

No. 19-25

**In The
Supreme Court Of The United States**

IRMA ROSAS

Petitioner,

v.

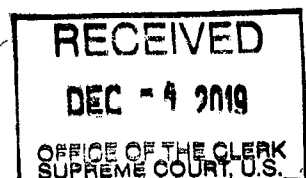
ROMAN CATHOLIC ARCHDIOCESE OF
CHICAGO,

Respondent.

**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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PETITION FOR REHEARING

Pursuant to Sup. Ct. R. 44.2, petitioner Irma Rosas (“Ms. Rosas”) respectfully petitions this Court for an order (1) granting rehearing, (2) vacating the Court’s October 7, 2019 order denying certiorari,¹ and (3) redisposing of this case by granting the petition for a writ of certiorari, vacating the judgment, and remanding to the Seventh Circuit for further consideration in light of *Erickson v. Pardus*, 551 U.S.89 (2007), for the purpose of determining whether the lower court so far departed from the accepted and usual course of judicial proceedings pertaining to *pro se* litigants.

This Court began hearing cases for the 2019-2020 term on October 7, 2019. Ms. Rosas submits that, on the same day, her petition was denied (1) there were no cases decided without argument. By that time back in 2018, however, there were

¹ It must be noted that due to miscommunication with the Clerk of the Supreme Court of the United States, that on November 21, 2019, Mr. Jeff Adkins, extended the due date to file this petition for rehearing by 14 days from November 20, 2019.

already two such cases. In *City of Escondido, California, et al. v. Emmons*, 139 S.Ct. 500 (2019), this Court held that the U.S. Court of Appeals for the 9th Circuit failed to conduct the analysis required by Supreme Court precedents in determining whether two Escondido police officers were entitled to qualified immunity. In *Shoop v. Hill*, 139 S.Ct. 504 (2019), this Court held that because Danny Hill's intellectual disability claim must be evaluated based solely on holding of the Supreme Court that were clearly established at the time of the state-court decisions were rendered, the U.S. Court of Appeals for the 6th Circuit's reliance on *Moore v. Texas*—which was handed down much later—was plainly improper.

Ms. Rosas also submits that, on the same day, her petition was denied (2) no cases were scheduled to be heard in this Court from the United States Court of Appeals for the Seventh Circuit.

In light of *City of Escondido*, where the lower court failed to conduct the analysis required by Supreme

Court precedents, *Shoop*, where the lower court's ruling was plainly improper, and the absence of any case scheduled to be heard by this Court from the Seventh Circuit for this term, Ms. Rosas seeks rehearing of her petition.

As grounds for this petition for rehearing, Ms. Rosas states the following:

1. Ms. Rosas challenged the lower court's judgment denying her leave to file her suit with pauper status and finding that she did not follow federal and local rules of civil procedure. First, she argued on appeal that the district court erred in denying her to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1) because the affidavit used to that end was unconstitutionally vague. Second, she argued that the district court erred in not following Federal Rule of Civil Procedure 6(c)(1) because the court did not notify her of a motion hearing. Third, she argued that the district court erred in not following Federal Rule of Civil Procedure 15(a)(1)(B) because it entered judgment *before* she was able to file a response to the

respondent's motion to dismiss in the form of an amended complaint.

2. The lower court ruled that "the district court permissibly dismissed her complaint as legally insufficient." See Petition for Writ of Certiorari at 9. *Rosas v. Roman Catholic Archdiocese of Chicago*, No. 18-02706 at 4-5.

3. In the petition for rehearing filed in the lower court, Ms. Rosas submitted a copy of combined financial statements belonging to respondent in an attempt to make her complaint legally sufficient. The petition, however, was denied.

4. In *Erickson v. Pardus*, 551 U.S.89 (2007), this Court held,

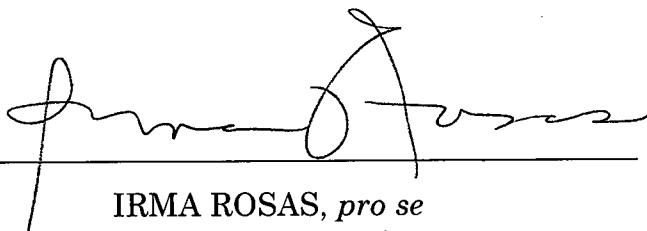
[a] document filed *pro se* is "to be liberally construed," *Estelle*, 429 U.S., at 106, and "a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." *ibid.* (internal quotation marks omitted). Cf. Fed. Rule Civ. Proc. 8(f) ("All pleadings shall be construed as to do substantial justice"). (51 at 89).

The lower court held Ms. Rosas to heightened pleading standards of Federal Rules of Civil Procedure 8(a)(2) and other statutes and rules. As such, the lower court failed to conduct the analysis required by Supreme Court precedents and its ruling was plainly improper.

CONCLUSION

For the foregoing reasons, petitioner Irma Rosas prays that this Court (1) grant rehearing of the order denying his petition for writ of certiorari in this case (2) vacate the Court's October 7, 2019, order denying certiorari, and (3) grant the petition for a writ of certiorari, vacate the judgment and remand to the Seventh Circuit for further consideration in light of *Erickson v. Pardus*, 551 U.S.89 (2007) for the purpose of determining whether the lower court so far departed from the accepted and usual course of judicial proceedings pertaining to *pro se* litigants.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Irma Rosas', is written over a horizontal line.

11/30/9

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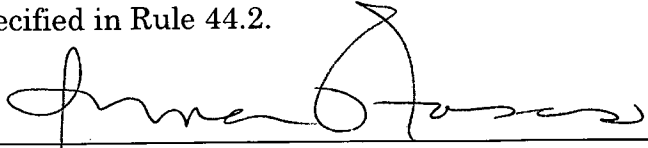
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CERTIFICATE OF COUNSEL

As *pro se* petitioner, I hereby certify that this
petition for rehearing is presented in good faith and
not for delay and is restricted to the grounds
specified in Rule 44.2.



IRMA ROSAS

11/30/19