

No. 19-5040

FILED
OCT 21 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

JENNIFER LU,

Petitioner,

vs.

STANFORD UNIVERSITY,

Respondent.

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

PETITION FOR REHEARING

Jennifer Lu, Petitioner pro se, petitions for rehearing of the order denying her certiorari petition on the grounds (1) that she has never been sent a copy of the Waiver form as required by the Court and (2) that the Court requires the Clerk identify deficiency when it returns a rehearing petition for correction (see Sup. Ct. R. 44.6) but has yet to require the district court to identify complaint deficiency when granting pro se litigants leave to amend. Because the denied petition raised this very question, rehearing is necessary.

1. Petitioner served on respondent a Waiver form prepared by

the Clerk and requested she be sent a copy when it is filed. See Exhibit 1. Respondent filed the Waiver form with declaration under penalty of perjury that a copy of the Form was sent to petitioner via email. Petitioner, however, has never received the email. Upon receiving the denial order from the Court, petitioner requested respondent forward to her the email. Exhibit 2. Respondent did not produce the email.

Sup. Ct. R. 29 provides that any document permitted to be presented to the Court shall be served on each party to the proceeding. The Court's Waiver form specifically provides that "A copy of this form must be sent to petitioner ... if pro se." To protect the integrity of the Court process, respondent must be required to produce a copy of the email showing it has confirmed with the Court rules.

(2) Pro se litigants bring nearly one-third of all complaints in federal court and are four times more likely than represented parties to have their cases dismissed under federal rule of civil procedure 12(b)(6). This problem will only worsen as the cost of counsel continues to rise, forcing even more ordinary citizens to seek legal protections without the aid of counsel. Serious due process concerns arise when district courts grant pro se litigants leave to amend the complaint without notice of

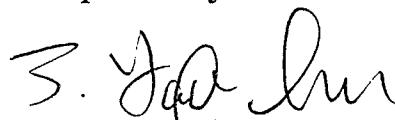
complaint deficiency because without representation, they cannot identify themselves how to successfully amend their complaints.

Sup. Ct. R. 44.6 provides rehearing petitioners (both pro se and represented parties) with an opportunity to correct deficiency **identified by the Clerk**, but the Court has yet to require the district court to **identify the complaint deficiency at the pleading stage**. Denial of this instant certiorari petition, however, will only reinforce the block of pro se litigants from the court at the very pleading stage. The inconsistent position of the Court at rehearing stage and pleading stage warrants rehearing.

CONCLUSION

The petition for rehearing should be granted.

Respectfully submitted,


Jennifer Lu, *Pro Se*
1300 Quarry Court, #204
Richmond, CA 94801
Telephone: (650) 796-4801

October 21, 2019