

NO. 19-5016
IN THE SUPREME COURT OF THE
UNITED STATE

MICHAEL A. SALAZAR, PRO SE,
PETITIONER,

V.

HEB GROCERY COMPANY, LP AND WALMART #1198
RESPONDENTS.

On Petition for Writ of Certiorari to the
Supreme Court of Texas
PETITION FOR REHEARING

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19TH NOVEMBER, 2019

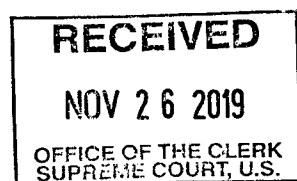


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Petitioner, Michael A. Salazar v. HEB Grocery Company, LP and Walmart #1198 ("Petitioner" herein) respectfully request a rehearing and reversal of the order entered by the Court on 7th October, 2019, denying the petition for a writ of certiorari to the Supreme Court of Texas. Petitioner, specifically, request that this court submit an order granting, vacating and remanding ("GVR") the petition because the Fourth Court of Appeal's determination that the trial court dismissal order stand. Entry of a GVR would allow Petitioner's remaining claims, if any.

Petitioner is entitled to rehearing under the "other substantial grounds not previously presented" provision in Supreme Court Rule 44.2. And the "other substantial grounds not previously presented" are:

BRIEF OF APPELLEE HEB GROCERY COMPANY, LP; Attorney for Appellee HEB Grocery Company, LP, Ruben J. Olvera: Curney, Farmer, House, Osuna & Jackson, P.C.; (12th of July, 2017)

RESPONSE BRIEF OF APPELLEE WALMART #1198; Attorney for Appellee Walmart #1198; James K Floyd; Daw & Ray, LLP; (12th of July, 2017)

"When we construe rules of procedure, we apply the same rules of construction that govern the interpretation of statutes." Ford Motor Co. v. Garcia, 363 S.W.3d 573,579 (Tex. 2012);

The rules of civil procedure are liberally construed to obtain "just, fair, equitable and impartial adjudication of the rights of litigants under established principles of substantive law" with "as great expedition and dispatch and at the least expense to both the litigants and to the state as may practicable."

Tex. R. Civ. P. 1; Huston v. U.S. Bank Nat'l Ass'n, 359 S.W.3d 679,681 (Tex. App. – Houston [1st Dist.] 2011, no pet.).

2.

The Texas Supreme Court adopted Texas Rule of Civil Procedure 91a, and which governs the dismissal of baseless causes of action.

They used Rule 91a 6 (no evidence) which is why they block my appeal brief evidence.

From the trial court hearing; there was no rule 91a2 to comply with

A trial court abuses its discretion if it reaches a decision so arbitrary and unreasonable that it amounts to a clear and prejudicial error of law or if it clearly fails to correctly analyze or apply the law.

Reason for move to trial court hearing and legal standard rule 91a?

Did not comply with Rule 91a, nor Rule 91a 1, nor Rule 91a 2

Rule 91a provides that a party may move to dismiss a cause of action on the grounds that it has no basis in law or fact. Tex. R. Civ. P. 91a; In re Sheshtawy , 478 S.W. 3d 82,86 (Tex. App.-Houston [14th Dist.] 2015, pet denied)). A cause of action has no basis in law if the allegations, taken as true, together with inferences reasonably drawn from them, do not entitle the claimant to the relief sought. Tex. R. Civ. P. 91a. A cause of action has no basis in fact if no reasonable person could believe the facts pleaded. Id.

“A Rule 91a motion to dismiss must state that it is made pursuant to this rule, must identify each cause of action to which it is addressed, and must state specifically the reasons the cause of action has no basis in law, no basis in fact, or both. ” Tex. R. Civ. P. 91a2.

Avoiding a ruling on the motion, the option for nonmovant for nonsuit or amend the challenged the causes of action three days before a hearing . Id.

Rule 91a5(a).

In case the nonmovant does not timely nonsuit or amend the trial court the

3.

motion be ruled. Id. 91a 5(c)

The nonmovant's decision to respond to the motion, must file a response no later than seven days before the court hearing .Id. 91a 4.

To awarding costs and attorney's fees to the winning party is the is requirement of the trial court. Id. 91a 7.

Bear in mind that Rule 91a provides a harsh remedy that must be strictly understood.

My sole Issue that I must solve:

Rule 91a 6 and Rule 91a8; By filing a motion to dismiss, a party submits to the court's jurisdiction only in proceedings on the motion and is bound by court's ruling; And Rule 91a6, the court may not consider evidence in ruling on the motion and must decide the motion based solely on the pleading of the cause of action..."jurisdiction only in proceedings on the motion... "(R91a8); "...the court may not consider evidence in ruling on the motion..." (R91a6)

Brief of Appellee Walmart #1198:

Please bear in mind that Rule 91a provides a harsh remedy that must be strictly understood!

Every page Rule 91a : let us go further and tell us of what is Rule 91a ?

The trial court did not err ,according to Floyd, in dismissing the appellant's causes of action against appellee Walmart under Rule 91a.

The reporter's record (transcript) was somehow tampered with? He is still incredulous about the transcript 's ? The transcripts might not tell what did not happen in the trial court hearing – there is nothing to tell !

Floyd set up reporter's work space; Floyd was frequently watching her work.

There must be some evidence of the transcript record?

4.

The transcripts will or should have told us what you did in court?

Floyd still insists there was a trial court hearing and a lot of interesting Rule 91a material, especially Rule 91a 2?

What happened to Rule 91a 1 and Rule 91a 2 etc.?

Actually, Walmart is still a bother for me?

The conspiracy is now the FBI and spreading money everywhere.

BASELESS ? NOW , TODAY, STILL?

WHERE AND WHAT HAS FLOYD BEEN DOING ? I KNOW ! Are you working for FBI ?

Why so concerned about HBE GROCERY COMPANY, LP? Why so concerned with WALMART #1198 ? AND move into a trial court hearing and with the as yet new legal standard Rule 91a ? They were not prepared ! I am not fooled by their bogus reaction to their performance in court?

And now the FBI (of San Antonio, Texas) is bribing the staff the Office of the Clerk of the Supreme Court of United States; this is not a silly puerile game to be ignored, it is insulting the Supreme Court and government !

These benighted conspirators are not to be played with, nor to be obsequious of their aim for power!

James K Floyd of Daw and Ray, LLP and Ruben J. Olvera of Curney, Farmer, House, Osuna & Jackson P.C. are to be watched, they are game-players and not serious , witness the Trial Court Hearing I was part of – Palaver.

I was within Rule 91(a)8 : by filing a motion to dismiss (which I did not), a party submits to the courts jurisdiction only in proceeding on the motion and is