No. 18-8351

In The
Supreme Court of the United States

AREK R. FRESSADI,

Petitioner,

v.

ARIZONA MUNICIPAL RISK RETENTION POOL (AMRRP), *ET AL*,

Respondents.

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

PETITION FOR REHEARING

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PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44.2 and due to intervening circumstances of substantial or controlling effect not previously presented, Petitioner Arek R. Fressadi respectfully petitions this Court for rehearing of its order dismissing certiorari in this case on May 13, 2018, and requests consolidation with pending cases below.

Petitioner filed his Petition for a Writ of Certiorari expecting the Supreme Court Justices to read it—not for Law Clerks to fluff their resumes. Law Clerks are not vetted by the Senate. As 7,000 to 8,000 Cert Petitions are filed each term, Law Clerks rapidly dispose of petitions in 30 minutes or less.[1] Law Clerks, recent law school graduates who clerked for less than a year[2], determine the fate of petitions by making recommendations to Justices, prioritizing review based on amici briefs[3], published opinions[4], high profile parties[5], or are topics of interest[6] to Law Clerks.[7] A medical intern does not decide whether a patient needs surgery.

Pursuant to Rule 44.2, in addition to ***continuing violations*** and ***ongoing illegalities*** that intervene ***daily*** as more thoroughly described in his Cert Petition,

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[1] https://www.scotusblog.com/reference/educational-resources/supreme-court-procedure/

[2]https://en.wikipedia.org/wiki/List_of_law_clerks_of_the_Supreme_Court_of_the_United_States *See* details in links for each Justice.

[3] Although there is substantial interest in the constitutional questions raised for protecting constitutional rights, Petitioner did not have sufficient time to solicit amici briefs due to urgent briefings in his personal injury matter, 2:16-cv-03260-PHX-DJH.

[4] The Ninth Circuit deviously made a generic unpublished decision based on statutes of limitations without citing any facts to support it, and denying judicial notice of new evidence of the Town of Cave Creek's fraudulent concealment and fraud on the court. Although the Ninth Circuit's decision appears to not make precedent, it contravenes numerous federal cases outlined in Appellant's Request for Publication based the facts, evidence, and well-established law. *Compare* Pet. App. A *with* Pet. App. F & N.

[5] Appellant is not a big corporation or the U.S. President.

[6] Real estate matters tend to be complicated—this one certainly is. Other hot topics such as abortion are more in the forefront of young Law Clerks' minds.

[7]https://oxfordre.com/politics/abstract/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-91

Petitioner presents the following facts and law that have intervened since Law Clerks denied his Cert Petition:

1. On May 13, 2019, this Court overturned 40 years of flawed legal logic in *Nevada v. Hall*, 440 U.S. 410 (1979). Justice Thomas argued in *Franchise Tax Board of California v. Hyatt*, 587 U.S. ___ (2019), that *Nevada v. Hall* "is contrary to our constitutional design and the understanding of sovereign immunity shared by the states that ratified the Constitution. *Stare decisis* does not compel continued adherence to this erroneous precedent." If the ruling in *Nevada v. Hall* is "contrary to our constitutional design," then so are the rulings in *Fressadi v. Arizona Municipal Risk Retention Pool (AMRRP)*. There are no statutes of limitation for self-executing and burden-shifting due process and property rights protected by Fifth or Fourteenth Amendment in the U.S. Constitution. However, courts use statutes of limitations to summarily dismiss cases without considering intervening circumstances, causing illegalities to continue[8] without remedy and against public policy. "*Stare decisis* does not compel continued adherence to this erroneous precedent." *Franchise.*

2. On May 23, 2019, Petitioner challenged District Court's and the Ninth Circuit's jurisdiction. *See* **Rehearing Pet. App. A**. This Court should compel the Ninth Circuit to recall its mandate and remand

[8] As legal wrongs are expensive to challenge (*i.e.* Petitioner went bankrupt after spending $300,000 on attorneys) and courts are generally prejudiced against *pro se* litigants, courts are acting against the constitution to facilitate illegalities if they allow them to continue, thus erode the legitimacy of the judicial system and the U.S. Constitution. Such judicial acts set a dangerous precedence and can cause civil unrest at the tipping point.

to District Court with instructions to remand to state court. *See, e.g., Gaus v. Miles, Inc.*, 980 F.2d 564, 567 (9th Cir. 1992). This Court has yet to rule on related case *Knick v. Scott Township*, No. 17-647, (U.S. Nov. 2, 2017), regarding *Williamson Cnty. Reg'l Planning Comm'n v. Hamilton Bank*, 473. U.S. 172 (1985). As such, the two-pronged test of ripeness and finality remains sound law. Petitioner's Special Action, filed in state court, was improperly removed to Federal court, now before this court. His other state court litigation, from which his Special Action arose, is ongoing, but is awaiting clarification of federal constitutional rights from this Court. Pursuant to State Sovereignty law upheld in *Franchise, supra*, this Court connot allow District Court and Ninth Circuit rulings to stand in *Fressadi v. AMRRP*. Petitioner's Federal claims were reserved upon State Special Action review such that Federal claims for due process violations and takings were neither ripe nor final. **Per Rule 27.3, Petitioner requests consolidation with pending cases involving related questions: *Knick v. Scott Township*, No. 17-647 (U.S. Nov. 2, 2017)**, and ***Love Terminal Partners, L.P. v. United States*, No. 18-1062 (U.S. Feb. 13, 2019)**, currently set for conference on June 20, 2019, regarding Fifth Amendment takings and wipeout of investment-backed expectations.[9]

Petitioner's legal education mimics Justice Robert H. Jackson, and President Abraham Lincoln. Justice Jackson said of the Supreme Court: "We are not final be-

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[9] *See* https://www.scotus5thamendment.com/ and https://twitter.com/POur5th

cause we are infallible, but we are infallible only because we are final." *Brown v. Allen*, 344 U.S. 443, 540 (1953). After the *Dred Scott* Decision, Lincoln said in his inaugural address:

> The candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal.

The proper criterion to apply in determining whether to grant rehearing and certiorari was succinctly expressed in *United States v. Ohio Power Co.*, 353 U.S. 98, 99 (1957)[10], where this Court stated:

> If there is to be uniformity in the application of the principles announced in [] companion cases, the judgment below in the instant case cannot stand.... 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.

Faced with the same problem as we have here, and with pending cases such as *Knick* with which this matter should be concurrently heard[11], this Court granted a second petition for rehearing three years after the mandate had issued in *Gondeck v. Pan American World Airways, Inc.*, 382 U.S. 25 (1965), in order to prevent injustice. See also *Cahill v. New York, N.H. & H.R. Co.*, 351 U.S. 183 (1956); *Chapman v. St. Stephens Protestant Episcopal Church*, 105 Fla. 683, 136 So. 238, 138 So. 630, 139 So. 188, 145 So. 757, 84 A.L.R. 566.

A decision to recall a mandate includes a balancing of competing interests. Where the interests of justice outweigh the interest in bringing litigation to an end,

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[10] Certiorari denied October 17, 1955. Rehearing denied December 5, 1955. Rehearing again denied May 26, 1956. Order denying rehearing vacated June 11, 1956. Rehearing and certiorari granted and case decided April 1, 1957.

[11] See Petitioner's Motion to Exceed Page Count, 18A474, mentioning *Knick* with *Willamson* to suggest that this matter should be heard concurrently.

the court should recall the mandate. Of course where, as here, there has been fraud, imposition, or mistake of fact, the court can always recall a mandate to modify or correct its own judgment. See *Overson v. Martin,* 90 Ariz. 151 (1961) as argued by Arizona's Supreme Court in *Lindus v. Northern Insurance Company of New York,* 103 Ariz. 160 (1968): "It would be absurd to argue that a court, empowered to correct errors in every other court in this state cannot correct its own. Ariz. Const. Art. 6, Sec. 5, A.R.S. To hold otherwise would create the astounding concept that mistakes made by the Supreme Court of Arizona are the only errors for which no relief is available." *See also Arizona ex rel. Nelson v. Jordan,* 104 Ariz. 193 (1969). The same can be said for the Supreme Court of the United States. Our Founders understood that private property is the foundation of prosperity *and* freedom. Property rights are protected in common law, state law, and the Constitution. Unfortunately, the Supreme Court's case law to remedy property rights violations is not followed in Cave Creek or federal courts in this instance.

This matter involves circuit split decisions on due process and property rights, exploits of statutes of limitations on continuing violations, equal protection against fraudulent conduct by government, municipalities' challenge to the Supremacy Clause, Petitioner's challenges to jurisdiction, judicial takings, and required remedy of ongoing illegalities. This is a court of last resort. If rehearing and certiorari are not granted to order the Ninth Circuit and District Courts to reverse their rulings, Petitioner has a cause of action against the U.S. Government for causing his and many others' properties to remain illegal to develop or sell due to government misconduct.

The present "selective service" of Supreme Court justice was not intended by

our Founding Fathers. Nor did they intend limits on rights preserved by the U.S. Constitution. They did not consider ***unalienable*** rights to have a shelf life...(Good for two years, then discard in court).

The First Amendment protects the right to petition the government for a redress of grievances. U.S. Const. Amend. I. The right "to petition for a redress . . . [is] among the most precious of the liberties safeguarded by the Bill of Rights." *United Mine Workers of Am., Dist. 12 v. Illinois State Bar Ass'n,* 389 U.S. 217, 222 (1967). The right of access to the courts is part of the right to petition. *BE & K Constr. Co. v. N.L.R.B.,* 536 U.S. 516, 525 (2002). Petitioner is entitled to the full and equal benefit[12] of the laws. 42 U.S.C. § 1981(a).

Petitioner has been denied full and equal benefit of the laws. Specifically, he had been denied access to the Courts to address his First Amendment retaliation grievances. Under color of law, local Government caused his property to be illegal to develop or sell, by plain language of state law. However, no court has addressed ongoing illegalities. District Court and the Ninth Circuit generically applied statutes of limitations, but this is a matter of fraud such that statutes of limitations *cannot* apply. The Town of Cave Creek admitted on August 29, 2016, that it denied Petitioner Notice per *Mullane*[13] as its Official Policy to prevent Petitioner and hundreds of others from obtaining a Takings Report that established the nexus of proportion-

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[12] Petitioner's equal protection request is based on the Due Process Clause of the Fifth Amendment. *See Bolling v. Sharpe,* 347 U.S. 497, 498-99 (1954). "Equal protection analysis in the Fifth Amendment area is the same as that under the Fourteenth Amendment." *Buckley v. Valeo,* 424 U.S. 1, 93 (1976), citing *Weinberger v. Wiesenfeld,* 420 U.S. 636, 638 n. 2 (1975).

[13] *Mullane v. Central Hanover Bank & Trust Co.,* 339 U.S. 306 (1950). "[D]eprivation of...property by adjudication [must] be preceded by notice and opportunity for hearing appropriate to the nature of the case." *Id.* at 313.

ality of town exactions for entitlements per *Nollan/Dolan*[14]. Petitioner has been denied just compensation per *Lucas/First English*[15] by being denied an administrative hearing and redress at Maricopa County Superior Court per Arizona Revised Statutes "A.R.S." §§ 9-500.12 and 9-500.13 (Cert Pet. App. 55-57). These statutes explicitly require compliance with the federal cases and their progeny.[16]

This denial of his First Amendment right to petition government to correct grievances is ongoing. The continuing violations doctrine is an "exception to the normal knew-or-should-have-known accrual date." *Harris v. City of New York,* 186 F.3d 243, 248 (2d Cir. 1999).

Ongoing illegalities that render property continuously unlawful to develop or sell are intervening circumstances of substantial or controlling effect ***each day*** they are not addressed. The continuing violations doctrine is incorporated into The Town of Cave Creek's Zoning Ordinance § 1.7(A)[17] (Cert Pet. App. 78).

By inappropriately applying statutes of limitation, the Town of Cave Creek / AMRRP[18], Maricopa County, the State of Arizona, and Courts of the United States

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[14] *Nollan v. California Coastal Commission,* 483 U.S. 825 (1987); *Dolan v. City of Tigard*, 512 U.S. 374 (1994).

[15] *Lucas v. South Carolina Coastal Council,* 505 U.S. 1003 (1992); *First English Evangelical Lutheran Church of Glendale v. County of Los Angeles*, 482 U.S. 304 (1987).

[16] "[T]he 'fundamental requirement of due process'" is "'the opportunity to be heard at a meaningful time and in a meaningful manner.'" *City of Los Angeles v. David,* 538 U.S. 715, 717 (2003) (quoting *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976)).

[17] "Any person [***including Cave Creek as a corporate person and all its state actors***] who violates **ANY** provision of this Ordinance, and any amendments thereto, **SHALL *be guilty*** of a Class One misdemeanor punishable as provided in the Cave Creek Town Code and state law; and ***each day of continued violation*** **SHALL *be a separate offense***, punishable as described." (emphasis added) Cave Creek's Subdivision Ordinance and Town Codes are incorporated into Zoning Ordinance §1.7 per §1.1(B) (Cert Pet. App. 76).

[18] Cave Creek is advised on land use and insured by AMRRP, which consists of 76 affected municipalities.

of America have imposed ongoing, criminal, and unconstitutional conditions upon Petitioner's property in violation of Petitioner's First Amendment rights. Petitioner is entitled to remedy ongoing government caused violations per the First Amendment.

Under the unconstitutional conduct doctrine, as applied to First Amendment claims, the government may not deny a benefit to a person for a reason that infringes on a freedom protected by the First Amendment. *All. for Open Soc. Int'l, Inc. v. U.S. Agency for Int'l Dev.*, 651 F.3d 218, 243 (2d Cir. 2011) (citing *Rumsfeld v. Forum for Acad. & Institutional Rights, Inc.*, 547 U.S. 47, 59 (2006)). The unconstitutional condition doctrine prohibits the government from doing indirectly what it cannot do directly. *U.S. v. Oliveras,* 905 F.2d 623, 628 n. 8 (2d Cir. 1990).

A takings claim can proceed under a subset of the unconstitutional conditions doctrine by alleging that a land-use exaction ***continuously*** violates the standards set forth in *Mullane*, *Nollan*, *Dolan*, *Lucas*, and *First English*. "Under the well-settled doctrine of 'unconstitutional conditions,' the government may not require a person to give up a constitutional right—here the right to receive just compensation when property is taken for a public use—in exchange for a discretionary benefit conferred by the government where the benefit sought has little or no relationship to the property." *Dolan*, 512 U.S. at 385. Arizona's Constitution, Art. 2, Sec. 17 (Pet. App. 23), bars the taking of property without just compensation whether or not it is for public use.

The *Nollan/Dolan* line of cases "involve a special application of the 'doctrine of unconstitutional conditions'" and "Fifth Amendment takings challenges to adjudicative land-use exactions—specifically, government demands that a landowner ded-

icate an easement allowing public access to her[19] property as a condition of obtaining a development permit." *Lingle v. Chevron USA Inc.*, 544 U.S. 528, 546, 547 (2005) (quoting *Dolan, supra,* at 385 (internal quotation marks omitted); citing *Dolan, supra,* at 379-80, and *Nollan*, 483 U.S. at 828). See also *Koontz v. St. Johns River Water Mgmt. Dist.*, 133 S.Ct. 2586, 2594 (2013). In other words, the doctrine comes into play when the government demands an exaction of land, access, or improvements in exchange for granting a landowner permission to make a different use of property. Here, government evaded *Mullane* and *Nollan/Dolan* in A.R.S. §§ 9-500.12 and 9-500.13 to exact a 4th lot. In doing so, the Town converted its "permission" of a lot split to cause Petitioner's property to be an illegal subdivision, unlawful to sell and not entitled to permits. As Petitioner later discovered[20], the Town evaded *Mullane* and *Nollan/Dolan* to obtain a public sewer extension from Petitioner without paying just compensation. "*Nollan* and *Dolan* prevent the government from exploiting the landowner's permit application to evade the constitutional obligation to pay for the property." *Koontz,* 133 S.Ct. at 2604. "A predicate for any unconstitutional conditions claim is that the government could not have constitutionally ordered the person asserting the claim to do what it attempted to pressure that person into doing." *Id.*, at 2598 (citing *Rumsfeld v. Forum for Academic & Inst.*

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[19] Applying statutes of limitation to property rights is comparable to discrimination based on sex.

[20] Without providing notice and procedures per A.R.S. §§ 9-500.12 and 9-500.13, Cave Creek required a surveyor to omit a 25-foot wide strip of land from Petitioner's property that Maricopa County assessed and continues to tax as a 4th lot, causing recordation of a false document in violation of A.R.S. § 13-420 (Cert Pet. App. 71) to entitle Petitioner to treble damages. The survey is incorporated and relied upon in a reciprocal easement agreement with the adjacent properties, which Cave Creek has relied upon to knowingly issue permits that Petitioner later discovered are void. Only a court can correct the false recordings and the illegal properties.

Rights, Inc., 547 U.S. 47, 59-60 (2006)). "For that reason, [the Supreme Court] began [its] analysis in both *Nollan* and *Dolan* by observing that if the government had directly seized the easements it sought to obtain through the permitting process, it would have committed a per se taking." *Koontz*, *supra*, at 2598-99 (citing *Dolan*, *supra*, at 384 and *Nollan*, *supra*, at 831). "The question was whether the government could, without paying the compensation that would otherwise be required upon effecting such a taking, demand the easement as a condition for granting a development permit the government was entitled to deny." *Lingle*, *supra*, at 546-47.

Nollan determined that the permit could be conditioned on the exaction only if the exaction had an "essential nexus" to the government interest that would furnish a valid ground for denial of the permit; "[i]n short, unless the permit condition serves the same governmental purpose as the development ban, the building restriction is not a valid regulation of land use but 'an out-and-out plan of extortion.'"*Nollan*, *supra*, at 837 (citations omitted). *Dolan* refined this requirement by explaining that there must be a "rough proportionality" "between the exactions imposed by the city and the projected impacts of the proposed development." *Dolan*, *supra*, at 377, 391. "No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development." *Id.*, at 391. The burden is a significant one, in which "the city must make some effort to quantify its findings in support of the dedication...beyond the conclusory statement that it could offset some of the" development's negative impacts. *Id.*, at 395-96.

The critical conceptual link between *Nollan/Dolan* and Petitioner's situation comes from the Supreme Court decision in *Koontz*, 133 S. Ct. at 2594. The Court

held that "so-called 'monetary exactions' must satisfy the nexus and rough proportionality requirements of *Nollan* and *Dolan*." *Id.*, at 2599.[21] In this case, Petitioner not only had to make monetary payments, but give up land and expensive improvements for ultimately worthless, illegal entitlements. Twenty years later, his land remains unsuitable for building and not entitled to permits because Cave Creek converted it into an unlawful subdivision.

Even temporary or partial impairments to property rights are sufficient to merit due process protection. The Supreme Court's decision in *Logan v. Zimmerman Brush Company,* 455 U.S. 422 (1982), makes that much clear. There, the plaintiff's state-law cause of action was dismissed because the state's Fair Employment Practices Commission, through no fault of the plaintiff's, failed to hold a timely conference. *Id.,* 455 U.S. at 424-427. The Supreme Court explained that "the Due Process Clauses protect civil litigants who seek recourse in the courts, either as defendants hoping to protect their property or as plaintiffs attempting to redress grievances." *Id., supra,* at 429. "The hallmark of property," the Court emphasized, "is an individual entitlement grounded in state law, which cannot be removed except 'for cause.'" *Id., supra,* at 430. The Court explained the right to bring a cause of action is just such an entitlement, and therefore "a species of property protected by the Fourteenth Amendment's Due Process Clause." *Id., supra,* at 428. See also *Lucas,* 505

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[21] In *Koontz*, the City offered petitioner two options as a condition of granting a development permit: develop only 1 acre of the site and grant a conservation easement on the rest, or develop all 3.7 requested acres and perform "offsite mitigation," in which petitioner would fund improvements to a distinct parcel of city-owned property. *Id.*, at 2598. Unlike an untethered financial obligation, such as the retroactive obligation to pay medical benefits of retired miners at issue in *Eastern Enterprises v. Apfel,* 524 U.S. 498 (1998), the demand for money at issue in *Koontz* "'operate[d] upon . . . an identified property interest' by directing the owner of a particular piece of property to make a monetary payment." *Id.*, at 2599.

U.S. at 1034 (Kennedy, J., *concurring*):

> The finding of no value must be considered under the Takings Clause by reference to the owner's reasonable, investment-backed expectations. *Kaiser Aetna v. United States*, 444 U. S. 164, 175 (1979); *Penn Central Transportation Co. v. New York City*, 438 U. S. 104, 124 (1978); see also *W. B. Worthen Co. v. Kavanaugh*, 295 U. S. 56 (1935). The Takings Clause, while conferring substantial protection on property owners, does not eliminate the police power of the State to enact limitations on the use of their property. *Mugler v. Kansas*, 123 U. S. 623, 669 (1887). The rights conferred by the Takings Clause and the police power of the State may coexist without conflict. Property is bought and sold, investments are made, subject to the State's power to regulate. Where a taking is alleged from regulations which deprive the property of all value, the test must be whether the deprivation is contrary to reasonable, investmentbacked expectations.

Continuously violating federal, state, and municipal law as an Official Policy since 2001 to cause continuing violations on hundreds of Cave Creek properties is effectually an imposition of "regulations which deprive the property of all value." *Lucas, supra.* Government "can be sued directly under §1983 for monetary, declaratory, or injunctive relief where, as here, the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body's officers." *Monell v. New York City Dept. of Social Servs.*, 436 U.S. 658, 690 (1978). No statutes of limitations are stated in 28 U.S.C. § 1983 such that courts are continuously violating legislative intent by arbitrary applying *personal injury* limitations to matters of *real property* that are protected by burden-shifting and heightened scrutiny requirements of notice per *Mullane*, establishing the essential nexus of rough proportionality per *Nollan/Dollan*, and self-executing payment of just compensation per *Lucas/First English* (and *Koonst*) as the state of Arizona incorporated into state law by enacting A.R.S. §§ 9-500.12 and 9-500.13. This Court should grant cert to clarify this.

Cave Creek won favorable rulings by fraud on the court, exploiting statutes of

limitations by concealing their series of frauds. However, in 2016, the Town *admitted* and provided evidence of their circumvention of federal law codified in A.R.S. §§ 9-500.12 and 9-500.13. The ongoing illegalities caused by Cave Creek and facilitated by other Respondents render statutes of limitations moot as ***each day*** becomes a takings such that government must be compelled to cease. As in split-circuit decision *M.A.K. Investment Group, LLC v. City of Glendale*, 889 F.3d 1173, 1187 (10th Cir. 2018), Cave Creek "might *never* bring a condemnation proceeding. An opportunity for review that may never come cannot replace a statutory *right* to review." (emphasis in original). Petitioner's request for Quiet Title in Claim 5 of the Complaint bars use of statutes of limitations as Petitioner still owns the 4th lot that Cave Creek required to cause the property to be illegal. See *Cook v. Town of Pinetop-Lakeside*, 303 P.3d 67, 70 (Ariz. Ct. App. 2013): "As long as the cloud exists, the statute of limitations does not run against a plaintiff bringing a quiet title action who is in undisturbed possession of his property."

Many split circuit decisions exist in this matter that the Ninth Circuit's decision contravenes. See, e.g., *Walsonavich v. United States*, 335 F. 2d 96, 101 (3rd Cir. 1964): "it is appropriate that the Government now be estopped from raising the Statute of Limitations against [Petitioner]... in order to prevent manifest injustice." See also *Portmann v. United States*, 674 F. 2d 1155 (7th Cir. 1982), citing numerous cases where Government oversteps its authority to commit constitutional violations to be estopped from committing further violations.[22]

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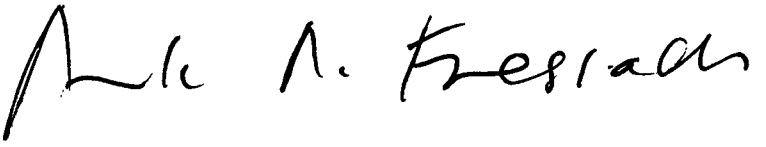
[22] Lisa J. Bowey, Director of Litigation for Maricopa County Assessor's Office, stated in 2014 that "[i]f the Court enters a Judgment striking the split(s), please forward a copy of the Judgment to us and we will make the necessary changes." The lack of such judgment is a continuous judicial takings as conferred by as conferred in *Stop*

CONCLUSION

For reasons stated, this Court should grant rehearing to grant certiorari to clarify and cease continuing violations of law caused by government.

Respectfully submitted.



Arek R. Fressadi, *Petitioner Pro Se*

JUNE 7, 2019.

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the Beach Renourishment, Inc. v. Fla. Dep't of Envt'l Protection, 560 U.S. 702, 715, 130 S.Ct. 2592, 2602 (2010): "In sum, the Takings Clause bars [government] from taking private property without paying for it, no matter which branch is the instrument of the taking.... If a legislature *or a court* declares that what was once an established right of private property no longer exists, it has taken that property, no less than if the [government] had physically appropriated it or destroyed its value by regulation." (emphasis in original)