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**In The Supreme Court of the United States**

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Nicholas E. Purpura,

*Petitioner,*

v.

Governor Chris Christie; Pres. Senate Steven M. Sweeney; Assembly Speaker Vincent Prieto; Attorney General John J. Hoffman; Joseph Rick Fuentes, Judges Michael A. Doniorudolph A. Filko; Edward A. Jerejian; Thomas V. Manahan; Joseph W. Oxley; Ronald Lee Reisner; Leonard P. Stark; Ruggero J. Aldert; Legislators; Lorretta A. Weiberg; Richard J. Codey; Annette Quijano; Peter J. Barnes, III; Reed Gusciora; Cleopatra G. Tucker; Gordon M. Johnson; Pamela R. Lampitt; John F. Mckeon; Sean Kean; Bonnie Watson Coleman; Robert Singer; Nia H. Gill; Grace Spencer; Shirley K. Turner; Patrick J. Diegnan; Mila M. Jasey; Tim Eustace; Gabriela M. Mosquera; Jason O'Donnell; Gary Schaer; Louis D. Greenwald; Charles Mainor; Valerie Vainieri Huttler; Herbert Conaway; Richard Cook; Achille Taglialatela;

*Respondents.*

**Petition for Rehearing  
To The United States Supreme Court**

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**PETITION FOR REHEARING**

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**QUESTION PRESENTED**

(Demonstrates Significant Public Importance)

Whether *de facto* Administrative law<sup>1</sup> that infringe upon the United States Constitution Article III Amendment 2 warrants “strict scrutiny” that entitles Petitioner to relief and to vacate the Order issued by the Court of Appeals for the Third Circuit, or other relief as this Court deems appropriate?

Whether an application for a “Rehearing Cert-worthy” when evidence is before the Court that demonstrated the three branches of government in the State of New Jersey (legislative, executive, and judicial) blatantly violated the Constitution, as well as the “Code of Statutory Construction” with impunity, is in direct violation 42 U.S.C. 1985 of the RICO statute? (See, Argument II.).

Whether is it conceivable that the initial reviewer mistakenly failed to recognize, the defendants, void Constitutional authority, took it upon themselves to convert a Constitutional right into a state “privilege”, ignoring that this same controversy was previously adjudicated in prior Petitions before this Supreme Court rendering this controversy “*Stare Decisis*”? (See, Argument III).

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<sup>1</sup> NJSA 2C: 58-4, Graves Act 2014, 34 Firearms Bills passed Fed. 2014, Graves Act of 2013, Graves Act of 2008

## **PARTIES TO THE PROCEEDING**

The Petitioner is:  
Nicholas E. Purpura, Chaplain  
*Pro se for Petitioner*

The Respondents are:  
Governor Chris Christie; Pres. Senate Steven M. Sweeney;  
Assembly Speaker Vincent Prieto; Attorney General John J.  
Hoffman; Joseph Rick Fuentes, Judges Michael A.  
Doniorudolph A. Filko; Edward A. Jerejian; Thomas V.  
Manahan; Joseph W. Oxley; Ronald Lee Reisner; Leonard P.  
Stark; Ruggero J. Aldert; Legislators; Lorretta A. Weiberg;  
Richard J Codey; Annette Quijano; Peter J. Barnes, III; Reed  
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Coleman; Robert Singer; Nia H. Gill; Grace Spencer; Shirley  
K. Turner; Patrick J. Diegnan; Mila M. Jasey; Tim Eustace;  
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## TABLE OF CONTENTS

	Page
QUESTION PRESENTED .....	i
PARTIES TO THE PROCEEDING .....	ii
TABLE OF CONTENTS.....	iii
TABLE OF AUTHORITIES .....	iv
INTRODUCTORY STATEMENT .....	1
PETITION FOR REHEARING .....	2
Reason for Granting Rehearing: .....	3
Does the Constitution & Statutory Law Matter? ..	3
Argument I.....	4
<i>De facto</i> Administrative Law is Unconstitutional .	4
Argument II .....	8
Violation of Established Statutory law: .....	8
Argument III .....	9
Controlling Precedent Renders This Matter.....	9
<i>Stare Decisis</i> et non quieta movere.....	9
Conclusion.....	11
The Constitution must mean what it says, or it means nothing at all. ....	11

## TABLE OF AUTHORITIES

### Cases

<i>Bond v. United States</i> , (2011).....	6, 7
<i>Bond v. United States</i> , 09-1127 (2008).....	1, 5
<i>Caetano v. Massachusetts</i> , 577 US (2016) .....	9
<i>Department of Transportation et al, v. Assoc. of American RR.</i> No. 13-1080 (2015) .....	1, 5
<i>District of Columbia v. Heller</i> 554 U.S. 570 (2008) ...	9
<i>Hurtado v. California</i> , 110 U.S. 116 .....	10
<i>McDonald v. Chicago</i> 561 U.S. 742 (2010) .....	9
<i>Miranda supra.</i> .....	11
<i>Murdock v. Pa.</i> 319 U.S. 105 .....	10
<i>Nigro v. United States</i> , 276 U.S. 332, 34 (1928) .....	7
<i>Norton v. Shelby County</i> , 118 U.S. 425.....	10
<i>Peruta et al, v. Calif.</i> .....	5
<i>Shuttlesworth v. City of Birmingham Alabama</i> , 373 U.S. 262 .....	10

### Articles and Amendments

9 <sup>th</sup> Amendment .....	5
Article III Amendment 2 .....	i
Article III, Section 2 .....	3

### U.S. CODE

42 U.S.C. 1983 .....	8
42 U.S.C. 1985 .....	i, 8
42 U.S.C. 1986 .....	8

### Federal Rule of Civil Procedure

FRCP 8(b) & (d) .....	8
Rule 8(b)(6).....	8
<b>Other Citations</b>	
34 Firearms Bills passed Fed. 2014.....	i
Graves Act 2014.....	i
Graves Act of 2008.....	i
Graves Act of 2013.....	i
<b>New Jersey Codes/STAT</b>	
NJSA 2C: 58-4.....	i

## INTRODUCTORY STATEMENT

Islamic terrorism is on the rise, gangs such as MS13 have been running rampant, and now, **the recent tragedy in Texas** by an individual, who by law, was prohibited from owning a firearm, committed cold blooded murder of more than a score of individuals attending Church services, many of them innocent children.

Let this Court reflect. A law-abiding citizen with a "legal defensive firearm" saved the lives of the remaining church members after hearing gun fire.

The most important questions, "Will this Supreme Court disregard its fiduciary duty to protect a civil right and allow the ongoing infringement of our (law-abiding citizens) God given, inalienable right to self-protection? Or will the Court allow individual states to usurp the Constitution, and institute regulations, ordinances and laws based upon their own political ideology rather than laws of the Republic?"

The Second Amendment to the Constitution guarantees that: "*A well-regulated militia, being necessary to the security of a free state, **the right of the people to keep and bear arms, shall not be infringed.***"

In lieu of this Court's holding in *Bond*, & *Dept. Transportation* (unanimous decisions) regarding *de facto* Administrative law, any denial of a 'rehearing' would be a clear absence of justice as well as prejudicial 'selective enforcement' of our Constitution.

The United States is a land of law. This Court must value the rule of law above any ideology, as well as any prejudicial conflict, regardless of who is presenting the case, whether a *pro se* or a favored law firm.

### PETITION FOR REHEARING

The magnitude of Constitutional violations before this Honorable Court is unprecedented in American jurisprudence and mandates a "rehearing". Constitutional challenges related to civil rights violations cannot be ignored or dismissed due to possible 'fraudulent concealment'<sup>2</sup>. One may question whether the suppression of material facts have prevented this Petition from be heard.

Officials of the State of New Jersey inarguably violated "*federalism*" by their enactment of

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<sup>2</sup> Whether intentionally or accidentally, the initial law clerks from the "cert pool" that screened Petitioner's request for a Writ of Certiorari, took for granted a *pro se*. The ABA Journal may shed some light why Petitioner was not granted Cert. : "*Some have suggested the law clerks in the cert pool are reluctant to recommend a cert grant because they don't want to appear foolish if a case is later dismissed as improvidently granted...*"

Petitioner believes this may have contributed to the denial of his Writ and why the cert pool failed or feared to summarize a *pro se's* Petition. Disregarding significant and 'public importance', the clerks failed understanding of Petitioner's emphasis that each argument presented is supported by 'unanimous' prior precedent held by this Honorable Court. There is blatant violation of statutory law that was ignored. **Whether it was fear, negligence or political ideology it is legally impossible to dispute the evidence and legal arguments presented that warranted "strict scrutiny" before this *en banc* Court.**



unconstitutional, *de facto*, Administrative law that constituted a direct violation of Article III, Section 2, as well as clear violation of the 2<sup>nd</sup> Amendment.

Failure to intervene would be **inexcusable**. Petitioner will demonstrate why a “re-hearing” of the request for a Writ of Certiorari must be addressed by this *en banc* Court. Refusal to do otherwise ‘**would be nothing less than shameful, tacit approval**’ of unconstitutional behavior.

### **Reason for Granting Rehearing:**

#### **Does the Constitution & Statutory Law Matter?**

It is indisputable, and unanimously agreed, the issue of the right to “bear arms” is one of national importance. In the last decade, this Court failed to fully address with “*strict scrutiny*” whether public officials in the State of New Jersey, or any other sister state, have the legal authority to “*infringe*” upon the fundamental rights of their citizens based upon unconstitutional ordinances that blatantly contradict a Constitutional guarantee. By doing so, they unconstitutionally convert a guaranteed right into privilege, a matter that must be adjudicated by this Supreme Court.

The compelling reason to grant a “rehearing” is the inconsistency in Circuit Court rulings that have turned a blind eye to arguments, even when supported by prior Supreme Court precedent and statutory law. This Petition draws the attention to the blatant disrespect for Article III, Section 2, and the “*infringement*” upon the Second Amendment rights granted by our Constitution.

The three fundamental arguments and total disregard of overwhelming precedent, as well as irrefutable statutory violations, warrants analysis by this Honorable Court, and merits a 'Rehearing'.

Unsettled questions of federal constitutional law and statutory law effecting the general interest of our nation that: (1) raise a federal question to which different federal circuit Courts encompass conflicting findings, or, (2) whether an appellate Court fails to recognize Supreme Court precedent , must be addressed.

Petitioner will present to this Honorable Court, three, irrefutable, fundamental legal arguments that will condone initiating full force and constitutional compliance to the dissimilar ruling of New Jersey, and other states in which the 2<sup>nd</sup> Amendment right to "bear arms", whether 'open or concealed', is illegally being '*infringed*' upon.

Each of the three overlapping arguments, in and of themselves, warrant a "re-hearing" as well as the relief requested in the original Petition. Each "argument" presented is supported by prior precedent, held by this Supreme Court, as well as evidence of the bastardization of the "Code of Statutory Construction" interrelated to the RICO statutes, that indisputably warrants "*strict scrutiny*" and "rehearing" if justice is to prevail.

### **Argument I**

#### ***De facto* Administrative Law is Unconstitutional**

As this Honorable Court has held: any *de facto* Administrative Law, not instituted by Congress, that

is in violation of the 9<sup>th</sup> Amendment protection of “federalism”, is unconstitutional.

This very same august judicial body in two recent cases, *Bond v. United States*, 09-1127 (2008); and, *Department of Transportation et al, v. Assoc. of American RR.* No. 13-1080 (2015) unanimously held, *en banc*, that unconstitutional administrative law “is no law at all”!

The Hon. Justice Thomas in his concurring decision (See, *Dept. of Trans. et al, v. Assoc. of Amer. RR*), dealt with the unconstitutionality of Administrative law:

*“These concerns merit close consideration by the courts below and this Court if the case reaches us again. We have too long abrogated our duty to enforce the separation of powers required by our Constitution. We have overseen and sanctioned the growth of an administrative system that concentrates the power to make laws and the power to enforce them in the hands of a vast and unaccountable administrative apparatus that finds no comfortable home in our Constitution structure...”*

The heart of this matter is the controversy on the right of our citizens to “bear arms” [either openly or concealed], that by Constitutional law, cannot be infringed upon. The Honorable Justice Thomas and Honorable Justice Gorsuch joined, dissenting from the denial of certiorari in the matter of *Peruta et al, v. Calif.* And, on the question of that right, held:

*“The approach taken by the en banc court is indefensible, and the petition raises important questions that this Court should address. I see no reason to await another case....”*

*“Twenty-six States have asked us to resolve the question presented....”*

*“They reserved to all Americans the right to bear arms for self-defense. I do not think we should stand by idly while a State denies its citizens that right, particularly when their very lives may depend on it. I respectfully dissent.”<sup>3</sup>*

Clearly, this Petition warrants a “Rehearing”. This Honorable Court has a fiduciary duty to settle the issue once and for all. No longer can this controversy be protracted. No legal or moral justification exists to avoid adjudication by this Court. The New Jersey’s ordinances laws and restrictions violate the II Amendment and federalism.

The Honorable Justice Ginsberg’s unambiguous concurrence with the *en banc* Court’s unanimous decision in *Bond v. United States*, (2011), reinforces Petitioner’s requests for a “Rehearing” in which she held along with the Hon. Justice Breyer:

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<sup>3</sup> It must be noted, Petitioner was personally visited by a member of the FBI 'Terrorist Task Force' and informed that his name appears on a Jihadist 'kill list', and was still denied a right to carry a concealed firearm by a NJ Police Chief & Superior Court Judge. They personally believe that constitutes 'no imminent danger' that warranted a permit. Such ludicrous and unconstitutional behavior must no longer be acceptable.

*"In short, a law "beyond the power of Congress," for any reason, is "no law at all." Nigro v. United States, 276 U.S. 332, 34 (1928)*

**Please Take Judicial Notice of the unanimous Bond (2011) ruling:**

*"The individual, in a proper case, can assert injury from governmental action taken in excess of the authority that federalism defines. Her rights in this regard do not belong to a State."*

This first argument demonstrates the "worthiness" of Petitioner's request for a Writ of Certiorari and a "Rehearing" in the interest of substantial justice. This "en banc" Court must adjudicate this Petition. Regardless whether any Justices may harbor any ideological difference, it is inarguable, this judicial body has previously concluded, in prior rulings concerning *de facto* administrative law, such laws are unconstitutional. This is now the issue at bar once again.

Petitioner is compelled to quote the Honorable Justice Alito:

*"Liberty requires accountability." "...Under the Constitution all officers of the United States must take an oath or affirmation to support the Constitution' See. Art. VI cl.13 "the Constitution cannot be disregarded."*

This august body swore that oath, to uphold the Constitution against all enemies domestic and foreign as did Petitioner.

Now comes this Petitioner,

## Argument II

### Violation of Established Statutory law:

Petitioner's second argument is based upon the rejection of a guaranteed right and blatant violation, by "statutory" law that the lower Courts ignored. Petitioner instituted a Civil RICO action pursuant to 42 U.S.C. 1985, & 1986 conspiracy to deny a civil right, to include a civil right violation of 1983. By law, the RICO statute mandates that the Defendants named as conspirators *must* admit or deny the allegations with "*particularity*" and *specificity*.

Failure to adhere to the statute, by law and a legion of precedent presented, mandated an automatic forfeiture. See, **Rule 8(b)(6)** "*The rules do not permit defendants to avoid responding to legal argument*". Also see, **FRCP 8(b) & (d)**.

Defendants, having no sustainable legal argument or defense, failed to submit even a *general denial*. Instead, they attempted to rely upon invented technicalities. Case law is legion. Defendants' failure to present an "*affirmative*" defense, mandates a ruling of default, and that Petitioner be granted the relief requested.

Based upon irrefutable fact, Defendants' failure, in the "interest of substantial justice", mandates a "Rehearing" and, inarguably, any and all relief requested in the original Petition. It is incontestable. **This matter is *res judicata* on legal grounds.** No argument can now be raised. Since no argument

exists in the Court record, by the defendants or the Circuit Court, default is mandated.

### Argument III

#### **Controlling Precedent Renders This Matter *Stare Decisis et non quieta movere***

The third and final argument encompasses indisputable precedent that nullifies any/all enacted Administrative *de facto* law that places restrictions on, or infringes upon, the 2<sup>nd</sup> Amendment's guaranteed right to "bear arms", 'concealed or openly', by any existing governing body, **unless the United States Congress repeals the 2<sup>nd</sup> Amendment.**

The precedent presented pre-dates this Honorable Court's precedent held in Heller, McDonald or Caetano, (citations omitted), and conclusively supports the need for a "Rehearing". All relief, as well as the nullification of the New Jersey State's unconstitutional 2<sup>nd</sup> Amendment firearm '*infringements*' [other than restrictions for felons and/or the mentally challenged], must be granted. Petitioner also will prove there is no need for any reciprocity legislation to be adjudicated by this *en banc Court*.

This Court is legally and ethically bound to protect any deprivation of any right or privilege of a citizen of the United States by any act done in the furtherance of any conspiracy mentioned in section 1985 of Title 42, including deprivation of Constitutional guarantees contained in the Bill of Rights, unless/until overturned by Congress.

This Honorable Court is the guardian of the Constitution. The lower Courts must adhere to all prior precedent that protects the rights of the people, especially when a deprivation takes place under the 'color of law' of any state law, statute, ordinance or regulation, .... providing for equal rights of the citizens, void any change in law.

No legal argument exists to refute the previously held precedent by the Supreme Court for anyone, Executive, Legislative, or Judicial, to deny Petitioner, or any citizen, their Constitutional right to "bear arms" either openly or concealed on a shall issue basis. The holdings below support Petitioner's right to "Re-argument" and the relief he requested, see:

*"An unconstitutional act is not law; it confers no right; it imposes no duties; it affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed".*

**Norton v. Shelby County, 118 U.S. 425**

*"the state cannot diminish Rights of the People..."*

**Hurtado v. California, 110 U.S. 116**

*"no state shall convert a liberty into a privilege.."* **Murdock v. Pa. 319 U.S. 105**

*"If the State converts a right (liberty) into a privilege, the citizen can ignore the license and fee and engage in the right (liberty) with impunity."*

**Shuttlesworth v. City of Birmingham Alabama, 373 U.S. 262**



*“Where rights secured by the Constitution are involved, there can be no rule making or legislation which abrogate them.”*

**Miranda supra.**

It is unassailable the issue before this Honorable Court is **Stare decisis** and must be heard *en banc* to settle the issue once and for all.

### **Conclusion**

**The Constitution must mean what it says, or it means nothing at all.**

The ultimate question whether a “Rehearing” should be granted is simple. Are we a Republic ruled by “*constitutional law*” as founded, or a nation now governed by the dictates of despots that control not only the legislature, but many in our judiciary? Battles for civil rights are crucial, more crucial than battles against foreign despots.

Are the despots overseas any different from those at home if our Legislature whether state or federal, and/or Executive or Judiciary can trample upon our Constitution, treating it no better than useless rags to be discarded at whim?

Let it also be known, the Second Amendment grants “*We the people*” to right to carry a firearm anywhere throughout these United States and no need exists for any legislative reciprocity act, for said permission!

**This Supreme Court “*Must Not*” Selectively Enforce the Constitution.**

Quoting The Hon. Judge Christopher C. Conner who said:

*“Even a law passed with the highest and most noble intentions must be rendered void if constitutionally infirm: It is the high duty and function of this court in cases regularly brought to its bar to decline to recognize or enforce seeming laws of Congress, dealing with subjects not entrusted to Congress, but left or committed by the supreme law of the land to control states”.*

*We cannot avoid the duty, even though [sic] it requires us to refuse to give effect to legislation designed to promote the highest good. The good sought in unconstitutional legislation is an insidious feature...”*

Petitioner says again, the burden as to whether or not unconstitutional activity becomes acceptable, now falls upon this Honorable Court. Will this Court act Honorably and grant **“Rehearing”** on Petitioner's request for a ‘Writ of Certiorari’?

This Petition is based upon the concept of:

DUTY, HONOR, COUNTRY

God Bless & God Bless America

Dated: 11/17/17

Respectfully submitted,

s/  
Nicholas E. Purpura  
Chaplain