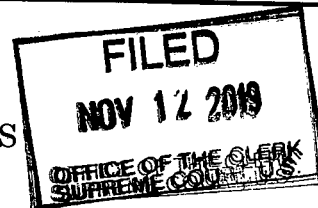


No. 19-5488

IN THE
SUPREME COURT OF THE UNITED STATES



LORETTA JACKSON

Petitioner,

v.

JOSEPH BARLA, DELAWARE OFFICE
OF ANIMAL WELFARE, DELAWARE DIVISION OF PUBLIC HEALTH,
DELAWARE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS,
DELAWARE SPCA, DELAWARE ANIMAL SERVICES, and DOES 1-100,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF THE STATE OF DELAWARE

Petition For Rehearing

LORETTA JACKSON
447 BROADWAY
2ND FLOOR, #378
NEW YORK, NY 10013

November 11, 2019

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PETITION FOR REHEARING

This Petition For Rehearing is restricted to the grounds specified in Rule 44.2, namely intervening circumstances of substantial or controlling effect and substantial grounds not previously presented.

While not from the state of Delaware, the following cases are instructive on the issue of lawsuits under 42 U.S.C. §1983 as it relates to the death of pets at the hands of state authorities.

In the case of *Kendall v. Brett Olsen*, No. 17-4039 (10th Cir. 2018) §1983 was the basis for a lawsuit against law-enforcement officers whose actions resulted in the death of a companion dog during a call to a home regarding a missing three-year old child.

In a case from Nevada, where law enforcement officers shot and killed a pet dog, it was set forth, "the killing of a dog is a destruction that is recognized as a seizure under the Fourth Amendment and can constitute a cognizable claim under § 1983."^[71] To determine whether the shooting death of plaintiffs' dogs was "reasonably necessary to effectuate the performance of the" officers' duties, I look to the "totality of the circumstances" and "balance the nature of quality of the intrusion" on plaintiffs' "Fourth Amendment interests against the countervailing governmental interests at stake." *Thomas Walker v. City of North Las Vegas, et al.*, Case No. 2:14-cv-01475-JAD-NJK (D. Nevada 2019)

The actions of Joseph Barla would likely be considered a federal crime if they had occurred under the newly enacted Preventing Animal Cruelty and Torture Act ("PACT"), which was passed by the U.S. Congress by an overwhelming majority vote and is expected

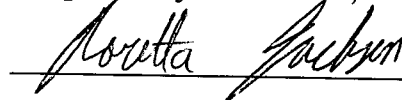
to be signed into law by President Trump. This matter should be reviewed in light of the newly passed PACT.

CONCLUSION

The Court should reconsider its denial of certiorari in this case.

DATED this 11th day of November, 2019

Respectfully submitted,

A handwritten signature in cursive script, reading "Loretta Jackson", is written over a horizontal line.

LORETTA JACKSON
447 BROADWAY
2ND FLOOR, #378
NEW YORK, NY 10013