

No. 19-1004

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

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**ROBERT JAMES JAFFE, M.D.,**

Petitioner,  
vs.

**Brad Sherman, US Congressman, and Does 1-10**

Respondent

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After a Denial of Petition for Writ of Certiorari by the  
Justices of the US Supreme Court

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**PETITION FOR REHEARING**

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Petitioner hereby submits this Petition for Rehearing under Rule 44.2 of the U.S Supreme Court Rules, of the Court's Denial of his Petition for Writ of Certiorari, denied by the Court on April 20, 2020.

### **STATEMENT OF GROUNDS**

Petitioner is a Board Certified Internist was an attending physician with the Kaiser Foundation Hospital (the Hospital), and partner with the Hospital's exclusively affiliated Southern California Kaiser Permanente Medical Group for 17 years. (1977 to 1994)

The Hospital terminated Petitioner by fraudulent fixed peer review (state and federal required) and fraudulent fixed (state and federal required) required quasi-hearings. Per California Business & Professions Code §809, et.seq., and Federal statute, 42 U.S.C. §1112, whenever a hospital terminates a physician, the hospital must afford hearings in strict accordance with statutory law (809, et seq.) and due process to allow appeal of the termination. The Hospital held three Hearings. Petitioner so appealed. Prevailing at any one of these hearings would have reversed the termination.

Per state law, having completed the Hospital's peer review and three Hearings, Petitioner then had the right to petition the state court for Writ of Mandamus to reverse the termination.

The state court procured a judgment in favor of the Hospital by judiciary fraud, and in turn the state

appellate devised its own fraudulent actions on its court to sustain the lower court's judgment.

Later, two Federal District Courts and three Federal Circuit Courts, by overt acts of judiciary fraud on their respective courts, ignored FRCP Rule 60(b) and (d), and U.S. Supreme Court and federal and state appellate precedent to refuse Petitioner review of his Complaints and Motions and deny his evidentiary hearing right thereof on a state court judgment procured and sustained by fraud on the state courts.

The three Circuit Courts' decisions herein are in direct contradiction to the holdings of five other Circuit Courts, FRCP Law, U.S. Supreme Court and state appellate precedent and the U.S. Constitution, Fourteenth Amendment.

The Petitioner brings his Petition before the U. S. Supreme Court to secure the uniformity of decisions and to resolve a matter of exceptional importance.

### **MEMORANDUM OF POINTS AND AUTHORITIES**

**1. Respondent's Waiver in Response to  
Petitioner's Petition for Writ of Certiorari  
falsely states that Petitioner had named multiple  
parties when Petitioner had named only one  
Party, Respondent Congressman Brad Sherman.**

Respondent's states "There are multiple  
Respondents and I do not represent all Respondents.  
(see App. 541 herein )

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This is blatantly false. Petitioner named only one party in his Petition for Writ of Certiorari, Respondent Congressman Brad Sherman. In the caption Petitioner had merely included the standard language of “Does”, “Does 1 through 10”, which is standard to reserve the right to include additional parties if needed.

## **2. The Court’s Order Denying Petitioner’s Petition for Writ of Certiorari Did Not Provide an Articulation of the Reason For Denial.**

On April 20, 2020, the U.S. Supreme Court denied Petitioner’s Petition for Writ of Certiorari without any stated reason for the denial.. The Court’s Order merely stated “Petitioner’s Petition for Writ of Certiorari is denied. “

However, FRCP Rule 52 requires that in all cases tried without a jury, the court must find the facts specifically and state its conclusions separately.”

## **3. None of The U.S. Supreme Court Justices Signed On to the Order Denying Petitioner’s Writ of Certiorari, as Required under the Rules of Supreme Court Procedure.**

None of the US Supreme Court Justices signed-on to the Order Denying Petitioner’s Writ of Certiorari, (see App. 542 herein,) as required by US Supreme Court rules. According to the US Supreme Court Rules of Procedure, the majority of justices must agree to all contents of the court’s opinion before it is publicly delivered, and the justices must sign onto the Opinion.

However the letter dated April 20, 2020, denying Petitioner's Writ of Certiorari bore only the U.S. Supreme Court's Clerk's name, Scott S. Harris.

The Rules of U.S. Supreme Court Procedure state:

"A majority of Justices must agree to all of the contents of the Court's Opinion before it is publicly delivered. Justices do this by "signing onto" the Opinion. The Justice in charge of writing the Opinion must be careful to take into consideration the comments and concerns of the others who voted in the majority. If this does not happen, there may not be enough Justices to maintain the majority. On rare occasions in close cases, a dissenting opinion later becomes the majority opinion because one or more Justices switch their votes after reading the drafts of the majority and dissenting opinions. No opinion is considered the official opinion of the Court until it is delivered in open Court (or at least made available to the public)."

**4. This Petition for Rehearing Should Be Granted To Secure Uniformity of the Court's Decisions and to Resolve a Matter of Exceptional Importance.**

**A. The U.S. Supreme Court illegally denied Plaintiff his Right to a Hearing on his Petition.**

The three separate (3) branches of government of and by the Constitution are the Executive branch, the Legislative branch and the Judicial Branch.

The Judges Bill of 1925, where in upon having been lobbied by the Justices Congress permitted the justices' discretion in determining what cases they might wish to hear and the 1988 Bill of Congress which further reinforced the 1925 Bill are illegal and unconstitutional as the (legislative branch) Congress, is prohibited by the US Constitution any right to provide or dictate rules and laws to the U.S. Supreme Court. The three branches of government are uniformly and totally separate from each other.

That Congress has created such laws, Respondent has fraudulently misstated facts that Petitioner provided to him so that Respondent thereby refusing to introduce to Congress that Congress must enforce its laws that it, Congress provided to the US Supreme Court to adhere to and enforce.

As shown in Petitioner's Petition for Writ of Certiorari, the Respondent Federal Justices overtly refused to follow the U.S. Supreme Court FRCP Rules and Constitutional law in order to deliberately commit acts of fraud on their respective courts.

As shown in Petitioner's Petition for Writ of Certiorari, the Respondent Justices violated state and federal statutory law, U.S. Supreme Court law and precedent and the U.S. Constitution and committed overt acts of fraud upon their respective courts which included the denial of a property right without due process of law, in violation of the Fourteenth Amendment to the U.S. Constitution.

## CONCLUSION

The U.S. Supreme Court is the Court of last resort to enforce its FRCP Rules and U.S.

Constitutional law, to secure uniformity of the law and to prohibit violations of the U.S. Constitution, federal statutory law and U.S. Supreme Court law and precedent.

The Justices of the U.S. Supreme Court do not have discretion to refuse to uphold the Constitution nor the discretion to refuse to uphold and enforce the congressionally mandated Rules of Law that Congress had directed the US Supreme Court create, adhere to: that US Supreme Court and all the courts to the US Supreme Court refused to adhere to. The Justices of the U.S. Supreme Court do not have discretion and to deny to hear such Petition.

The Respondents Justices are duty bound to follow the FRCP Rules of the U.S. Supreme Court and must uphold the law. In denying review of such Petition, the U.S. Supreme Court Justices have allowed and are therefore complicit with the multiple actions of fraud upon court committed by the Justices of the three Federal District Courts and the Federal Appellant Court.

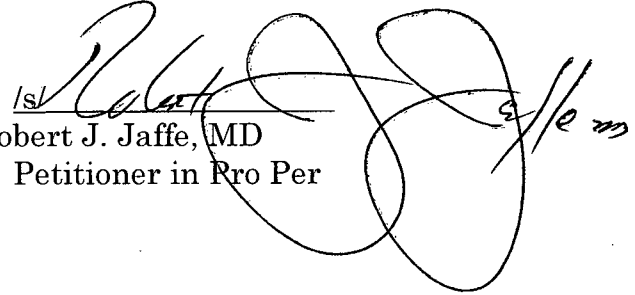
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Furthermore, the Court is duty bound to provide an articulation for its legal reason for denial. Such denials without articulation are by definition the refusal of a Court to act diligently to secure justice.

The U.S. Supreme Court justices must hear on such Petition for Writ of Certiorari. This is the law as set forth by the U.S. Constitution.

DATED: May 25, 2020

  
Robert J. Jaffe, MD  
Petitioner in Pro Per