

IN THE SUPREME COURT OF THE UNITED STATES

ROBERT ALLEN STANFORD, AND THE STANFORD ESTATE,

Petitioner

v.

JAY CLAYTON, CHAIRMAN, U.S. SECURITIES AND EXCHANGE COMMISSION,

Respondent

PETITION FOR REHEARING

Robert Allen Stanford

Petitioner, Pro Se

Reg. # 35017-183

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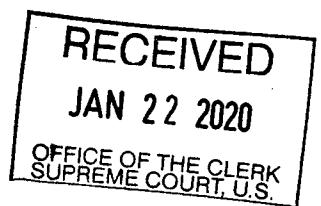


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PETITION FOR REHEARING

Pursuant to Rule 44.2, Petitioner Robert Allen Stanford, pro se, respectfully petitions for a rehearing of this Court's order denying certiorari on January 13, 2020.

For the reasons set forth below, this petition is justified by new grounds that have a "substantial or controlling effect", and that were not previously presented.

Because these new grounds are too important from a constitutional perspective, and to the

petitioner himself, to not be considered, this Court should grant a GVR to permit the D.C. Circuit Court of Appeals to consider this Court's holdings in *Lagos v. United States*, 138 S.Ct. 1684, 1688-89 (2018), and *McDonnell v. United States*, 136 S.Ct. 2355, 2368 (2016)

ARGUMENT

This Court Should Grant The Rehearing Petition

In Order To Issue A GVR

I.

Rehearing Stanford's petition is crucial because the constitutional protections set forth in it go to the core of the Fourth and Fifth Amendments.

In short, in this case, on the basis of suspicion alone and without any financial records or tangible evidence of any kind, the Securities and Exchange Commission filed a drastic enforcement action against Stanford International Bank, Ltd. in Antigua (SIBL) and through it seized the global Stanford Financial Group, of which SIBL was an affiliate.

Thereafter, to secure (after the fact) the banking records of the offshore (foreign) institution, the

SEC sought and put in place a Receiver who was armed with an order of appointment that mandated he... "promptly provide" to the Commission... "all information they may seek in connection with its regulatory and investigatory activities".

In other words, in order to circumvent (and exceed) the statutory limitations governing their regulatory, investigatory and subpoena power limitations (15 U.S.C. 78u(b), "from any place in the United States"), the SEC first moved to seize the Stanford companies - on nothing more than hearsay - then put in place and relied on a court-appointed Receiver to conduct their investigations and provide to them the banking records (needed to prosecute the case) that they themselves could not, by law, obtain.

In *Lagos v. United States*, 138 S.Ct. 1684, 1688-89 (2018) this Court held that when a statute "suggests limitations" it should not be given "unintended breadth", (quoting, *McDonnell v. United States*, 136 S.Ct. 2355, 2368 (2016).

Here, the "unintended breadth" given to 15 U.S.C. 78u(b)'s ("from any place in the United States") to Antigua & Barbuda violated Stanford's Fourth Amendment protection against unreasonable searches and seizure, and his Fifth Amendment guarantee of Due Process of Law...and afforded extraterritorial jurisdiction and application where (pre-Dodd Frank) none existed.

II.

Review is especially urgent because the SEC's already unconstitutional enforcement action was then "judicially amended" through a violation of the Constitution's separation of powers.

In short, when it was shown in a motion to dismiss that the district court lacked subject-matter jurisdiction to hear the case, because the certificates of deposit at issue were not 'securities' as clearly defined in 15 U.S.C. 78c(a)(10), the district court rewrote the context clause contained in the statute, in order to salvage and "legitimize" the SEC's actions.

As the late Justice Scalia stated in *McQuiggins v. Perkins*, 569 U.S. 13 (2013) ("judicially amending a validly enacted statute in this way is a flagrant breach of separation of powers.").

More recently, as Justice Gorsuch stated in ...'A Republic If You Can Keep It'..."Textualism honors only what survived bicameralism and presentment - and not what hasn't. The text of a statute and only the text of a statute becomes law. Not a legislature's unexpressed intentions, not nuggets buried in the statute's legislative history, and certainly not a judge's policy preference. So when judges do anything other than interpret statutes according to the ordinary meaning of the terms, they risk undoing carefully wrought compromises, robbing political minorities of their constitutionally afforded bargaining chip, and handing a victory to a faction that couldn't convince others to go as far as they'd like in the legislative arena."

CONCLUSION

Because important constitutional protections were violated in this case, the petition for rehearing should be granted.

CERTIFICATE OF GOOD FAITH

The undersigned hereby certifies that this petition for rehearing is restricted to the grounds specified in Rule 44.2 of the Rules of the Supreme Court, and is presented in good faith and not for delay.

Robert Allen Stanford

Robert Allen Stanford

Petitioner, Pro Se

Date: 1/18/20

PROOF OF SERVICE

I, Robert Allen Stanford, petitioner pro se, hereby certify under penalty of perjury that on this
18th day of January, 2020, I served a copy of this Petition For Rehearing on the part listed
below:

Solicitor General of the United States

Room 5616

Department of Justice

950 Pennsylvania Avenue, N.W.

Washington D.C. 20530-0001

Robert Allen Stanford

Robert Allen Stanford

Petitioner, Pro Se