **haven't reviewed this case/PetWritCert at all** (RehApx ℘8*f*‡) — instead, relegating that task to law clerks. I cannot fathom (nor can any of the *hundreds* of lawyers/judges/professors/journalists/laypersons whom I've consulted) how a properly functioning Judiciary can so blithely accept such *abject travesty of justice*. American law is not designed (*Federalist* №78–83; U.S. Constitution) to work this way.

**PLEASE:** Will some/any actual/sane "Justice" kindly deign to glance at this case/PetWritCert???

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*2* • Throughout this PetReh, we employ the referential notations established throughout the PetWritCert (see Petition ℘i*f*2); and to them, we now add: υ = volume(s).

*3* • Additionally, in this PetReh, boxed Greek letters (α–ω) interspersed throughout the text refer to the *tags* defined in the **Syllogism Table,** in the *APPENDIX* ℘1–6 *infra.* Since **the Syllogism Table is optional reading** (not required for anything in the body of this PetReh *per se*), those tags may be ignored unless/until the reader wishes to consult that Table.

*4* • Full or "GVR" (℘3*f*7 *infra*).

## GROUNDS FOR THIS PETITION

Pursuant to Sup.Ct.R. 44.2, petitioner states that the grounds for this PetReh are (i) new intervening circumstances (not previously considered, post-dating the PetWritCert), of (ii) substantial/controlling effect, yet (iii) arising therefrom and "fairly included therein" (Sup.Ct.R 14.1(a)) — in the (iv) **"interests of justice."** *CERTIFICATION*, RehApx ℘8.

To wit, the **new circumstances** of this PetReh involve[5] *grievous wrong-doing by this Supreme Court itself — namely, false perpetuation of Constitutionally offensive error committed by the lower courts:*

- **Abdication of Supervision —** The Court has [τ] **abdicated** (refused to properly/affirmatively exercise) its [ρ] **supervisory (self-)power** over the lower courts (Sup.Ct.R. 10(a); Petition ℘39).
- **Abandonment of *Stare Decisis* —** The Court has [υ] **abandoned** its stated policy towards the doctrine of ***stare decisis*** (particularly its "explicit notice/promulgation upon overrule" clause).

In our development of these grounds (*ARGUMENT/REASONS FOR GRANTING REHEARING,* ℘3 *infra*), we reason **"from-first-principles"** insofar as probative (philosophy of *stare decisis;* appeal to the Constitution; proof by deductive/syllogistic reasoning) — but no further than necessary.

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*5* • Modeled on the "mistake-focused" orientation of "petitions for rehearing" at the inferior appellate level (Petition ℘22*f*37; $\text{SuppApx}_1$ ℘25).

# ARGUMENT/REASONS FOR GRANTING REHEARING

## Introduction

By σ refusing to grant PetWritCert, this Court has **(i)** τ ***abdicated* its** ρ **mandatory[6] power of supervision (oversight)** over *"seriously wayward"* lower courts, rubber-stamping **(ii)** ***abrogation* of SJTOR *stare decisis*** (℘12 *infra*). Yet *stare decisis* generally is Constitutionally required — including its θ **promulgation clause (℘9,12 *infra*) for rationalizing occasions of precedence-overruling.**

To the extent this Court now ***abandons*** *stare decisis* (SJTOR), **it owes America good reasons why — *officially promulgated* upon plenary[7] consideration/opinion (of our PetWritCert).**

This Court's breaches of (i) supervisory protocol, and of (ii) *stare decisis* (SJTOR), constitute **self-destructive self-contradiction** — ψ *self-annihilating* the ***raison d'être* of this Court itself.**

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*6* · "[The] **duty** [of the courts of justice] ρ **must [obligatorily]** be to declare all **acts contrary to the manifest tenor of the Constitution** [*"seriously wayward,"* which is exactly our case] **void**. Without this, all the reservations of particular rights or privileges [of the Constitution] would amount to nothing." — *Federalist* №78 (Hamilton).

*7* · Or perhaps *"easy"* **GVR** ("summary" grant/vacate/remand); though, GVR may not be sufficiently effective: the (summary judgment stage) GVR in the case of *Tolan* didn't prevent the wholesale slaughter of SJTOR in our case.

## Review: How We Got Here

We rehearse the postures of: (I) our case-in-chief, (II) the PetWritCert, and (III) this PetReh — all in the service of highlighting how item (III) is new/different from items (I–II).

**Discrimination:** Our (I) underlying *substantive/factual case-in-chief* involves **employment discrimination/retaliation,** under the ADA (Americans with Disabilities Act) (Petition ℘7–14). This was fully briefed and argued, **winningly**[8] (in the sense of **summary judgment SJTOR,** next ℘ *infra*), in the courts below (district and appellate).

**Summary Judgment:** But the lower courts unilaterally/*falsely* aborted our case-in-chief, by committing the ⓞ **judicial misconduct** of wholly **ignoring SJTOR, excluding** *all* the representations of fact proffered by petitioner/plaintiff in his **PSOF** (**Plaintiff's Statement of Facts** = ReqApx ℘48–84). That ignorance/arrogance/lie of willfully excluding the PSOF was fully briefed and proven, **"winningly,"**[9] in (II) PetWritCert (Petition ℘20–26; $SuppBrief_1$; $SuppBrief_2$). Because of that misconduct, our case-in-chief is now necessarily "parked," its **fact-based *substantive domain*** playing no role in the PetWritCert presented to this Court, beyond the incidental.

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*8* • Said **"winning-ness" *is not in question*** — it's *trivially/incontestably correct/true (not subtle at all)* — it's **"IOTTMCO"** ("Intuitively **Obvious** To The Most Casual Observer"). *The lower court's Op is a **"factual" lie from beginning to end.***

*9* • IOTTMCO.

**Breaking Procedural Rule:** For the reasons just stated, the questions presented to this Court in the PetWritCert reside solely in the lower courts' bald breaches of the **rule-based *procedural domain:***

- **Summary judgment** under the Federal Rules of Civil Procedure: (i) **FRCP 56(a)** (Petition ℘17) and (ii) First Circuit D.Mass Local Rule **FRCP-LR 56.1** (Petition ℘6); and, its concomitant …
- … (iii) *standard procedural framework* at summary judgment time: **Summary Judgment Tenets of Review, SJTOR** (Petition ℘17–20).

*Repeating again:* these procedural/SJTOR aspects of the case have already been fully briefed and **proven, IOTTMCO,** in PetWritCert *(passim).*

**Silent/Implicit Overruling Of Precedent:** As just noted, items (I–II) ℘4 *supra* have been fully briefed and demonstrated in PetWritCert, **winningly.**[10] Yet, (III) *this Court* has *silently, nonsensically/whimsically*, rejected the PetWritCert. That amounts to *implicit irrational self-rejection* of this Court's own many long-standing *precedents* regarding summary judgment. **Such *implicit whimsicality* is *utterly foreign/alien* to the very concept of this Court — as *formulated* by the δ Constitution (originally ratified in 1789, and *continuously controlling* these 227 years thereafter).** *This Supreme Court's false, silent, irrational whimsicality* is what forms the basis of this PetReh.

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*10* • IOTTMCO.

**Our Plea:** This PetReh prays that this Court: (i) **grant** our PetWritCert; (ii) award it **full hearing and consideration;** (iii) *most especially,* issue an **explicit published decision,** rationally expressing exactly *one* of the following *two* alternatives (there existing no rational *third* possibility):[11]

**Either (suggested):**

- ☒ **Explicitly *reject*** the lower courts' ***falsity,***[12] censure their misconduct, and ***re-ratify*** this Court's long-held summary judgment framework — that is, **reaffirm SJTOR is still "good".**

**Or (discouraged):**

- **Explicitly *articulate*** reasons **why** this Court has *suddenly* decided to ***abandon*** its long-held summary judgment framework — that is, **explain why SJTOR is no longer "good".**

**The integrity of this Court is at grave risk.** To do less (than implementing one of the alternatives *supra*) would be boundlessly: cowardly; hypocritical; untrustworthy; unaccountable; cynical; shameful; corrupt; ethically unconscionable; morally bankrupt; intellectually dishonest; psychologically insane; etc. **America begs you: please don't go there.** *If you don't fix this now, it'll just get worse:* ***normalized contamination and decay*** (RehApx ℘8ƒ‡ι∗).

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*11* • Continued *implicit silence* (denial) is assuredly *not* a "rational" option.

*12* • Courts are entitled to *opinions,* not *(!!!falsified!!!) facts.*

## Argument/Reasons For *Denying* Rehearing

There are none.

Despite diligent research, petitioner has (not surprisingly) failed to unearth even a single incipient scintilla of potentially viable rationale justifying this Court's denial *(implicit or explicit)* of PetWritCert/PetReh (i.e., of knowing wholesale rejection of the precedential summary judgment SJTOR framework).

To the stark contrary, petitioner *has* discovered a plethora of irresistible well-developed reasons for *granting* PetWritCert/PetReh. **The remainder of this section on *ARGUMENT/REASONS FOR GRANTING REHEARING*** consists of a *précis* of reasons to grant PetWritCert/PetReh.[13]

## Philosophy Of *Stare Decisis*

We have no need here for a deep mastery of **jurisprudence** (philosophy of law), except for its core concept of ***stare decisis*** (= principle of reliance upon **precedent** (necessarily promulgated)), for which we offer a "1L" (first-year law student) primer/refresher (since the lower courts, and now this Court too, seem to have lost sight of it).

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*13* • The presented *précis* could be elaborated into a long scholarly essay, weaving its various individual points together with the argument threads internally connecting them. A full exercise in that vein is unnecessary (less effective) for the purposes of this PetReh. *But,* a detailed *outline* of such an exercise *is* offered, in the **Syllogism Table** (introduced in ℘1*f*3 *supra*).

In the sense applicable for us, α **the (rule of) law,** in its practical/realistic aspect, is the pervasive set of prescriptive rules of conduct **(laws),** established/promulgated/enforced by accepted **authority,** according to which interacting entities in α civilized human societies resolve disputes **(legally).** To be **legitimate,** laws must be rooted in (proper)[14] human **morality** (*justice,* fairness, impartiality) — "dictated by God himſelf … no human laws are of any validity, if contrary to this" (*Blackstone* υIφ41, "ſ" = "s").

In our modern Western world, **primary (first-tier)** laws arise from **law-givers** (constitution, legislature, executive). Some primary laws fit "squarely" *(perfect/on-point match)* the disputed *(~"simple")* circumstances **(cases)** for which they are designed. But borderline *(~"complex")* cases arise, which don't fit nicely into the existing legal regime.

Such mis-fit cases give rise to **secondary (second-tier, "common")** laws, derived by **law-interpreters/deciders** (judiciary). For resolutions of such cases to be accepted as legitimate, adjudicatory mechanisms must be based upon human ***rationality*** *(deductive reasoning, non-arbitrary judgment).* The only universally human-cognizable principle for achieving such rational judgment is **comparison/*analogy*** with **similar** cases (albeit with all-too-human imperfection/uncertainty): "[I]t is an eſtabliſhed rule to abide by former ***precedents*** [previous things]" (*Blackstone* υIφ69, "ſ" = "s"). This confers

*14* • Ignoring illegitimate/perverted societies (such as Nazism).

**legitimacy** (non-whimsicality), plus a desirable degree of **certainty/stability/finality** (℘9*f*16).

Thus is born the *sine qua non* legal doctrine of β ***stare decisis (et non quieta movere),*** freely translated as, *"stand by decided matters (and do not quietly disturb the calm)": Similar* cases (with *similar* material facts) are to be settled in *similar* ways — except for *good reasons,* widely promulgated. ***Stare decisis*** provides default[15] guidance and justification for the *hierarchy* (more vs. less authoritative) of courts. It is comprised of two **tenets:**

- **Strong tenet (binding, authoritative, mandatory) —** *Within* a jurisdiction, decisions of *lower-level* courts are *compulsorily bound* by precedents of *higher- or same-level* courts, no further justification being required.
- **Weak tenet (advisory, persuasive, discretionary) —** *Same-level* courts *within* a jurisdiction, or *any-level* courts in *disparate* jurisdictions, are *only optionally bound* by precedents, given "sufficient" justification, **promulgated**.

β **Without respect for *stare decisis*, the very concept of "the (rule of) law" itself ceases to exist as a viable human construct/enterprise.**[16]

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*15* · Absent extraordinary circumstances, such as advancement or erosion of the policy/political/societal climate (e.g., disapprobation of slavery *et seq*).

*16* · **Law *is* predictability (reduction of uncertainty) of what courts will decide.** — *Paraphrase of:* "The prophecies of

## U.S. Constitution, Article III

The Supreme Court is ultimately [ε] "defined" by (derives its authority from) the [γ] U.S. Constitution Article III[17] §1–2 (relevant part, emphasis added):

> The [ζ] ***judicial power***[18] of the United States, shall be vested in one **Supreme Court,** and … shall extend to [η] **all cases, in law and equity,** arising under this Constitution[19] [and] the **laws** of the United States …

That is, (i) Article III explicitly binds the very definition of this Supreme Court to the concept of the law itself. And in turn, as we have just seen *supra* ℘9, (ii) the very concept of the law ineluctably encompasses the doctrine of *stare decisis.* **Thus, we conclude that [θ] (iii) this Supreme Court is perforce subject/captive to the legal doctrine of *stare decisis* — by Constitutional definition.**

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what the courts will do in fact, and nothing more pretentious, are what I mean by the law," *The Path of the Law* ℘461.

*17* · Augmented by (i) the Article VI Supremacy Clause ("This Constitution, and the laws of the United States …, shall be the supreme law of the land [the [δ] 'bible', so-to-speak] …"), and amended by (ii) Amendment XI.

*18* · **Judicial power** is the power to interpret/decide justiciable (non-moot) *cases and controversies* in conformity with the law, via the methods established by the *usages and principles* of the law. — *Paraphrase of: Prentis* ℘226; *Muskrat* ℘361; *SEC v. Medical Commission passim*.

*19* · [γ] **National constitution** = frame(work) of *government.*

## The Court's Self-View Of *Stare Decisis*

No only by (i) philosophical precept (℘9 *supra*), and by (ii) Constitutional edict (℘10 *supra*), but even by (iii) self-proclamation, θ this Court has many times expressly affirmed its own (and other courts') sworn[20] fidelity/fealty to the principle of *stare decisis*.

In accord with the weak tenet of *stare decisis* (℘9 *supra*), the Supreme Court has the *power* to ***overrule*** its own precedent (and *does so* on necessary occasions, lest errors perpetuate, e.g. ℘9ƒ15). Such overrulings are major-to-blockbuster (even landmark) cases, not minor course corrections;[21] they must be *explicitly* **promulgated** (not *implicit*/*silent,* nor merely mumbled in *dicta*), figuratively attended by all the fanfare accorded a formal papal bull.[22]

For support of these propositions ((i) Supreme Court policy of self-adherence to *stare decisis;* (ii) the weak tenet's promulgation clause), it suffices to quote from *Patterson* ℘172 (Kennedy, J., emphasis added, internal citations and quote-marks omitted):

> θ The Court has said often and with great emphasis that **the doctrine of *stare deci-***

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*20* • ℰ αα *By oath:* Inside front cover, *supra.*

*21* • *Example:* "We conclude that, in the field of pubic education, the doctrine of 'separate but equal' [*Plessey v. Ferguson*] has no place." — *Brown v. Board of Education* ℘494–495.

*22* • Else the thicket becomes just too gnarly. *Example:* It was long "thought" that *Diehr* "overruled" *Flook* — until it wasn't ("un-overruled"?), per *Mayo, Alice, et al.* (patentability).

> ***sis* is of fundamental importance to the rule of law.** … [I]t is indisputable that *stare decisis* is a basic *self-governing* principle within the *Judicial Branch,* which is entrusted with the sensitive and difficult task of fashioning and preserving a *jurisprudential system that is not based upon an arbitrary [random] discretion.* …
>
> Our precedents are not sacrosanct, for we have *overruled* prior decisions where the necessity and propriety of doing so has been established. Nonetheless, we have held that θ **any departure [overruling] from the doctrine of *stare decisis* demands special justification [not just reasoning, but also promulgation (PetApx ℘3*f*5)].**

## *Stare Decisis* Of SJTOR

This Court, times too numerous to count, has ι expressly pledged its own (and other courts') allegiance to the precedential properties of SJTOR (i.e., κ "*stare decisis* of SJTOR"), ubiquitously. *Brunet.*

In PetWritCert, we asserted (Petition ℘17*f*24) there was no necessity to elaborate upon this proposition ("*stare decisis* of SJTOR") before this Court. We see no reason to revise that assertion here (PetReh). It is just-too-obvious black-letter law.[23]

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*23* • If/when this case proceeds to *merits stage* before the Supreme Court, it *may* then become appropriate to elaborate in more detail upon certain aspects of (*stare decisis* of) SJTOR.

## Conclusion: Thesis; Lamentum

We conclude our *ARGUMENT/REASONS FOR GRANTING REHEARING* by summarizing and articulating its now-well-reproven findings as the following formally stated Thesis (followed by a Lamentum):

### THESIS[24]

**ζζ Unless it corrects its behavior (as specified in *Our Plea* ℘6, *supra*), with regard to this case (and so, by the principle of *stare decisis,* others "similar" to it) — this Supreme Court has become a ω "cancerous[25] appendage" to American society, supporting and committing perjurious (possibly criminal, RehApx ℘8*f*‡ι∗) judicial misconduct, and therefore is in δδ urgent need of immediate emergency reformation. In that sense, the instant case manifests a εε scandal/crisis of Constitutional ("biblical," ℘10*f*17 *supra*) proportions for the Court. (Literally.)**

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Until such time, it suffices to merely nod in the direction of unimpeachable (albeit secondary) authority: *Brunet.*

*24* · **If ω any doubts persist** about the validity of this Thesis, see the *APPENDIX (Syllogism Table)* for the **ultimate formal/rigorous/water-tight/rock-solid (logico-legal) proof.**

*25* · Diseased, dangerous, virulent, malignant, metastasized, invasive, malfunctional, unsound, "broken."

## LAMENTUM (JUDICIAL PERJURY)

**Justice Must Be Administered**
— Const; Statute; Oath *(inside front cover)*

**[T]he law must keep its promises**
— O. W. Holmes (Jr.), *Holmes-Laski Letters* υIφ806, December 17, 1925

To do less — to *knowingly violate the* ***oath/duty/promise*** *to* ***administer justice***[26] *(inside front cover)* — is ξ αα **perjurious** (possibly criminal, RehApx φ8ƒ‡ι∗). A judge or justice can commit εε **no worse possible evil behavior**[27] in office, according to the **Absolute Highest/Supreme Law of the Land:**

- The Judges, both of the supreme and inferior Courts, shall hold their Offices during **good Behaviour** [only] …
  — U.S. Const Art III §1 (emphasis added)

- To [maintain ***good behavior***], it is **indispensable** that they [courts, judges] should be bound down by strict **rules** [of court] and **precedents** *[stare decisis],* which serve to define and point out their **duty** in **every** particular case that comes before them …
  — *Federalist* №78 (emphasis added)

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*26* • *Viz:* (i) abide by rules of court; (ii) tell the truth; (iii) observe *stare decisis* — the "big violations" in our case.

*27* • "Evil" = opposite of "good."

# SYLLOGISM TABLE: PROOF OF THESIS

In this section, we (re-)arrange the points raised in the main body of the PetReh into a purely *formal* **proof-table of logico-legal (poly-)syllogistic reasoning.**[1] This Table as a whole (both its (i) line-by-line *propositions,* and the (ii) connective *syllogistic proofs* amongst them), is **valid beyond cavil** (with respect to the instant case/PetWritCert/PetReh, as proved therein). Thus, the Table serves the (sole) purpose of ***(re-)proving* our Thesis** (PetReh ℘13), but in a more rigorous/thorough/unassailable "linear" manner.

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*1* • (i) Concerning *logico-legal thought* generally, see *Huhn.*

(ii) "*Nihil quod eſt contra rationem eſt licitum [nothing which is contrary to reason is lawful].* For **reaſon is the life of the Law,** nay, the Common Law it ſelf if nothing elſe but reaſon, which is to be underſtood of an artificiall perfection of reaſon gotten by long ſtudie, obſervation and experience …" — *Coke,* §138(97b) (unpaginated, emphasis added, "ſ" = "s").

(iii) "**In form, [the law's] growth is logical.** The official theory *[stare decisis]* is that each new decision follows **syllogistically** from existing precedents." — *The Common Law* ℘35 (emphasis added). ***Note:*** Here, Holmes's "official" (standard, time-honored) theory *(stare decisis)* is speaking to the "logical form" of the law (static/humdrum/fixed precedential state of "old/existing/passive/dead" conservative law) — as distinguished from the law's "animated life" (dynamic/exciting/adaptive "new/evolving/active/living" progressive law). For this latter, Holmes counters Coke's "reason/life" dictum (item (ii) *supra*) with his own theme: "The life of the law has not been logic : it has been experience [of] [t]he felt necessities of the time" (*The Common Law* ℘1, emphasis added).

| Tag[2] | Proposition | Proof[3] |
|---|---|---|
| α | Civilized societies must perforce incorporate "the (rule of) law" (else the society isn't "civilized"). | ℘8,8 |
| β | The doctrine of *stare decisis* is a *sine-qua-non* criterion of "the law." | ℘9,9 |
| γ | The United States (as a "nation of people governed by 'the law,' not men") is a modern civilized society. | ℘10; ℘10*f*19; axiom[4] |
| δ | The U.S. Constitution defines the central set of principles/"laws" (such as *stare decisis*) by which the U.S. is constituted (governed). | ℘5; ℘10*f*17 ("bible"); β |
| ε | Article III of the Constitution defines the Supreme Court. | ℘10 |

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*2* • These tags were introduced in ℘1*f*3.

*3* • Throughout this Table, page references (with or without footnotes) are to the main PetReh ℘1–14, unless otherwise specified.

*4* • Regarding *"nation of laws not men":* this derives from **separation-of-powers ("segregation-of-duties," "checks-and-balances") of internal controls (enhanced societal protection from human fraud/errors):** "[T]he legislative department shall never exercise the executive and judicial powers, or either of them : The executive shall never exercise the legislative and judicial powers, or either of them : The judicial shall never exercise the legislative and executive powers, or either of them : to the end it [the government of the Commonwealth of Massachusetts; later, the U.S., whose Constitution was modeled on that of Massachusetts] may be a **government of laws, and not of men.**" — *Adams,* Part the First, Article XXX.

| Tag | Proposition | Proof |
|---|---|---|
| ζ | The Supreme Court heads ("court of last resort") one-third (the Judicial Branch) of the U.S. government. | ℘10 |
| η | This Court is the embodiment, in the first instance, of "the law" in the U.S. | ℘10 |
| θ | This Court supports the doctrine of *stare decisis* (esp. the promulgation[5] clause of its weak tenet, ℘9). | β; δ; ε; η; ℘3,10,11,11, 12 |
| ι | The SJTOR is ("good") "law" (current, valid, well-established, not overruled) of this Court. | Petition ℘17–20; ℘12 |
| κ | The SJTOR is subject to *stare decisis* ("*stare decisis* of SJTOR"). | β; ι; ℘12 |
| λ | The inferior (district and appellate) courts have violated the SJTOR (by PSOF-Exclusion). | Petition ℘22*ff* (esp. ℘24) |

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*5* · Laws must be ***promulgated*** (**articulated/published** by the authorities, and **notice received** by the subjects) in order to be effective (α): (i) "Those who are such that the law is not promulgated in their presence are obligated to follow the law [only] insofar as it is or can be brought to their knowledge through others, once the promulgation has been made." — *Aquinas Question 90 (Of The Essence of Law) Article 4 (Is Promulgation Part of the Nature of Law?) Reply to Objection 2* (the quoted passage is available from the translator at http://www3.nd.edu/~afreddos/summa-translation/Part%201-2/st1-2-ques90.pdf). (ii) "That a law may be obeyed, it is necessary that it should be known : that it may be known, it is necessary that it be promulgated." — *Bentham* υIℊ157.

| Tag | Proposition | Proof |
|---|---|---|
| μ | The inferior courts have violated *stare decisis,* "unlawfully" (contrary to the law, "illegally"). | κ; λ; β |
| ν | The inferior courts have violated rules of court (FRCP-LR 56.1). | $SuppBrief_1$ Apx ℘8,26 |
| ξ | The inferior courts have committed perjury (violation of oath of office, *inside front cover*). | $SuppBrief_1$ Apx ℘5,26; ℘11*f*20; ℘14 |
| ο | The inferior courts have committed judicial misconduct/malfeasance ***(and more: RehApx ℘8f‡ι⁎).*** | β; μ; ν; ξ; ℘4; SuppBriefs |
| π | This Court has been officially notified, in clear terms and with solid irrefutable proofs, of the inferior courts' unlawful acts (λ–ο). | PetWritCert *in toto,* and PetReh |
| ρ | The Court's supervisory power (Sup.Ct.R 10(a)) represents an **(affirmative mandatory) duty** of this court-of-last-resort, to supervise (i.e., to correct) "seriously wayward" inferior courts.[6] | Petition ℘39; ℘2,3; ℘3*f*6; ζ; RehApx ℘8*f*‡ |

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*6* • The Court's mandatory supervisory duty (℘3*f*6) — (i) correctional (as opposed to guidance, such as rule-making, which is a different type of supervision), in (ii) *"seriously wayward"* cases involving "manifest tenor of the Constitution" (such as courts' abrogation of SJTOR *stare decisis* ℘3,12 [as opposed to check-for-simple-error, which is not under discussion]) — is by no means an onerous burden (especially if GVR ℘3*f*7 is employed). Because, in practice, such supervisory power is underutilized, there being few-and-far-between opportunities to exercise it.

| Tag | Proposition | Proof |
|---|---|---|
| σ | **By refusing to grant PetWritCert, this Court has refused to correct unlawful acts of the inferior courts.** | ℘3; π (see item ζζ in this Table *infra*) |
| τ | This Court has abdicated[7] its supervisory power over the lower courts' unlawful acts. | ρ; σ; ℘2; ℘3 |
| υ | This Court has abandoned its policy toward *stare decisis* (which is unlawful). | θ; ℘2; β |
| φ | This Court has co-conspired (tolerated, acquiesced, "winked-at") in unlawful acts of the inferior courts (which is itself unlawful). | τ; υ |
| χ | This Court's unlawful behavior is unconstitutional (in conflict with the Constitution). | φ; δ; ε; ζ; η |
| ψ | This Court has self-annihilated itself, in the sense of a properly functioning Constitutional entity. | χ; ℘3 |
| ω | Constitutionally required critical entities that seriously cease to function properly are cancerous appendages to American society. | ψ; ℘13; ℘13*f*24 |

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*7* • Because: if the supervisory power isn't exercised in *this* case, then it's (literally) impossible to imaginable what kind of case will *ever* trigger it. For, the Court will never see another case involving more extreme judicial misconduct.

| Tag | Proposition | Proof |
|---|---|---|
| αα | **This Court has committed perjury (violation of oath of office, *inside front cover*).** | ξ; σ; τ; υ; φ; ℘11*f*20; ℘14 |
| ββ | **This Court has become a cancerous appendage to American society.** | ψ; ω; αα |
| γγ | Cancerous appendages to American society are in urgent need of immediate emergency reformation. | Axiom (survival of the Union) |
| δδ | **This Court is in urgent need of immediate emergency reformation.** | ββ; γγ; ℘13 |
| εε | **This case manifests a scandal/ crisis of Constitutional/ "biblical" proportions. (Really.)** | δδ; ℘13,14 |
| ***QED (proof of Thesis ℘13)*** | | |
| ζζ | **At this point, this Court can *avoid this undesired/disastrous result* (εε, Thesis) — and can avoid criminal activity — in *one and only one way:* by negating item σ *supra* — that is, by seriously reviewing this case/ PetWritCert/PetReh.** *(See inside back cover.)* | ℘6,13; item σ is the only variable in this Table now under the Court's control; RehApx ℘8*f*‡ι* |

## PLATO AND ARISTOTLE[†]

Aristotle was the founder of scientific logic, via **syllogism** (συλλογισμός, *sullogismos,* "deduction/inference"),[‡] typified by the now-iconic (cf. *Sextus* ℘164) "first example" *(in modern set symbology):*

- All men are mortal: *Men* ⊆ *Mortal.*
- Socrates is a man: *Socrates* ∈ *Men.*
- Therefore, Socrates is mortal: *Socrates* ∈ *Mortal.*

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† · *The School of Athens* (representing Philosophy), Raphael (1509–1511); fresco, Vatican City, Apostolic Palace; detail. Plato (left), student of Socrates, was teacher of Aristotle (right).

‡ · Aristotle pioneered *symbolism* (abstract letters/symbols for concrete words/terms/ideas). His *original* (*Aristotle,* 25b32–26a2) "first example" of syllogism is *(in modern symbology):*

$A \rightarrow B \quad \hookleftarrow \quad B \rightarrow C \qquad \vdash \qquad A \rightarrow C$

# CERTIFICATION

Pursuant to Sup.Ct.R. 44.2, I hereby certify that this Petition for Rehearing (PetReh) is: (i) presented in *good faith* (not for purposes of delay, obfuscation, trickery, or any other improper motive); (ii) restricted to *allowable grounds* (as outlined in the section on *GROUNDS FOR THIS PETITION,* PetReh ℘2).

Even in the absence of (i–ii), this Petition for Rehearing would still be allowable on the basis of: (iii) the ***interests of justice.***[†,‡]

*Signed:* */s/ Walter Tuvell*

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† · "We have consistently ruled that the *interest in finality* of litigation must *yield* where the **interests of justice** would make *unfair* the strict application of our **rules** [in this case, Sup.Ct.R. 44.4, regarding denial of Petition for Rehearing]." — *United States v. Ohio Power Co.,* 353 U.S. 98–110 (1957), ℘99 (emphasis added); *sua sponte* grant of Petition for Writ of Certiorari, some sixteen months following (i) denial of the Petition, (ii) denial of timely first Petition for Rehearing, (iii) denial of out-of-time and "consecutive" second Petition for Rehearing.

‡ · While this Court's docket is (largely) discretionary, denial of this case/PetWritCert/PetReh is clear, objective, abuse of discretion — in the sense of **interests of justice.** Cases involving obvious *perjurious (possibly criminal*) judicial misconduct* must *never, ever* escape the last-chance supervisory review (Sup.Ct.R. 10(a)) of this Court. *{* · Systematic/coordinated/conspiratorial dis-administration/thwarting/perversion of justice and law* (evidenced in this case, proven in this PetReh) bespeaks *organized betrayal* of our Constitutional form of government (one-third, Judicial Branch), by the Federal Judiciary itself — which is *criminal* (if not actually treasonous) behavior: 5 USC §1331, 3333,7311(1–2); 18 USC §4,242,371,1001,1505,1519,1621–1623, 1918(1–2),2381.*}*


**ABANDON ALL HOPE**
**YE WHO ENTER HERE**

— Gustave Doré, *The Gate of Hell,* illustration for Dante, *Inferno,* Canto III, ℓ9 (caption *supra*) (1861)