

NO: 18-6965

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

LEI YIN -PETITIONER

Vs.

BIOGEN, INTEGRATED RESOURCE -RESPONDENTS

*ON WRIT OF CERTIORARI*

*TO THE UNITED STATES COURT OF APPEALS*

*FOR THE FIRST CIRCUIT*

**PETITION FOR REHEARING**

LEI YIN, Pro Se living with SSDI

3 Blackberry lane, S2

Andover, MA 01810

508-404-3588

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CASE #18-6965

Pursuant to Rule 44 of this court, Lei Yin, a Pro Se living with SSDI as petitioners, hereby respectfully petition for rehearing of this case before a full nine-Member Court.

This case involves a challenge by the federal court systems (US District Court of MA, US Court of Appeals for the First Circuit) to a US citizen's fundamental Constitutional Right that "In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein." (28 U.S.C. § 1654, Section 35 of the Judiciary Act of 1789, 1 Stat. 73, 92).

In 2014, when plaintiff Lei Yin worked in Biogen, plaintiff had found out a group of Biogen scientists had conducted scientific misconducts in Biogen's new drug developments by manipulating their research data. Plaintiff had fought the rightness and refused to false plaintiff's own research data as required by Biogen scientists, and finally plaintiff had kept Biogen management team reported. Two

Days after plaintiff's complain to Biogen management team on research misconducts by Biogen scientists, plaintiff was terminated at night via a phone and wont allowed to go back to collect plaintiff's personal belongings and unpaid salaries. When plaintiff worked in Biogen, plaintiff had been forced to work through the day without lunch and had been labeled as "slave" by Biogen employees. Plaintiff is a Pro Se of protected minority race, then filed a civil complaint against Biogen Inc. and Integrated Resources, Inc, on wrongful termination, discrimination and retaliation etc to US District Court of MA on May 22, 2014 (14-cv-12255). On June30, 2014, setting hearing on Motion to Dismiss Plaintiff's Complaint was for Sept 19, 2014, even before plaintiff's timely filed Objection to Motion to Dismiss had been docketed on July 7, 2014. On Sept 19, 2014, the case was dismissed. Notice of Appeals was docketed on Sept 23, 2014. On Sept 26, USCA Case Number 14-2012 was assigned to my appeals. On Oct 22, 2014, Briefs For Appeal was filed, and Show-Cause-Statement was filed on Nov 3, 2014, following Appeal Court Order on Oct 28, 2014. In the process of my appeals in Appeals Court, District Court reopened the case on Oct 14, 2014. Following ORDER of USCA of Oct 10, 2014 , numerous claims survived. On Dec 2<sup>nd</sup>, 2014, the Appeals Court dismissed the appeals citing " In view of the district court's October 14, 2014 order reopening the case and reinstating several claims, which are now pending in the district court, plaintiff'd appeal is dismissed. Plaintiff must wait until all claims have been adjudicated before obtaining review of the dismissed claims or of other interlocutory orders". The case was then sent back to District Court for further process with the same seating judge who had dismissed the case in On Sept 19, 2014.

From the case reopening on October 14, 2014 to another dismissal of case by the same seating District judge on Nov 4, 2015, each every motion that plaintiff had timely filed had been denied by the District judge, (as comparing the judge had approved each every motion that defendants had filed,) including following motions but not limited to:

1. Denied the Motion to compel the defendant Biogen to honor the Subpoena Issued by District Court Clerk for Plaintiff Lei Yin on March 26, 2015
2. Denied the Motion to compel the defendant Biogen to release its witness contact information and witness statements.
3. Denied the motion to Compel defendant Biogen to attend deposition conference.
4. Denied the motion to Compel defendant Biogen to answering the written questions to defendant's listed witness.
5. Denied the motion to Compel defendant Biogen to answering deposition questions to defendant's listed witness .
6. Denied motion to extend discovery time as all protected Discovery vehicles had been disabled, and plaintiff had got NOTHING in the set Discovery phase.
7. Denied motion to appoint a Counsel for plaintiff after each every motion plaintiff filed had been denied, and plaintiff had been diagnosed by primary care physician, several specialists including hospital specialists , and by government medical examiner that plaintiff had suffered severe depression that met total disability of criteria.

Appeal was timely filed. The date on which the United States Court of Appeals decided my case was August 20, 2018. A timely petition for rehearing was denied by the United States Court of appeals was on October 15, 2018.

Petition for a Writ of Certioari was timely filed and was denied by this court on Feb 19, 2019. Petition for Rehearing is now timely filed.

Since I worked for Biogen, I had suffered deeply emotional loss, my family had broken up. I was suffered severe depression, my wife had left me, and she had sent me to prison and hospitals for numerous times for treatments. I am living on SSDI for many years. My personal belongs, including all the reference books and manuals I had collected in my past 20 years academic career had unlawfully seized by respondents, also my already earned unpaid salary.

Now I had loss everything, family, career, health, and happiness. As a disabled Pro Se living with SSDI for the past years now come to you, ask you to protect my Constitutional Right, including the right to be protected by Due Process and Due Fairness in Federal Court system.

My family had broken up. I was suffered severe depression, my wife had left me, and she had sent me to prison and hospitals for numerous times for treatments. I am living on SSDI for many years, with each day taking about 15 prescriptions. My life is ruined by malicious act of respondents.

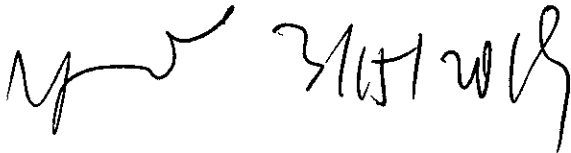
The present case is about whether the Rule set by United State Congress and ordered by United States Supreme Court shall be followed by United States District Court District of Massachusetts and United States Court of Appeals for the First Circuit. Or the Federal Court System will treat a poor Pro Se differently following a separated procedure.

The present case is also about whether a Pro Se's rights, as provided and protected by United States Constitution shall be preserved in the daily practice of United States Federal Courts System.

The present case is about whether a party like Biogen can maliciously deprive a citizen's career, personal property, life and health, and his constitution right to pursue happiness.

For all above reasons, the petition for rehearing shall be granted.

Respectfully submitted.

A handwritten signature in black ink, appearing to read 'Lei Yin' followed by a stylized flourish.

Lei Yin, Pro Se with disability SSDI

3 Blackberry Lane, s2

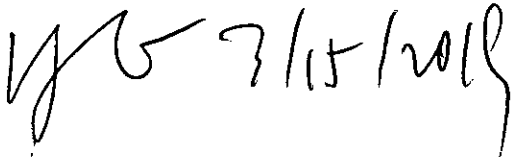
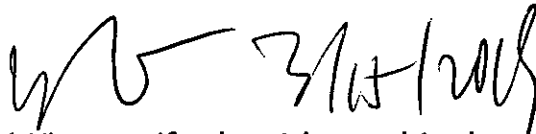
Andover, MA 01810

March 15, 2019

### **Certificate of Counsel**

**I hereby certify that this petition for rehearing is presented in good faith and not for delay. Also I certify that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.**

**Lei Yin, Pro Se with disability**

**Certificate of Service** (I, Lei Yin, certify that I have this day, March 15th, 2019, served copy of the foregoing by first class mail to :

Mr Jacob Levitan, Clerk Office  
 Supreme Court of the United States  
 1 First Street, NE  
 Washington, DC 20543

and TO: Jeffrey S. Brody, Jackson Lewis P.C. 75 Park Plaza, Boston, MA 02116

and TO; Daniel Blake, LECLAIRRYAN, One International Place, Eleventh Floor Boston, MA 02110 )