

IN THE
US Supreme Court of the United States

ACHASHVEROSH ADNAH AMMIYHUWD,
Petitioner,

v.

MICHAEL R. POMPEO, UNITED STATES SECRETARY OF
STATE, ET AL.,
Respondents.

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

PETITION FOR REHEARING

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by birth 8 U.S.C. 1101(a)(14)(21); 8 U.S.C. 1452 &
101(a)(21) of the Immigration and Nationality Act
(INA)

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Pursuant to Rule 44.2, Achashverosh Adnah Ammiyhuwd (Achashverosh), respectfully petitions for rehearing of the Court's order denying certiorari in this case.

GROUND S FOR REHEARING

Appendix is reincorporated into this petition for rehearing of an order denying certiorari that may be granted if a petitioner can demonstrate "intervening circumstances of a substantial or controlling effect." R. 44.2. Here in this case there are intervening circumstances, substantial and controlling effect of International Covenant on Economic, Social and Cultural Rights under Article 3; International Covenant on Civil and Political Rights under Article 5; International Convention on the Elimination of All Forms of Racial Discrimination under Article 14; Torture and Other Cruel, Inhuman or Degrading Treatment under Article 22 violations with a circuit split among the Fourth, Fifth, Sixth, Seventh, Ninth, and Eleventh Circuits on the very question presented in the *Achashverosh* petition: Is an order denying state-action immunity; sovereign immunity; foreign sovereign immunity; are immediately appealable under the Collateral-Order Doctrine?

This International Covenant on Economic, Social and Cultural Rights; International Covenant on Civil and Political Rights; International Convention on the Elimination of All Forms of Racial Discrimination; violation of Torture and Other Cruel, Inhuman or Degrading Treatment under Article with a Circuit split creates substantial nationwide uncertainty as

to a law this Court has said pushes the very limits of constitutional authority and puts the sovereign states or sovereign Ninth and Tenth Amendments to the United States of America Constitution national republic people at the mercy of regulating agencies and their officials. This Court has repeatedly chastised the federal government for overreaching and abusing its (CHECKS and BALANCES) power on Economic, Social and Cultural Rights; Civil and Political Rights; All Forms of Racial Discrimination; Torture and Other Cruel, Inhuman or Degrading Treatment against the sovereign people but with little effect. See *Bolling v. Sharpe*, 347 U.S. 497 (1954) (holding that the Due Process Clause of the Fifth Amendment incorporates the Equal Protection Clause of the Fourteenth Amendment" and raises constitutional questions); *Dred Scott v. Sanford*, 60 U.S. 393, 395 (1857), superseded by constitutional amendment, U.S. Const. amend. XIV ("holding that the people are citizens/nationals of the several states of the union under due process and equal protection."); *Barron v. City of Balt.*, 32 U.S. 243, 247 (1833) (holding that the constitution was ordained and established by the people of the United States for themselves, for their own government, and not for the government of the individual states."); *Printz v. United States*, 521 U.S. 898 (1997) (holding that the federal government violated the Tenth Amendment when Congress required state and local officials to perform background checks on people buying guns.)

Under the Immigration and Nationality Act, the US Department of State, Secretary of State through the Passport Agency Centers and officers asserts regulatory authority over the acceptance, adjudication, and issuance of US passports in the United States of the federal territories, possessions, commonwealths, areas or enclaves within a State pursuant to 28 U.S.C. § 1746(2), binding on all parties, subject to judicial review under the Administrative Procedure Act, 5 U.S.C. §702-706 et seq. See Office of the Secretary; Exercise of Authority Under the Immigration and Nationality Act, 84 Fed. Reg. 17227 (Apr. 24, 2014). It is imperative, therefore, that this Court safeguards the right of American National Republics inside the United States of America pursuant to 28 U.S.C. § 1746(1) and internationally at any, and at all times to challenge the government's erroneous intentional, capricious, arbitrary and discriminative application of the law denying the right to a dual sovereign nationality and United States of America passport in violation of International Covenant on Economic, Social and Cultural Rights; violation International Covenant on Civil and Political Rights; violation of International Convention on the Elimination of All Forms of Racial Discrimination; violation of Torture and Other Cruel, Inhuman or Degrading Treatment, by reconsidering the decision to deny certiorari in *Achashverosh Adnah Ammiyhuwd*. As this Court has stated, the right to petition for rehearing of an order denying certiorari“ is not to be deemed an empty formality as though such petitions will as a matter of course be denied. *”Flynn v. United*

States, 75 S. Ct. 285, 286 (1955)(Frankfurter, J., in chambers).

I

THE COURT SHOULD GRANT REHEARING
BECAUSE OF A CLEAR CIRCUIT SPLIT
AND JUSTICE REQUIRES THIS COURT TO
RESOLVE THE SPLIT

Under the Immigration and Nationality Act, Passport and Visa Agency Centers are charged with the administration and the enforcement of the provisions of this Act and all other immigration and nationality laws relating to the powers, duties and functions of diplomatic and consular officers of the United States, relating to the granting or refusal of visas; passports, and the determination of sovereignty, nationality and immunity of a person not in the United States subject to federal regulation. By contrast, the Fourth, Sixth and Ninth Circuits—and now in this case, and against its own holding in *Rubin v. Islamic Republic of Iran*, 637 F.3d 783, 789 (7th Cir. 2011) (holding that foreign sovereign immunity decisions are immediately appealable), the Seventh Circuit in *Achashverosh Adnah Ammiyhuwd* hold that a First, Ninth, and Tenth Amendments man, woman or child dual American national republic appealing the interlocutory denial of his biblical Ambassador status, his dual Israelite nationality by blood, American national republic nationality by birth and application for a United States of America passport through a 17th century English common law verified

writ of habeas corpus (used for relief from slavery), complaint for declaratory and injunctive relief, while asserting personal immunity (*ratione personae*), functional immunity (*ratione materiae*) and state-action immunity because of being held as a slave in the federal territories and enclaves of the United States* and/or the United States** within the States pursuant to 28 U.S.C. § 1746(2) as applied is not immediately appealable. This conclusion substantially affects dual American national republics throughout the Country of the United States of America within the several states of the union pursuant to 28 U.S.C. § 1746(1) from using the regulated portion of their blood/birth nationalities and identity without federal permit. According to these Circuits, a sovereign Ninth, and Tenth Amendments man, woman or child cannot appeal an interlocutory order denying sovereign immunity under the Collateral-Order Doctrine, effectively prohibiting the review of the Passport Agency Centers and officers' intentional, capricious, arbitrary, discriminative and ultra vires actions under the Administrative Procedure Act as final agency action implementing Slavery, Torture and Other Cruel, Inhuman and Degrading Treatment.

In this case, the Petitioner, Achashverosh Adnah Ammiyhuwd, sent a lawful seven (7) page United States of America Passport Application Attachment along with his passport application to be completed by the passport agency center and its officers to explain any reason for sending any correspondence denying his passport application but refused to complete the lawful seven (7) page United States of

America Passport Application Attachment and to give any reason for the rejection of his political biblical Ambassador status, sovereign Israelite blood nationality and dual American national republic by birth nationality on his United States of America passport. Denying him his dual nationalities. App. 48a-87a.

II

THE COURT SHOULD GRANT REHEARING AND CERTIORARI HERE BECAUSE THE GOVERNMENT WILL LIKELY NOT SEEK REVIEW OF THE FIFTH AND ELEVENTH CIRCUIT DECISIONS

Michael R. Pompeo, United States Secretary of State et al is unlikely to seek certiorari in the *Martin v. Memorial Hospital at Gulfport*, 86 F.3d 1391 (5th Cir. 1996) and *Commuter Transportation Systems, Inc. v. Hillsborough County Aviation Authority*, 801 F.2d 1286 (11th Cir. 1986) cases because of the likelihood that this Court would uphold the decisions. Unlike the fiction relied on in the Fourth, Sixth, Seventh and Ninth Circuits that denial of state-action immunity is not immediately appealable—contrary to the Seventh Circuit holding in *Rubin v. Islamic Republic of Iran*, 637 F.3d 783, 789 (7th Cir. 2011) that foreign sovereign immunity decisions are immediately appealable, the Fifth and Eleventh Circuit meticulously and authoritatively demonstrated that denial of sovereign immunity is immediately appealable under the Collateral-Order Doctrine and this Court's precedents.

The Fifth and Eleventh Circuit courts have held in *Martin v. Memorial Hospital at Gulfport*, 86 F.d 1391, 1391, 1397 (5th Cir. 1996); *Commuter Transportation Systems, Inc. v. Hillsborough County Aviation Authority*, 801 Fss.2d 1286, 1289-1290 (11th Cir. 1986) that state-action immunity, like sovereign immunity and qualified immunity, is an immunity against suit rather than a mere defense against liability. They have accordingly concluded that if a denial of state-action immunity cannot be appealed immediately, then in effect it cannot be appealed at all. Once a private natural spiritual, person of a kingdom/state has been subjected to the burdens of litigation beyond a motion to dismiss, the immunity against suit has been irredeemably lost; no subsequent appeal can restore it. Private entities (and public entities that are not electorally accountable) can receive state-action immunity if they act pursuant to a clearly articulated state policy *and* are actively supervised by the state. See *FTC v. Ticor Title Insurance Co.*, 504 U.S. 621, 633 (1992) (citing *California Retail Liquor Dealers Ass'n v. Midcal Aluminum, Inc.*, 445 U.S. 97, 105 (1980)); *North Carolina State Board*, 135 S. Ct. at 1112 (citing *Town of Hallie v. City of Eau Claire*, 471 U.S. 34, 46-47 (1985)). The Ind. Const. art. I, §1, provides, "that all people are created equal; that they are endowed by their CREATOR with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that all power is inherent in the people; and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well-being."

The ultimate questions in this case is whether *Achashverosh* can appeal denial of sovereign immunity, verified writ of habeas corpus with facial attack on federal statute 28 U.S.C. § 1746 for vagueness and overbreadth as applied, for freedom from slavery, declaratory and injunctive relief without directly addressing injunctive consequences, mandating exclusions of a covenant to protect substantive procedural due process and equal protection under the Administrative Procedure Act, 5 U.S.C. 702-706 laws are immediately appealable under the Collateral-Order Doctrine. These are purely legal questions of erroneous intentional, capricious, arbitrary Economic, Social and Cultural Rights; Civil and Political Rights; on the Elimination of all forms of Racial Discrimination; and Torture and Other Cruel, Inhuman or Degrading Treatment violations that can be resolved here and now without the unnecessary delay of another sovereign immunity collateral-order doctrine case coming to this Court or the intervention of the United Nations and/or the International Criminal Court (ICC) under Roman Statute and Article 2, 7, 15, months or years from now. This is important because in this case, the denial of certiorari is effectively a decision on the merits.

All national and local remedies are exhausted. Unless *Achashverosh* has the ability to challenge the admittedly erroneous sovereign immunity Collateral-Order Doctrine in court, *Achashverosh* will never have a practical means of seeking national and local redress. Neither *Achashverosh* nor thousands of

similarly situated dual American national republics should be subject to such a blatant injustice that is within this Court's power to correct. This case is the paradigmatic example of Economic, Social and Cultural Rights; Civil and Political Rights; Elimination of all forms of Racial Discrimination; and Torture and Other Cruel, Inhuman or Degrading Treatment forms of "justice delayed is justice denied." When a split among the Circuits raises an important question of law, affecting sovereign American national republics across the Nation, this Court should, in all fairness and justice, resolve the conflict. Dual American national republics should not have to wonder what the law allows when they seek to vindicate their statutory and constitutional rights.

CONCLUSION

For the foregoing reasons, this Court should reconsider this case and grant the writ of certiorari.

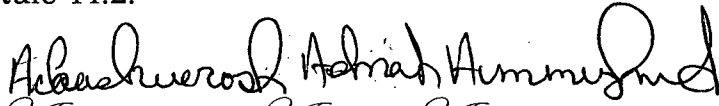
Respectfully Submitted

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November 2019

CERTIFICATE OF PARTY
UNREPRESENTED BY COUNSEL

I hereby certify that this petition for rehearing is presented in good faith and not for delay, and that it is restricted to the grounds specified in Supreme Court Rule 44.2.


By /s/ Achashverosh Adnah Ammiyhuwd
Achashverosh Adnah Ammiyhuwd

IN THE SUPREME COURT OF THE
UNITED STATES

CERTIFICATE OF COMPLIANCE

No. 19- 236

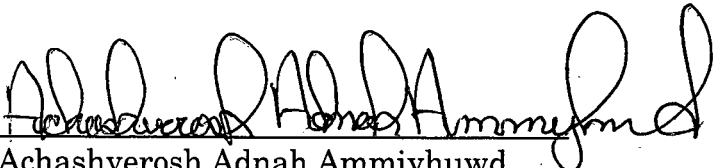
Achashverosh Adnah Ammiyhuwd,
Petitioner,
-against-

MICHAEL RICHARD POMPEO,
U.S. SECRETARY OF STATE et al,
Respondent(s).

CERTIFICATE OF COMPLIANCE WITH RULE 33.1(g)

I, transient foreigner Achashverosh Adnah Ammiyhuwd, a chief biblical Ambassador from the biblical Southern nation/state tribes of Judah (Yahadah), Sui Juris, propria persona, In rerum natura, and sui generis declare, certify, verify, or state under penalty of perjury, under the laws of the United States of America several states of the union pursuant to 28 U.S. Code § 1746(1), that, according to the word-count tool in Microsoft Word, the petition for Rehearing in Support of Petitioner consists of 1, 877 words, including footnotes and excluding the sections enumerated by Rule 33. 1(d). The Petitioner for Rehearing therefore complies with Rule 33. 1(g).

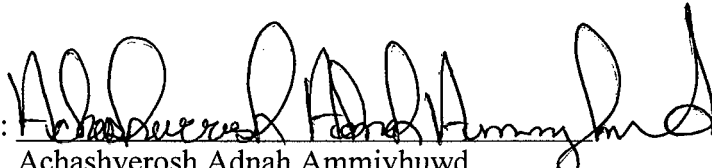
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CERTIFICATE OF SERVICE

I certify that three copies of Certificate of Compliance and the petition for rehearing were mailed to Noel J. Francisco by United States Postal Service on November 12, 2019.

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