

No. 18-1461

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In The  
SUPREME COURT OF THE UNITED STATES

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Dawn Marie Delebreau,  
*Petitioner,*

v.

Cristina Danforth, Larry Barton, Melinda Danforth,  
and Geraldine Danforth,  
*Respondents.*

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On Petition for a Writ of Certiorari  
to the United States Court of Appeals for the  
Seventh Circuit

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**PETITION FOR REHEARING**

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*Defendants' Counsel*  
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## PETITION FOR REHEARING

According to Supreme Court Rule 44.2, Dawn M. Delebreau respectfully Petitions for Rehearing of the Court's Decision to deny the Petition for Writ of Certiorari dated October 7, 2019. Ms. Delebreau moves this Court to grant this Petition for Rehearing because of the substantial controlling effect of the right to redress intentional Constitutional deprivations for all United States federally enrolled Native Americans.

By Rule 44.2, this Petition for Rehearing is filed within 25 days from the October 7th, 2019 Denial of the Petition for Writ of Certiorari.

## REASONS FOR GRANTING THE PETITION

The Indian Citizenship Act of 1924, a federal right, demonstrates, Congress intends to give Native Americans civil rights the same as whites. Native Americans have fought U.S. wars, even before becoming citizens<sup>1</sup> to earn their 1960 era civil rights. From the beginning of U.S. judicial time, Native Americans have been in the crosshairs of U.S. territory. Indian territory is U.S. territory and vice versa; they are indivisible, as demonstrated on the battlefield.

- I. 42 U.S.C. § 1983 must declare an "intentional deprivation" of a constitutional or federal right. 25 U.S.C. § 1302 must neither declare a "prohibition" or "abridgment" of the petition for redress. Although abridgment may not be intentional, this Court must agree that prohibition is intentional.

25 U.S.C. § 1302 ought not to prevent a Native American from a 42 U.S.C. § 1983 redress of grievances because Indian tribes must allow it or otherwise it is an enforcement of prohibition.

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<sup>1</sup> WWI.

Redress of grievances under 25 U.S.C. § 1302 do not specifically exclude 42 U.S.C. § 1983 redress; to give all federally recognized Native Americans the right to redress U.S. Constitutional deprivations the same as whites.

- II. Native Americans have fought in all U.S. wars to secure the Constitutional rights of everyone, both Indians and non-Indians.

When whites or other citizens are intentionally deprived of their federal or Constitutional rights under color of state or territorial law, they can petition for a redress of their grievances under 42 U.S.C. § 1983.

Native Americans are citizens<sup>2</sup>. Indian territory is the territory of the United States. Native Americans must have the same Constitutional right to 42 U.S.C. § 1983 redress as other citizens of the United States.

- III. As determined in the Meriam Report of 1928, when Congress granted citizenship to all Native Americans, they had intended to stop pervasive Indian discrimination.

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<sup>2</sup> Indian Citizenship Act of 1924.

To allow white citizens a federal remedy to redress intentional constitutional deprivation while denying Native American Indian citizens a redress for the same intentional constitutional deprivation is discrimination.

A minority Indian's right to non-discriminatory equal protection of the law is not as flashy as the LGBT employment discrimination minority. Arguably, both minority groups are parity-oppressed and seek the same fairness from our highest Court.

## CONCLUSION

This Case deserves a Rehearing because this Court controls whether or not Native Americans can redress 42 U.S.C. § 1983 intentional deprivations the same as whites, or in the alternative, Constitutional or federal rights deprivations under 25 U.S.C. § 1302(a)(1).

*David M. Hellebrand*

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**PETITION FOR REHEARING**

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Supreme Court Rule 44.2 Certification  
Restricted Grounds

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As required by Supreme Court Rule 44.2 Rehearing, I certify that the document filed with this certification, Petition for Rehearing, is restricted to substantial and controlling effect and substantial grounds not previously mentioned.

Dated: October 24, 2019



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Supreme Court Rule 44.2 Certification  
Good Faith and Not for Delay

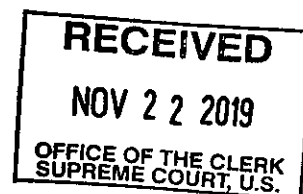
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As required by Supreme Court Rule 44.2 Rehearing and outlined in the Supreme Court letter dated October 31, 2019 signed by Scott Harris, clerk, I certify that the document filed with this certification, Petition for Rehearing, is presented in good faith and not for delay.

Dated by original signature November 19, 2019.



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**PETITION FOR REHEARING**

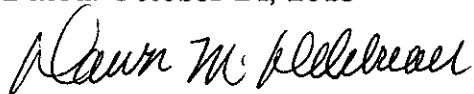
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Supreme Court Rule 44.2 Certification  
Word Count

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As required by Supreme Court Rule 44.2 Rehearing, I certify that the document filed with this certification, Petition for Rehearing, contains 564 words, excluding the parts of the document that are exempt according to the word count function of the word-processing program used to prepare it.

Dated: October 24, 2019



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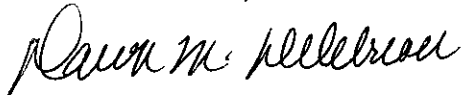
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Certificate of Mailing

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As required by Supreme Court, I certify that three copies of the Petition for Rehearing are mailed, prepaid, priority mail with tracking, to the Defendants' Attorney's at Husch Blackwell, LLP, 555 East Wells St., Ste. 1900, Milwaukee, WI 53202-3819.

Dated: October 24, 2019



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