

No: _____

IN THE SUPREME COURT OF THE UNITED STATES

Certiorari Petition No: 18 - 8841 - Appeal Record No: 18 - 1894

In The Matter Of
Frizzell Carrell Woodson
Appellant / Petitioner, Pro se Litigant

v.

Megan J. Brennan Postmaster General
United States Postal Service, Agency
Defendant / Respondent

THE APPELLANT / PETITIONER, PRO SE LITIGANT IN WANT OF A
PETITION FOR A WRIT OF CERTIORARI TO REVIEW THE UNITED
STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT PER CURIAM
UNPUBLISHED OPINION AND RELEVANT APPENDICES

PETITION FOR REHEARING

Litigation Counsel of The U.S. Department of Justice

The Honorable William Pelham Barr *Attorney General of the United States*

The Honorable Jeffrey A. Rosen *U.S. Deputy Attorney General*

The Honorable Clarie McCusker Murray *Principal Associate Attorney General*

The Honorable Noel John Francisco *U.S. Solicitor General*

The Honorable George Zachary Terwilliger U.S. Attorney for the EDVA

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PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44 Rehearing Consideration and or otherwise, the original Plaintiff to this cause continuum, Frizzell Carrell Woodson as natural person in truth and acting as the *pro se litigant* in law. Thusly in legal character, the Appellant / Petitioner gives acknowledgment pause in the Presence of the Comforter, therefrom the baptism of The Holy Spirit, I am Spiritually Blessed in Christian Citizenship faithfulness, always trusting ProvidenceGod's guidance by Faith, count it all Joy, to respectfully petition this Article III Court's constitutional conferred inherent authority, as such jurisdictional province fair and objective reading of the clear established principles of well settled rule of law applications, and non-elected public servants of the same law, under affirmative oath binding judicial duty to maintain supremacy of the rigid Constitution.

Whereas, may it be resolved, the Petition for the Writ Of Certiorari in as such granted ascribed *informa pauperis status*, afforded for the above cause intervention in this Court's jurisdictional forum, clearly established in the Supreme Court Record therefrom, a ministerial duty of the Judiciary Clerk sufficiently docketed as *Frizzell Carrell Woodson v. Megan J. Brennan, Postmaster General USPS Agency*, reflecting a principal Record No: 18 – 8841.

Whereupon, the rendered Order denying the effortful Writ of Certiorari in this case particular, this prescriptive twenty – five day statute of limitation entitlement is not an empty formality and any such denial of the said

pro se petition, should not be prejudicially treated as a definitive determination thence, thusly subject to entertain all the juxtapositional circumstances relevance, of such orthodox supervisory finality interpretation imposed under constitutional law.

Wherefore, this exceptional circumstance warrants the exercise of this vested Court's discretionary powers, conferred in 1803 with the landmark case of *Marbury v. Madison* (5 U.S. (1 Cranch) 137, 2L ed. 60), before a judgment can be entered therein the above constituted cause finality to resolve the unsettled judicial issues of both fact and law, thusly granting a Petition for Rehearing of the Order Denial for the *Pro se* Petition for Writ of Certiorari filed on April 15, 2019 and vacate that Order Denial particular, in accordance with the Rules of the Supreme Court, thusly entertain a comprehensive and through discretionary review, thereupon being informed of the open civil matter as such procedure and practice instructing the inferior courts to submit the transmissions of the Judicial Record trial court Orders and parties of legal interest statutory submissions into the Record and appellate rendered judgments of the courts below.

Wherefore, to schedule an opportune substantial brief on the case merits, as such clarification in depth for this Court intervention under the compelling societal civil importance of a challenged constituted jurisdiction of all lower courts, even to the extent to invoke adjudicative jurisdictional passage through a purposed *sua sponte* resubmission of the origin Adjudicative Plea pursuant to controlling precedent in *United States v. Ohio Power Co.*, 353

U.S. 98 (1957), as such necessitated interest in finality of litigation must yield when the interest of justice would make unfair the enabled Order Denial rendered on June 10, 2019, having an effective signatory of the U.S. Supreme Court Clerk The Honorable Scott S. Harris.

CONSTITUTIONAL AND STATUTIORAL GROUNDS FOR REHEARING

Pursuant to Supreme Court Rule 51.2 which governs requests for rehearing of a denial of petition for a writ of certiorari. Thusly, the sufficient grounds for rehearing are limited, and require the litigant to show either intervening circumstances or substantial grounds subject to invoked a *sua sponte* rehearing and or otherwise writ for certiorari.

Fundamentality the Constitution is the Supreme Law of the Land ordained and established by the people and thusly, confer upon all citizens the equality of substantive rights to a lawful government, as due course in prescriptive manner, conforming to the constitutional mandate of the judicial branch of the government.

Petitioner respectfully submits that this instant case standing is plain on its merits, the constitutional scope offers an unique zone of interest permitting this Court's to affirm its historic mandate "Equal Justice Under Law", as well as the given judicial steward's prerogative as envisioned by the framework of the U.S. Constitution of citizenry ancient entitlements, "The Freedom Of Speech," "The First Amendment Ancient Right To Petition The Government For Redress Of Grievances," and "The Fifth Amendment Hallow Rights of Due Process Of Law.

FACTUAL BACKGROUND

The original Plaintiff pro se litigant is a natural born Citizen of the United States by virtue of my inherent “Rights Of Birth” to the “Prosperity” of “We the People” of the “Preamble to the United States Constitution”, save an “Afro –American Beneficiary” of privileged statutory status of citizenship afforded, that is found upon the settled tenets created therein the Fourteenth Amendment to the United States Constitution and extended protections under the national law arising under the Civil Rights Act of 1964.

Petitioner emphasizes as a substantive front matter to this cause, The federal *informa pauperis* statute, enacted in 1892, Act of July 20, ch. 209, 27 Stat. 252. Congress recognized that no citizen should be denied an opportunity to commence, prosecute, or defend an action, civil or criminal, in any court of the United States, solely because of his / her poverty makes it impossible for him / her to pay or secure the costs. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 US 331, 342 (1848).

Moreover, the current statute presently codified at 28 USC § 1915, is designed to ensure that indigent litigants have a meaningful access to the federal courts, to commence and prosecute to conclusion any such action without being required to prepay fees or costs, or give security therefor, before or after bringing suit. Section 1, 27 Stat. 252.

Wherefore, Petitioner's raises the underpinning back matter of substantial nexus to this effortful cause, given the fact that the Statutory Framework created in 1972, Congress amended Title VII to extend its prohibitions of

discriminations based on race, color, religion, sex, and or nation origin to personnel actions affecting most federal employees. 42 USC § 2000e-16 (1988 & Supp. III 1991) (“section 2000e-16”)

Congress has declared that such discrimination is against federal policy 5 USC § 7151 (1970) provides: “It is the policy of the United States to insure equal employment opportunities for employees without discrimination because of race, color, religion, sex, or national origin.” The policy is grounded in the anti-discrimination provisions of the U.S. Constitution clearly established principled jurisprudence itself.

Wherefore,, Petitioner holds these certain unalienable Rights that all Men are created equal to effect the Assent of Laws most wholesome and necessary, the U.S. Constitution legalism bans relevant discrimination, and to secure these inestimable Rights Congress deriving their just powers from consent of the governed, shall have the inherent authority to constrain these Articles principled jurisprudence by appropriate legislation, in the following legislative enactments through enforceability of the vested Supreme Court Justices supremacy decisions affirmed settled principled constitutional law pursuant to substantial amendments hereunder:

The First Amendment establishes that an individual shall not be denied or abridged the freedom of speech and the right to petition.

The Fifth Amendment establishes that an individual shall not be denied due process of law.

The Thirteenth Amendment prohibited oppressive resurrection of slavery

and or involuntary servitude.

The Fourteenth Amendment prohibits unequal treatment under the law in relation to rights, privileges, immunities, and liberty interests.

The Fifteenth Amendment proscribes discrimination based on Sex.

The Twenty – fourth Amendment prohibits discrimination based on Indigence.

The Twenty – sixth Amendment prohibits discrimination based on Age.

Petitioner statutory cause of action arose within the permissible scope of the Civil Rights Act of 1964, as amended , 42 USC § 2000e, et seq., (Title VII) and the Age Discrimination in Employment Act, 29 USC 621, et seq., (ADEA), and thusly Filed on November 6, 2017 the first pleading affidavit, and the controversy on its face centered around public law jurisprudence for the embodied employment violation of a federal matter alleged to be employment discrimination with attach substantial exhibits to the *informa pauperis* post – filing civil Complaint thereof.

Whereas, the valid federal plea of equitable colloquy to be a procedural due course litigated trial by jury, statutorily requested pursuant to 42 USC 2000e 16 (c) within the terms of Injury - In - Fact, Causation and Redressability for plea complained of and alleged Title and ADEA violation of Plaintiff's constituted employment rights secured under the rigid U.S. Constitution and clearly established protections enforcement set forth by the *informa pauperis* United States federal laws of governance.

Thereupon such prescribed financial affidavit application afforded

provisions set forth under 28 USC § 1915 judicial ministerial screening in the above cause, granted the ascribed *informa pauperis* status, and thusly commenced the civil action and necessarily imposed the threshold ministerial duty of the commissioned judicial officers to perform Service of Process.

Turning to the matter pursuant to mandated by Federal Rule 4 (c) (2) (B) (i) and 28 USC § 1915 (c) the issuance of the formal writ and Order Directing Service by the United States Marshal without prepayment of costs for service of Order from the presiding Judge / U.S. District Court of competent jurisdiction must, promptly set to the jurisdiction of the U.S. Marshal Service.

Therefrom to promptly effect and officially execute the instruments of civil authority, to include the service of process Form USM - 285 Process and Return, the completed summons, copies of the initial complaint in full and or otherwise for effected service on the above named Defendant's litigation counsels, for the United States Postal Service.

In furtherance, The Supreme Court has found such nondiscrimination principles to be implicit in our government system. Racial discrimination was declared by the Court to be against federal policy in *Hurd v. Hodge*, 334 US 24 (1948), and the ban in federal racial discrimination has since 1954 been read into the Fifth Amendment's Due Process Clause. *Bolling v. Sharpe* 347 US 497 (1954).

Notably, the anti - discrimination principles of the Fifth Amendment apply to the full range of federal governmental activities, including employment

discrimination by federal departments and agencies. *Schlesinger v. Ballard*, 95 S. Ct. 572 (1975); *Morton v. Mancari*, 417 US 535, 551 – 55 (1974); *Frontier v. Richardson* 411 US 36 Fed. Reg. 7831 (1971).

Moreover, the Executive Order have banned invidious discrimination in federal government. See e.g., Exec. Order No., 11478, 34 Fed. Reg. 7831 (1971).

PROCEDURAL BACKGROUND

A. Proceeding Below Referencing To The Petition Of Certiorari
Petition Appendix A Notice of Judgment from Appellate Court: Pet. App A [41a] – [46a]. Whereas a direct appeal from the three panel appellate review by Federal Circuit Judges, The Honorable Judge Diania Gribbon Motz, The Honorable Judge Pamela A. Harris, and The Honorable Senior Judge Clyde H. Hamilton rendered the decisions of the inferior Court on filed on November 19, 2018.

Petition Appendix B *En Banc Rehearing* Order from Appellate Court: Pet. App. B [47b] – [48b]. The En Banc Rehearing denial was ministerially filed on January 29, 2019.

Petition Appendix C District Court Memorandum to Proceed *In Forma Pauperis*, Dismissed Civil Action: Pet. App. C [49c] – [56c]. On December 12, 2017, the Article III Judge issued an *sua sponte* in chamber platform decree, thusly Memorandum Order Granted Plaintiff's Application On Motions To Proceed *In Forma Pauperis*, Dismissed Complaint, Order To Show Cause .

Petition Appendix D The District Court rendered Foreclosure Order by

Memorandum filed July 5, 2018. Pet. App. D [57d] – [59d].

B. Statement of Judicial Facts and Procedural Activity Background

Petition Appendix E Civil Activity Instruments from U.S. District Court: Pet. App. E [60e] – [61e]. The Defendant never gave statutory appearance to defend its legal interests to this civil matter. Also the instrument gives fair indication of the omission of the Clerks ministerial duty as such Service of Process upon the legal Defendant pursuant to Rule 4 (c) (B) (i) and Section 1915 (c).

Petition Appendix E Civil Activity Instruments from Appellate Court: Pet. App. E [62f] – [63f]. The Appellate Court disregarded the Motion To Challenge Constituted Jurisdiction.

C. Proceeding Before This Court

Petitioner timely filed a petition for a writ of certiorari and motion for leave to proceed *informa pauperis*. The Defendant's Litigation Counsel of Record, waived the government's right to respond, by and through passage of the statutorial notice dated May 16, 2019, bearing the only the printed name of "Noel J. Francisco", the title appointment of U.S. "Solicitor General" and thusly "Counsel of Record". May the record reflect thereupon a cursory reading of the four corner instrument particular, there appears to be no certified authorization of purpose and effect, as such ministerial requisite wet signature, electronic signature, legal signature /s/ _____, and or otherwise facially demonstrated to this practical subject matter.

ISSUES FOR INSTANT REVIEW

An appellate court has an obligation to make an independent examination of the whole record in order to make sure that the judgment does not constitute forbidden intrusion on Procedural Due Process and or a erroneous decision purposed to deny any plaintiff of their constitutional entitlements, civil rights, federal rights, substantive rights, and procedural rights under statutory law and constitutional settled boundaries.

Petitioner further contends the appellate adjudicators forfeited their authority to recognized the importance of the issues, thusly culminated in deliberate concerted indifference to the extent of a loss of the court's statutory jurisdiction and willfully embraced palpable procedural defects, and knowingly held clear statutory omissions and adopted the trial court divergent views of dismissal of a subject – matter alleged to be in complete Article III standing for a cause of action to obtain a relief under adjudicative consideration.

The inferior Court has overlooked, misapplied or failed to consider a statute, decision, or principle directly controlling. The Court has overlooked or misconceived a material fact, The Court has overlooked or misconceived a material question, The case is a precedent potential of grave public concern.

Constitutionally speaking, any and all, courts have a duty to ensure that *pro se litigants* do not lose their right to a hearing on the merits of their case due to ignorance of technical requirements. *Garaux v. Pulley*, 739 F.2d 437, 439 - 40 (9th Cir. 1984); *Borzeka v. Heckler*, 739 F.2d 444 n.2 (9th Cir. 1984); *Sherman v. Yakahi*, 549 F.2d 1287, 1290 (9th Cir. 1977); *Hansen v.*

May, 502 F.2d 728, 730 (9th Cir. 1974) *Dewitt v. Pail*, 366 F.2d 682, 685 (9th Cir. 1966).

The trial court Article III Senior Judge in this open court proceeding above cause and or otherwise in contravention of settled principles and Misapplying the Law for improper motive and or the appearance of potential futuristic appointment tangible, as such personal elevating status gainable and thusly continued usurpation of authority violated due process of law.

When he granted the application benefit of *informa pauperis* to commenced the civil cause action, only to simultaneously without procedural statutory notice, in the same decree terminated the instant civil complaint *sua sponte* without authority under the clear establish principles of settled rule of law, in contradiction to the citizenry rights afforded under the rigid Constitution.

The trial court, in this open court proceeding above cause, lacked fundamental cognizable jurisdiction in full legal regards to sustainable Personal jurisdiction over the parties, a substantial subject – matter jurisdiction throughout the commenced civil action, in due course of procedure evidence by the Record Permanency indicates by memory of law, No Jurisdictional Power existence to hear and pronounce a particular judgment of kind, whereas in this jurisdictional issue of fact that cannot be waived.

The trial court Article III Senior Judge guilty or not guilty of alleged impeachable criminal character, in this open court proceeding above cause gave full emphatic threatening verbiage of weaponry intimidating implication

that in any and all *informa pauperis* pleaded civil cause of action brought forth by my being a *pro se litigant* Afro-American Native Citizen Beneficiary, in no prescribed manner will proceed in the said court of venue heretofore and henceforth, of his judicial duty station or otherwise conferred appointment thereto.

The trial court Article III Senior Judge acted in a rebellious mannerism exhibited in failure to lawfully entertain self-recusal from the civil action for the sake of impartiality demonstrated Judicial Misconduct and Judicial Disability within the purview of defined Bias and undue Prejudice.

The trial court Article III Senior Judge practice and pattern has conspired to commit Domestic Criminal Disloyalty and High Misdemeanors Offenses as such Judicial Oppressive Influence to excite the felony threshold offense that gave substantial rise to an abuse of unelected appointment engaged in domestic Insurrection to advocate Direct instruction to levy tyrannical restrictions at his pleasure under his unlawful will to forment certain indigent *pro se litigant* Afro-American Native Citizens Beneficiary proclaiming true allegiance to the detriment to all ordinary citizenry having standing assertion of Equal Justice Sovereignty Under The Law, transpirable rights indisputable set forth by the Freedom of Expression Clause, the Freedom of Exercise Clause, the Due Process of Law Clause and the Equal Protection Clause.

Statutorily speaking, a complaint that is filed *informa pauperis* to commence a civil action under 28 USC § 1915 (a) is subject to dismissal by

the district court under 28 USC § 1915 (d), only if it is frivolous or malicious. *Neitzke v. Williams*, 490 US 319, 109 S. Ct. 1827, 104 L.Ed.2d 338 (1989). As *Neitzke* made clear, a complaint may fail to state a claim upon which relief may be granted under Rule 12 (b) (6) but not be frivolous within the meaning of Sec. 1915 (d). *Id.* at 1829.

In furtherance this reasoning is implicit in *Roman v. Jeffes*, 904 F.2d 192 (3rd Cir. 1990), where they ruled that district court could not dismiss an action under USC § 1915 (d) after granting an *informa pauperis* status and the service of the complaint. that district court cannot *sua sponte* dismiss a complaint under Rule 12 (b) (6) before service of process.

The term jurisdiction refers specifically to a court's adjudicatory authority. *Reed Elsevier, Inc., v. Muchnick*, 559 U.S. 154, 160 (2010). Therefore, a "rule should not be referred to as jurisdictional unless it governs a court's adjudicatory capacity, that is, its subject – matter or personal jurisdiction." *Henderson ex rel. Henderson v. Shinseki*, 562 U.S. 428, 435 (2011). In other words, "jurisdictional states speak to the power of the court rather than to the rights or obligations of the parties." *Landgraf v. USI Film Prods.*, 511 U.S. 244, 274 (1994).

REASONS FOR GRANTING THE REHEARING PETITION

All courts have an independent obligation to determine whether subject – matter jurisdiction exist even in the absence of a challenge from any party. Citing *Arbaugh v. Y&H Corp.*, 546 US 500, 514 (2006) (citing *Ruhgras AG v. Marathon Oil Corp.*, 526 US 574, 583 (1999); *Sharkey v. Quartantillo*, 541

F.3d 75, 87 – 88 (2nd Cir. 2008); Citing *Arbaugh v. Y&H Corp.*, 546 US 500, 514 (2006); *Da Silva v. Kinsho Int'l Corp.*, 229 F.3d 358, 361 (2nd Cir. 2000) (“to the extent the threshold limitations are jurisdictional, we are required to raised this *sua sponte*”). *Camico Mut. Ins. Co., v. Citizens Bank*, 474 F.3d 989, 992 (7th Cir. 2007) (*citing St. Paul Mercury & Indem. Co., v. Red Cab Co.*, 303 US 283, 287 n.10 (1983); *Andrews v. E.I. Du Point De Nemours and Co.*, 447 F.3d 510, 514 (7th Cir. 2006) (“While neither party raised the matter of jurisdiction, we have an independent obligation to ensure that jurisdiction exists.

Whencesoever, it appears by suggestion of the parties, as such practical satisfaction of the minds or otherwise, that the Court lacks constituted jurisdiction in an legal open proceeding holding due process continuum, a court cannot assume jurisdiction and then rule on the merits in favor of the party whom it has assumed jurisdiction.

Wherefore, the petition for rehearing challenges limited jurisdiction of the trial court purview for the above captioned cause for the non – service of process upon the captioned defendant, and the appellate court circumvention of its ministerial and obligated responsibility imposed under law, holding sufficient legal standing in this open civil matter before this honorable body, of which the pleaded *informa pauperis* complaint set forth the cause of action, the remedy sought of certain sum relief and the statutory venue of the suit at law, rests upon the defendant's litigation counsel failure to statutory appear or defend and or otherwise dispute the allegations, has

establish the grounds for default final judgment as a matter of law.

CONCLUSION

For the foregoing warrantable reasons and to the advanced sound reasons manifested in the Petition for a Writ of Certiorari, this Petitioner clearly makes more than appropriate showing that grave issues of fact and law are presented by, and substantial relevant matters passage through, this purposed Petition For Rehearing before a finality judgment can be entered therein.

Whereas, to give substantive support for a supremacy discretionary reconsideration, and thusly petitions that this Court, in all due respect not withdraw from this jurisdictional matter, as such compelling constituted adjudicatory authority is necessary to secure judiciary integrity and maintain uniformity of decisions and not pretermitt the Due Process Violations of the inferior courts below.

Therefore, this Petitioner respectfully asks this Court of Equity, in the interest of justice, to grant a rehearing of the Order of denial, in accord to vacate that Order, and grant the Petition for Writ of Certiorari scheduling a briefing of the case and oral arguments and requesting to be informed by the appellate transmission of the judicial record.

Respectively requested and submitted by,

 Date: 6/25/2019

Frizzell Carrell Woodson Appellant / Petitioner, pro se litigant

Afro - American Native Citizen Beneficiary

2432 Cumberland Road, Farmville , Virginia 23901 – 4305

CERTIFICATION OF PARTY UNREPRESENTED BY COUNSEL

I the undersigned pro se litigant hereby certify that pursuance to Rule 44.2, this Petition For Rehearing is presented in good faith and not for delay and the grounds therefor, are limited to the intervening circumstances of substantial and or controlling effect and or substantial grounds not previously presented.

Fayzell D. Penn Woods 6/25/2019

Pro se litigant

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CERTIFICATE OF SERVICE

I hereby certify that on and or before the elective date of 7/25/2019 the undersigned signatory, Frizzell Carrell Woodson the Appellant / Petitioner, acting pro se litigant in all pertinent issues and practical legal matters to this Title VII of Civil Rights Act of 1964, as amended , 42 USC § 2000e, et seq., and the Age Discrimination in Employment Act, 29 USC 621, et seq., civil action, thereagainst the proper Defendant, Megan J. Brennan, Postmaster General United States Postal Service Agency, in acknowledged representation by the United States Solicitor General, and subject to their statutory appearance in this civil action or not reflected in the affirmed record any raised defense thereto, has waived the government's right to respond by the statutory notice dated May 16, 2019. And that upon my word and this written instrument as the expressed Certificate of Service therefor.

Whereas, in due course, I statutorily caused a copy of the foregoing Petition For Rehearing was served via U.S. Mail on all legal parties entitled to the substantive interest of the legal Defendant, Megan J. Brennan, Postmaster General United States Postal Service Agency.

And thusly forwarded to the address of record expressed herein, as demonstrated hereunder and such implied deposited documents with purposeful Signature Confirmation that shall require a designated custodial signature of legal receivable familiarity upon receipt of items specified contents and or otherwise expressed for perfect statutorial acceptability therefor.

The Solicitor General of the United States
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Washington DC 20530 - 0001
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Frizzell Carrell Woodson Date: 6/25/2019
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