

No. 18-9296

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OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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

Allen J. Dannewitz Jr, PETITIONER

v.

Allen Dannewitz Sr., et al.  
Madelaine Dannewitz, et al.  
Kenneth Herzog, et al.  
Irma Herzog, et al., RESPONDENTS

***MOTION DIRECTING CLERK TO FILE PETITION  
FOR REHEARING OUT OF TIME***

TO THE HONORABLE JOHN ROBERTS JR., CHIEF JUSTICE OF THE SUPREME COURT OF THE UNITED STATES:

Due to circumstances outside of petitioner's control, petitioner Allen J Dannewitz Jr prays to file a petition for rehearing out of time, for a rehearing in this Court.

1. Timeliness, Jurisdiction, and Opinion Below. On October 7, 2019, The United States Supreme Court issued a decision denying Petitioner's hearing.

A petition for rehearing would be due on or before November 6, 2019. This motion is being filed more than 30 days after that date. The jurisdiction of this Court is to be invoked under 28 U.S.C. § 1254(1).

2. Reasons for Granting the Extension.

a. Procedural History.

The petitioner, Allen J Dannewitz Jr, was falsely arrested and falsely imprisoned in the Van Buren County Jail in Van Buren County Tennessee, the officers in the jail deprived Petitioner of his rights, denied him the right to the law library, denied him the right to send mail, then released him without being charged.

b. Grounds for Extraordinary Writ of Mandamus and Prohibition Exist.

This case presents a federal issue worthy of presentation to this Court in a petition for an Extraordinary Writ of Mandamus and Prohibition.

3. The need for an extension of time.

The petition for rehearing was due.. Mr. Dannewitz was wrongfully incarcerated in the Van Buren County Jail in Tennessee then later released without being charged. Unfortunately, Mr. Dannewitz was wrongfully deprived of his rights while in custody. So as of this date, Mr. Dannewitz has yet to inform this Court whether he wishes to pursue a Petition for extension of time to this Court. That said, Mr. Dannewitz had previously expressed strong interest in continuing to pursue his case.

Petitioner has also been in discussions with this Court. These discussions, unfortunately, have been delayed by circumstances outside of Petitioner's control, as well as by the communication issues between this Court and Mr. Dannewitz noted above, and have yet to result in a formal resolution.

In addition, Petitioner required more time to complete the research and writing that is required to support a fully-developed Petition for Rehearing. Circumstances outside of his control have prevented him from having adequate time to do so. These other circumstances have included a malicious arrest, a wrongful imprisonment, an illegal psych hold, and deprivation of rights under color of law. In addition, Petitioner was released without being charged after the 30 day deadline for a Petition for Rehearing.

WHEREFORE, the Petitioner requests that a petition for rehearing be entered .

Respectfully Submitted,

Allen J. Dannewitz Jr, *Petitioner*

By: X Allen Dannewitz

Allen J. Dannewitz Jr  
Sui Juris; Living Man;  
Holder In-Due-Course;  
Power of Attorney-In-Fact  
Master Account Holder;  
all rights reserved; without prejudice;  
UCC 1-308; UCC 1-104; UCC 10-104;  
UCC 1-201 (24); UCC 1-201(34) UCC  
1-207; UCC 3-104; UCC 3-419;  
UCC 9-105 (c); HJR-192

dated:January 28, 2020

No. 18-9296

IN THE SUPREME COURT OF THE UNITED STATES

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Allen J. Dannewitz Jr, Petitioner,

v.

ALLEN J. DANNEWITZ SR, et al.,  
MADELAINE DANNEWITZ, et al.,  
IRMA HERZOG, et al.,  
KENNETH HERZOG, et al., Respondents.

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ON PETITION FOR AN EXTRAORDINARY WRIT  
OF MANDAMUS AND PROHIBITION TO THE  
UNITED STATES SUPREME COURT

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PETITION FOR REHEARING

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Allen J. Dannewitz Jr  
Pro Se Petitioner  
c/o non-assumpsit/TDC:  
2107 N. Dixie Hwy.  
W. Palm Beach, FL 33407  
l1ghtyearbuzz@yandex.com  
(561)445-3207

## **PETITION FOR REHEARING**

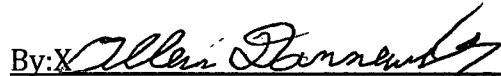
Pursuant to Supreme Court Rule 44, Allen J. Dannewitz Jr respectfully petitions for rehearing of the Court's decision issued on October 7, 2019, No. 18-9296.

Mr. Dannewitz moves this Court to grant this petition for rehearing and consider his case with merits briefing and oral argument. Pursuant to Supreme Court Rule 44.2, this petition for rehearing is filed with intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

## **CONCLUSION**

Mr. Dannewitz respectfully requests that this Court grant the petition for rehearing and order full briefing and argument on the merits of this case.

Respectfully submitted,

By:X   
\_\_\_\_\_  
Sui Juris; Living Man; Secured Party; Holder In-Due-Course;  
Power of Attorney-In-Fact; Master Account Holder;  
all rights reserved; without prejudice; UCC 1-308;  
UCC 1-104; UCC 10-104; UCC 1-201 (24); UCC 1-201(34)  
UCC 1-207; UCC 3-104; UCC 3-419; UCC 9-105 (c); HJR-192  
Allen J Dannewitz Jr  
Pro Se Petitioner  
c/o non-assumpsit/TDC:  
2107 N. Dixie Hwy  
W. Palm Beach, FL 33407  
[l1ghtyearbuzz@yandex.com](mailto:l1ghtyearbuzz@yandex.com)  
(561) 445-3207

Dated:January 28, 2020

## CERTIFICATE OF SERVICE

I hereby certify that this petition for rehearing is presented in good faith and not for delay.

By:X 

Allen J. Dannewitz Jr  
Sui Juris; Living Man; Secured Party;  
Holder In-Due-Course; Power of Attorney-In-Fact;  
Master Account Holder; all rights reserved;  
without prejudice; UCC 1-308; UCC 1-104;  
UCC 10-104; UCC 1-201 (24); UCC 1-201(34);  
UCC 1-207; UCC 3-104; UCC 3-419; UCC 9-105 (c);  
HJR-192

dated: January 28, 2020

# Appendix

DANNEWITZ, A

(931)

Social Security #: 1

Race: W Sex:

Hair: BRO Eye:

Mustache: Y Gla:

Religion:

Country: USA

Features:

Aka:

Employer:

Kin Name: MADELI

Address:

Phoned Who: JUDG

Intake Date: 10/6/20

Arrest Date: 10/6/20

Arresting Agency: F

Bond Description:

Vehicle Towed By:

CR#:

Holders:

Trustee: Me

Release Date: 10/18

Released (for/to):

Bond Out Type:

Transporting Office

Inmate \_\_\_\_\_

## INDEX TO APPENDIX

District Court Judgment.....App. A

Notice of Probable Cause Hearing.....App. B

CHARGE	
55-4-110	
55-12-139	
39-16-602	OBSTRUG
55-3-102	VIOLATIO

Cas

3/4  
Page

#

Date: 10/17/2019 8:14AM  
User: bj

Van Buren Co. General Sessions - 121 Taft Drive Spencer, TN 38585  
Criminal Court Docket

Sorted By: Hearing For, Hearing Type  
Selected By: 10/17/2019 10:00AM - 10/17/2019 10:00AM, Case Type: Criminal

Page 1 of 2

10/17/2019 10:00AM  
88GS1-2019-CR-36991  
Off: Sean McElhiney

Judge SAM BENNINGFIELD Van Buren Co. General Sessions

vs ALLEN JOSEPH DANNEWITZ JR

Allen Joseph Daanewitz Jr

39-16-602 RESIST STOP,ARREST,SEARCH (NO WEAP)  
55-12-139 FINANCIAL RESPONSIBILITY LAW  
55-3-102 DRIVING UNREGISTERED VEHICLE ON HIGHWAY  
55-4-110 DISPLAY OF REGISTRATION PLATES

Hearing Type: Arraignment

Dismiss

10/17/2019

Tn: jail

10/17/2019

Appendix A

# Appendix B

IN THE SESSIONS COURT OF  
HAMILTON COUNTY, TENNESSEE  
CIVIL DIVISION

IN RE: EMERGENCY PSYCIATRIC

ALLEN DANNEWITZ  
MOCCASIN BEND MENTAL HEALTH INSTITUTE  
100 MOCCASIN BEND ROAD  
CHATTANOOGA, TN 37405

DOCKET # 19EC4346

Unit # 4

NOTICE OF PROBABLE CAUSE HEARING

The defendant has been admitted to Moccasin Bend Mental Health Institute for emergency evaluation, diagnosis and treatment under Order of this court under the provisions of Tennessee Law (T.C.A., Sec 33-6-103). A hearing has been set for October 24th, 2019 at 10:00am at Moccasin Bend Hospital to determine whether or not there is a probable cause (or a reasonable basis as defined by the law) to detain defendant for an additional time not to exceed fifteen (15) days from the probable cause hearing or until defendant may be judicially hospitalized by a court of appropriate jurisdiction under Tennessee Law (T.C.A., Sec 33-6-104).

This hearing will be held unless any of the following occur:

- 1) Defendant is admitted to Moccasin Bend Mental Health Institute on a voluntary basis under Tennessee Law (T.C.A.. Sec 33-6-101). or
- 2) The defendant is discharged from Moccasin Bend Mental Health Institute by its medical staff in accordance with Tennessee law. or
- 3) This hearing is waived by defendant in writing.

The defendant has a right to be represented by an attorney throughout these proceedings. and an attorney,

Honorable Stephen Jonathan Jones, Attorney  
Telephone (423) 497-2659

has been appointed to represent defendant, if defendant cannot afford to retain an attorney.

Entered this October 17th, 2019.

Next of Kin:  
NONE GIVEN  
NONE GIVEN

LARRY L. HENRY, CLERK  
COURT OF GENERAL SESSIONS



Vanessa Norman, Deputy Clerk