

No. 19-6851

IN THE
SUPREME COURT OF THE UNITED STATES

Kema Lasher — PETITIONER
(Your Name)

vs.

Nebraska State Board of Pharmacy, et al — RESPONDENT(S)
Rehearing
ON PETITION FOR A ~~WRIT OF CERTIORARI~~ TO

United States Court of Appeals for the Eighth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

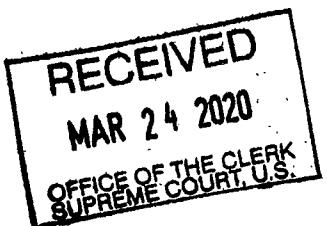
PETITION FOR ~~WRIT OF CERTIORARI~~ A Rehearing

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(Your Name)

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(City, State, Zip Code)

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PETITION for a REHEARING

QUESTIONS PRESENTED

1. Did the Nebraska Board of Pharmacy (NE BOP) erred by violating its own law by not acting independently in considering the appellant's pharmacist license without looking at the matter fully to see if the claims of its own inspector's investigation were valid?

With regard to licensing pharmacists, the NE BOP are expected to have the expertise and independent agency and latitude of discretion to access the facts for themselves. This is why civil actions are granted and the real facts of the matter openly discussed and assessed.

The NE BOP of Pharmacy is to be an independent professionally a qualified body and not a parrot trained only to repeat courts, especially when the courts have shown themselves to be willfully ignorant of the law and the subject matter, otherwise there would be no need for a separate procedure for this matter; it is entirely within the jurisdiction of this court to access the claims of the government and by the other courts. In this case the government is taking the self-confessed crimes of their witnesses enabling them to shift the blame away from themselves with not other evidence that the assertion of those who confessed their own guilt, yet those witnesses can still practice pharmacy. There is no law cited that allows this shifting of blame, and the governing law specifically prevents it. NE pharmacy governing law 38-2837

2. Whether Nebraska Board of Pharmacy violated the Plaintiff equal protection and due process rights by ignoring all of the Plaintiff's evidence which contradicted their own inspector's testimony of NO evidence because she is an **Asian female** and an **IMMIGRANT?**

PETITION FOR a Rehearing to prevent miscarriage of justice

The Plaintiff has established a claim of Deprivation of Rights under the Due Process and the Equal Protection Clauses via FRAUD, NEGLIGENCE, DISCRIMINATION, and a denial of Administrative process against the Nebraska State Board of Pharmacy, as a matter of law.

The Plaintiff seeks a FAIR hearing because it is a way to counter the false information and faulty reasoning used by the Defendants in revoking her license. By denying a FAIR hearing, the Defendants are protecting their flawed process and are even protecting perjured testimony given to them that they used to rationalize their revocation of her license. The Plaintiff's pharmacist license was revoked by the Defendants, based on, including but not limited to, Nebraska Board of Pharmacy Investigator Jeff Newman's perjured testimonies at the Plaintiff's Nebraska Board of Pharmacy hearing, which can be easily shown to be unreliable and not worthy of consideration by the defendants:

"Any person aggrieved by a final decision in a disciplinary proceeding under the UCA is entitled to judicial review in accordance with the Administrative Procedure Act ("APA")" Neb. Rev. Stat. 38-1,102 and Neb. Rev. Stat. 84-917

The Board of Pharmacy is not meant to be a rubber stamp for the Federal Government. With regard to licensing pharmacists, they are expected to have the expertise and independent agency and latitude of discretion to access the facts for themselves. This independence is its own check and balance, protecting against wrongful actions taken by other government bodies. This is why hearings are granted and the real facts of the matter openly discussed and assessed.

The Plaintiff is just asking for her due process, to show to an independent state body the full set of evidence and facts, and asking them to perform their duty instead of relying on previous errors and deceptions of other government bodies. By revoking the Plaintiff's license , utilizing Investigator Newman's perjured testimonies, and thus avoiding doing the actual work that goes along with being a Board of Pharmacy Chief Medical Officer, Thomas L. Williams, MD, Chief Medical Officer President, did a disservice to all Pharmacists in Nebraska and cheated the Plaintiff out of her right to due process.

The Plaintiff alleges Thomas L. Williams, MD, Chief Medical Officer President, revoked her pharmacist license via perjured testimonies of Investigator Newman and fraud via following the discriminatory actions of

other state board of pharmacies. This violates her equal protection and due process rights. A fair hearing would give Dr. Williams a chance to correct any error that may have been made as a result of his being misled by Investigator Newman's false testimonies and any other false notions about the Plaintiff's actions.

INTRODUCTION

Nebraska State Board of Pharmacy rendered an incorrect decision on September 15, 2017 where Chief Medical Officer Thomas L. Williams, MD revoked the plaintiff's pharmacist license based on incorrect information, due to Government's witnesses perjuries, suppression and tampering of evidence by the prosecutors (a Brady Violation), and withheld evidence by the trial Judge, committed at the Plaintiff's criminal trial.

The reliance or reference by the Nebraska Board of Pharmacy to actions taken by other state boards of pharmacy shows that the Nebraska Board of Pharmacy has incomplete and inaccurate information about what those boards did and the on-going litigation over the wrongfulness of those state board's actions.

During the Nebraska Board of Pharmacy hearing on April 19, 2017, The Board refused to consider pharmacy paper trail evidence to support the Plaintiff's innocence and reasons for reinstating her license. Instead, they accepted Investigator Newman's perjured testimonies, backed up with no physical evidence, to revoke her pharmacist license. Investigator Newman falsely accused the Plaintiff's of dispensing "butalbital", a drug that NEVER existed in the pharmacies. When a public official, investigator Newman, misuses his official position, lying to the Board at the hearing that the Plaintiff dispensed "butalbital", without any facts or evidence of a prescription, a bill of laden, an invoice, this warrant a civil action.

To reiterate, NE BOP used hearsay testimonies, including the false testimonies of its own investigator Jeff Newman, to revoke the Plaintiff's license, the Board's action gave a free pass to the suppression, planting, tampering, and withholding of evidence and cooberation of facts to prove the plaintiff's credibility.

Dr. Thomas L. Williams, a medical professional, knows that it is extremely unlikely that the Plaintiff could have dispensed butalbital. Butalbital is a powder that has to be compounded; pharmacies that do that kind of work rarely if ever dispense to patients and nobody writes prescriptions for the drug "butalbital".

The Plaintiff's attorney stated that Dr. Williams did not want to rule on the revocation of the Plaintiff's license. However, the Government forced him to revoke her pharmacist license on September 15, 2017. One of the reasons this complaint should proceed to show that he was forced to revoke the Plaintiff's pharmacist license

Plaintiff. The communications between the Plaintiff's attorneys and the Board of Pharmacy officials should have made it more imperative for the board to allow a hearing over the Plaintiff's license. Instead they revoked it from her, rather than give the matters a fair hearing.

In fact, a close examination of her conviction by qualified individuals will show there was no evidence of any misbranding on her part at the trial. It can be clearly shown that a deception was committed against the jury. Anyone looking over the actual facts of the matter will see this to be true.

Instead of acting independently, the Board allowed itself to be a rubber stamp for misguided federal prosecutors and judges. With regard to licensing pharmacists, they are expected to have the expertise and independent agency and latitude of discretion to access the facts for themselves. This is why civil actions are granted and the real facts of the matter openly discussed and assessed.

It may remain true that the Plaintiff's convictions still stands, but it is also true that there is no actual evidence that she violated any law.

Including but not limited to, the Nebraska Board of Pharmacy knows the following things are true:

1. Tramadol was not a controlled substance at the time of dispensing
2. Fioricet is not butalbital nor can they be treated as the same drug, as the two relevant definitions of "drug" and "fixed combination drug" found within the law are crafted specifically to prevent such a conflation. The law simply does not require a pharmacist to ascertain if the doctor and patient have a face to face relationship, because all that is required for the drugs that were dispensed is a bonafide prescription, and a bonafide prescription does not require face-to-face relationship between a doctor and patients.
3. Pharmacists are responsible for their own actions and cannot blame their conduct on anyone else, be they a pharmacist in charge, a supervising pharmacist, or even the actual pharmacy owner.

Had the Defendants granted the Plaintiff a FAIR hearing, the pharmacy communities in the United States would have been made properly aware that the federal government has start creating their own law to govern the conduct of pharmacist but instead, they revoked her license from her thereby putting other pharmacists at risk for similar wrongful prosecution.

The Board of pharmacy must make independent assessment and not just rely on the federal courts; they must be a check against abuses of power and their licensing an oversight pharmacists must be protective and not

just punitive. By revoking the Plaintiff's license and by steadfastly refusing a real and fair hearing, they are trying to keep their community of licensed professionals ignorant of the abuses of power that lead to the Plaintiff's prosecution and conviction.

This civil action must proceed because the suppressed exculpatory video recordings showed the Plaintiff did not violate any pharmacy law; the video recordings clearly showed she was not remotely monitoring or supervising, nor directing employees in other locations to commit the alleged crime. This video recording was both suppressed and withheld and only came to the Plaintiff's possession in August 2017. **The video recordings proved the Plaintiff's ACTUAL innocence; they showed the daily activity of the work flow in the pharmacies and that the Plaintiff abided by all pharmacy law and regulations in that she properly counted, labeled and stored, destroyed medications properly, and dispensed medications with valid prescriptions, all verified by doctors; yet, this was contradicted by the prosecutors' witnesses sworn testimony, including those of the Pennsylvania Board of Pharmacy's pharmacy inspector THOMAS BAT, an executive official.**

Furthermore, it is an unconstitutional action and a deprivation of rights to deny a FAIR hearing; it prevents the Plaintiff from showing physical evidence (a suppressed exculpatory video recording evidence), and facts which proves her innocence and supports the decision as to **why her pharmacist license should be reinstated to active**. The hearing the Defendants conducted in which the Defendants revoked the Plaintiff's license was patently unfair because of Investigator Newman's false testimony, and because their investigation ignored all physical evidence.

Therefore, the Board of Pharmacy must do its own investigation instead of being a rubber stamp with those previous courts otherwise there would be no need for a separate procedure for this matter; it is entirely within the jurisdiction of this court to access blames by the government and by the other courts

B. EVIDENCE of Judicial BIAS Requiring the Nebraska Board of Pharmacy to:

1. Rule on all the available and relevant evidence with the full understanding of the circumstances that bring this matter before them
2. Be independent and separate from other Courts that have rule on the criminal matter which cause this matter to be brought before this district court

3. NOT be a rubber stamp with those previous courts otherwise there would be no need for a separate procedure for this matter; it is entirely within the jurisdiction of this court to access blames by the government and by the other courts.

C. Procedural Due Process

“Due process requires that a hearing before an impartial decision maker be provided at a meaningful time, and in a meaningful manner.” *Booker v. City of Saint Paul*, 762 F.3d 730, 734 (8th Cir. 2014) (quoting *Coleman v. Watt* 40 F.3d 255, 260 (8th Cir. 1994)). “A plaintiff is entitled to due process only when a protected liberty or property interest is at stake.” See *Hopkins v. Saunders*, 199 F.3d 968, 975 (8th Cir. 1999).

Here, the Plaintiff has a protected property interest in her Nebraska pharmacy license. See *Kloch v. Kohl*, 545 F.3d 603, 607 (8th Cir. 2008) (recognizing that a protected property interest “may exist where a state has established a licensing system for regulation of professionals”); *VanHorn v. Nebraska State Racing Com'n*, 304 F. Supp.2d 1151, 1166 (D. Neb. 2004) (“finding veterinarian had due process-protected property interest in special license from state racing commission to treat racehorses under statute requiring commission to license every eligible applicant and regulations which did not impose special eligibility requirements for issuing license to practicing veterinarian”).

The Plaintiff was denied procedural due process because the Defendants denied her a fair hearing, relied on the incomplete and demonstrably flawed investigation by its own investigator, Investigator Newman, and perjured testimonies, as well as uncritically following the steps of other state Board of pharmacies' discriminatory actions, to revoke her pharmacist licenses, instead of conducting its own investigation. Also, due to due process violation via fraud on the Court committed by the eight executive officials as well as the District Court, the Plaintiff is entitled to a civil action to protect her property interest. That property interest is her pharmacist license. All the other pharmacists who worked for the same Riccio's pharmacies but who happened to be white male pharmacists, working for the same Riccio's pharmacies performing all the same duties and all the same tasks that the Plaintiff performed for the same Riccio's pharmacies, were allowed to keep their pharmacist licenses intact as evidence in the Equal Protection Clause as detailed below. The Nebraska board, in citing other state's actions in their reasoning and motivation, are reinforcing the discriminatory nature of those

states actions by revoking the Plaintiff's actions and in denying a fair hearing to correct the perjuries used in their decision.

If Nebraska is going to rely, as their board states they do, on the actions of other states, then the full nature of those state's actions should be considered. For example, the prosecution's witnesses, pharmacists Steven Goloff and Daniel Geiger, who admitted to committing the "crimes" (guilty by admission), were allowed to keep their pharmacists' licenses active, in exchange for implicating the Plaintiff for "directing them to violate pharmacy laws, but this in itself is a violation of pharmacy law in that no pharmacist can be liable for other pharmacists' actions. In fact, the exculpatory suppressed video recordings showed the prosecution's witnesses lied under oath, in that it showed the Plaintiff was too busy working and NOT monitoring nor directing the prosecution's witnesses.

The Plaintiff was denied procedural due process because the Defendants denied her a fair hearing, relied on the incomplete and demonstrably flawed investigation by Pennsylvania Board of Pharmacy's own inspector, Inspector Thomas Bat, and perjured testimonies of, including but not limited to, its own investigator, Investigator Newman, as well as uncritically following the steps of other state Board of pharmacies' discriminatory actions, to revoke her pharmacist licenses, instead of conducting its own investigation. Also, due to due process violation via fraud on the Court committed by the eight executive officials as well as the District Court, the Plaintiff is entitled to a civil action to protect her property interest that is her pharmacist license.

Most importantly, as stated throughout this motion, this lawsuit is not to challenge her criminal conviction as the Defendants claim, but is to a hearing to why her license must be reinstated. Returning to Nebraska's reliance of other state's actions: her alleged "co-conspirator", Peter Riccio, was entitled to one. In fact, Peter Riccio, the OWNER of the pharmacies, the Plaintiff's "co-conspirator" was allowed a hearing which resulted in a five years suspension, while he pled guilty to more severe charges than those the Plaintiff was convicted wrongly of. This is also his second time being disciplined by the board as a result of his pleading guilty years ago to Medicare and Medicaid fraud. The Defendants are holding the Plaintiff to a completely different standard, if they are holding any "standard" at all. The defendants' action is also a violation of the equal protection clause because all the other pharmacists, who happened to be WHITE MALES, were not disciplined nor to the same extent (Peter Riccio) as the Plaintiff in spite of their being guilty by admission of worse crimes.

The license is a statement of credentials and qualifications, granted not by federal judges or prosecutors, but by licensing boards. They are independent from other bodies, even from those they are within with regard to their place within larger hierarchical bodies. This independence is in and of itself a check and balance against abuse by any other body or organization. While this case is not a place to litigate the Plaintiff's conviction, it is fair to ask and expect the board to assess the matters on their own. When Federal Prosecutors seek revocation of individual's professional licenses, which they are required to do in certain circumstances by law, they are not authorized to just revoke the licenses themselves or they most certainly would just do it themselves. It is only a recommendation where they give a very one sided version of their reasons for the recommendation and the licensing body is left to asses the veracity of their claims. That is what a FAIR hearing is for. By revoking the Plaintiff's license via perjured testimonies, including those of their own investigator, Investigator Newman, the defendant's shirk their responsibility and make themselves the pet parrot of individuals whom the Plaintiff can clearly and conclusively show: lied to juries to gain convictions against the Plaintiff, lied to Grand Juries to gain indictments against the Plaintiff, and usurped both Legislative and Administrative power from the day the original indictment was handed down straight through to today. This matter affects every licensed professional in the health care field in Nebraska and every other state.

D. The Plaintiff has stated a plausible Equal Protection Clause in that the Nebraska Board of Pharmacy discriminated against the Plaintiff.

Racial, national origin and sex discrimination:

"The Equal Protection Clause of the Fourteenth Amendment requires that States treat similarly situated persons alike." Creason v. City of Washington, 435 F.3d 820, 823 (8th Cir. 2006). The Nebraska Board of Pharmacy's actions had both a discriminatory effect and was motivated by a discriminatory purpose. See United States v. Armstrong, 517 U.S. 456, 465 (1996) as stated below.

Because the Defendants followed the discriminatory actions of other pharmacy board to revoke the Plaintiff's licenses, the Defendants indirectly replicating the discrimination against the Plaintiff. As detailed in the writ of certiorari, the Nebraska Board of Pharmacy's actions had both a discriminatory effect and was motivated by a discriminatory purpose. In fact, two other pharmacists, white males, who testified to committing the "crime" (guilty by admission) the Plaintiff was accused of, nothing happened to them. In fact, they were able to keep

their pharmacist license active, in exchange for implicating the Plaintiff for remotely monitoring them and directing them to violate pharmacy laws. But this in itself is a violation of pharmacy law in that no pharmacist can be held liable for other pharmacists' actions. Also, the exculpatory suppressed video recordings showed the prosecution's witnesses lied under oath, in that it showed the Plaintiff was too busy working and NOT monitoring nor directing the prosecution's witnesses. As mentioned above, Pharmacist Steven Goloff admitted at trial not only to committing the acts that were blamed on the Plaintiff, but he also admitted to stealing Oxycodone.

REASON FOR GRANTING a REHEARING

I. Not only that the decision of the Appellate Court is erroneous, but the national importance of having the Supreme Court decide the issue to prevent a miscarriage of justice.

The national importance of having the Supreme Court decide the question involved because if the Nebraska Board of Pharmacy is just a rubber stamp, this allows the federal court to conceal secret laws that no medical professional can hope to practice safely. The independence of the courts and the importance of matters being dealt with on their own, separate from any shadow cast on them by other courts is a matter of national importance. Without such independence, the courts become echo chambers and lose their real purpose. Without independence, wrongs are never alleviated and only compounded. Without independence the integrity of the courts is lost.

With regard to licensing pharmacists, the NE BOP are expected to have the expertise and independent agency and latitude of discretion to access the facts for themselves. This is why civil actions are granted and the real facts of the matter openly discussed and assessed.

The NE BOP of Pharmacy is to be an independent professionally qualified body and not a parrot trained only to repeat courts, especially when the courts have shown themselves to be willfully ignorant of the law and the subject matter, otherwise there would be no need for a separate procedure for this matter; it is entirely within the jurisdiction of this court to access the claims of the government and by the other courts. In this case the government is taking the self-confessed crimes of their witnesses and allowing them to shift the blame away from themselves with not other evidence that the assertion of those who confessed their own guilt, yet those witnesses can still practice pharmacy. There is no law cited that allows this shifting of blame, and the governing

law specifically prevents it. NEBRASKA pharmacy governing law 38-2837. Practice of pharmacy, defined.

(1) Practice of pharmacy means

(a) the interpretation, evaluation, and implementation of a medical order, (b) the dispensing of drugs and devices, (c) drug product selection, (d) the administration of drugs or devices, (e) drug utilization review, (f) patient counseling, (g) the provision of pharmaceutical care, (h) medication therapy management, and (i) the responsibility for compounding and labeling of dispensed or repackaged drugs and devices, proper and safe storage of drugs and devices, and maintenance of proper records. (2) The active practice of pharmacy means the performance of the functions set out in this section by a pharmacist as his or her principal or ordinary occupation. Source: Laws 2007, LB463, § 933; Laws 2015, LB37, § 38.

As this matter become public knowledge, it will be impossible for any medical professional to afford malpractice insurance and other such insurances to protect them from such capricious behaviors as the second circuit has engaged in. If a prosecutor and a court can make drugs controlled substances independently of the Attorney General and without doing so on the record and prior to arresting licensed self-confessed professionals, if the prosecutors and the court can protect their witnesses' crimes and allow them to shift blame for those self-confessed to whomever they wish without any evidence of any culpability, how can anyone practice in the medical professions? When one court and one set of prosecutors engages in this abuse of power, it is a tragedy; but when it is rubber stamped by other courts on matters related but fully separate from the initial abuse of power, it turns the justice system into a mob beating an innocent victim over and over. It, perhaps more important, renders the laws as written and passed by legislatures entirely irrelevant. It replaces the Legislature with a mob rule, but the mob is wearing robes. One set of prosecutors and one judge made up their own laws and legal standard, unveiling it to the public only at a trial two and a half years after the initial arrests. Every other court since has enforced not the laws of the land passed by Congress, but what ever their fellow judges created a jurisdiction for on their own. It is of national importance to address this matter, because these new unchecked, usurped, powers of courts and their unification together behind those usurpation and their eschewing of independence must either be further codified for all to see or rejected.

II. Not only that the decision of the Appellate Court is erroneous, but the national importance of having the Supreme Court decide the issue to prevent a miscarriage of justice, which involve issues of Perjuries,

ignoring all of the Plaintiff's evidence of her ACTUAL INNOCENCE because she is Asian and an

IMMIGRANT, a Violation of the Fair Notice Act and the Equal Protection Clause.

The District Court did NOT exclude the WHITE MALE PHARMACISTS AND TECHNICIANS who testified at the Plaintiff's trial that they committed the "crime" (guilty by admission) the Plaintiff was accused of, affirming the District Court's DISCRIMINATORY conduct against the Plaintiff, thus deprived the Plaintiff's of her civil rights. These procedures are compartmentalize to prevent extending a single miscarriage of justice beyond its scope, where the Southern District of New York and Second Circuit are handling criminal aspects of this matter , and this District Court is handling a separate aspect of this matter, because they are meant to be and independent check and balance preventing the abuse of power and the compounding of injustice.

Requiring the Defendant to overturn the conviction is merely a way of avoiding doing the work the court is required to do, and this is especially important when that conviction is based on usurpation of authorities not granted to the Court is in fact legislating from the bench. The usurpation in question are, including but not limited to:

- a. **Making Tramadol a control substance 21 (twenty-one) months before the attorney general made it a controlled substance.**
- b. **Making Fioricet tablets a control substance which the attorney general never did**, and where he only ever made Fioricet capsules a controlled substance from July 29, 2013 to September 16, 2013 when it was a new form of the product.
- c. Establishing the idea as precedent that the control substance list is not a complete list and that there is no complete list of a federal control substances which violates both Title V and the Controlled Substances Act's own requirement for the controlling of drugs as controlled substances be done on the record.
- d. The deletion of the definition of drug in the law so that prosecutors can treats a drug, renaming it, as if it was any one of its ingredient not as a drug unto itself under the law,
- e. The deletion of the definition of "fixed combination drug" which further shows how a drug can not be reduced to any one of its component not scientifically and pharmacological nor even under the law itself,
- f. The deletion of the governing pharmacy law as specifically prevent the shifting of blame that the prosecutors used and the federal judge allowed even though there is no federal statute that would allow such shifting of

blame for self - confessed actions of one licensed professional somehow passed onto another licensed professional

g. The creation of an otherwise non existing standard for prescription standard called a bonafide face to face which does not exist in the law or anywhere else,

h. The creation of an otherwise non existing phrase "highly addictive pain meds" which does not exist in the law or anywhere else.

The law requires this court to handle this matter in a different court, creating a check and balance on other courts. If this court is only to be a rubber stamp, then any notary can carry out this court action; it would not require legal power, authority or agent of a separate federal judge and a separate court if this is to be a rubber stamp. In this case, it is worse than just being a rubber stamp because it is further entrenching as legal precedent of usurpation of power that are central to this wrongful conviction in this matter. If the Federal Courts somehow think they:

a. Can call a drug by a different name in an indictment and at trial,

b. Can treat one drug based on an ingredient in spite of two definitions applicable here, of "Drug" and "Fixed Combination Drug, that specifically define the terms so that they both are legally defined specifically as not simply as their components but as their own legal entities with their own properties,

c. Usurping powers reserved only for the attorney general to make a drug is a control substance or

d. Usurping legislative powers by deleting the requirements that a making a controlled substance must be done on the record and instead only telling grand juries of their actions and only telling the arrested after their arrests,

e. Holding one licensed professional responsible for another licensed professional's self - confessed crimes with no evidence other than the assertion to shift blame, which is contrary to the only law governing the matter, (PA27.12(b)(2)), and in the absence of any federal or state law that supersedes or contradicts (PA27.12(b)(2))

f. Including but not limited to, the Defendants ignored all of the Plaintiff's evidence of her ACTUAL INNOCENCE because she is Asian and an **IMMIGRANT**; yet, they did NOT exclude the **WHITE MALE PHARMACISTS AND TECHNICIANS** who testified at the Plaintiff's trial that they committed the "crime" (guilty by admission) the Plaintiff was accused of, affirming their **DISCRIMINATORY** conduct against the Plaintiff, thus deprived the Plaintiff's of her civil rights.

The aforementioned violates the Plaintiff her equal protection and due process rights. A fair hearing would give the Defendants, the District Court, and the United States Court of Appeals a chance to correct any error that may have been made as a result of any other false notions about the Plaintiff's actions.

In conclusion, the Plaintiff, a Vietnamese female, is entitled to keep her pharmacist license active, **as other white male pharmacists who:**

1. worked in the same pharmacies as the Plaintiff,
2. dispensed the same prescriptions as the Plaintiff, and
3. were able to keep their pharmacist license active;

CONCLUSION

As reflected by the entire record of this case, the NE BOP discriminated against the Plaintiff by revoking her license via lack of physical evidence and using fraud and perjured testimonies, including those of their investigator, Investigator Newman, to revoke her license and thus they do not warrant immunity. Because of the Nebraska Board of Pharmacy's outrageous conduct, revoking the Plaintiff's license via Investigator Newman's false testimonies, perjured testimonies, and rigged trial conducted by Judge Naomi Reice Buchwald, as well as uncritically following the steps of other state Board of pharmacies' discriminatory actions, instead of conducting its own investigation, the Plaintiff has no other remedy but to file a civil action.

Most importantly, because the Defendants' actions were admittedly at least partially a replication of other states' actions, they are also replicating the violation of the equal protection clause that those other states engaged in, as the Plaintiff, an **Asian female of Vietnamese descent**, was treated far more harshly than white males who admitted guilt in some cases to far greater crimes.

The Board can not deprive a person of a livelihood by revoking the Plaintiff's pharmacist license via fraud and perjured testimonies of their own investigator Newman.

The aforementioned "allegations sufficiently charge a deprivation of rights guaranteed by the Federal Constitution" (Pyle v. Kansas, 317 US 213) and would entitle the Plaintiff a FAIR hearing. Furthermore, the Defendants are not entitled to absolute nor qualified immunity because they revoked the Plaintiff's license based on Investigator Newman's perjured testimonies, and also on a wrongful conviction and on other state boards' discriminatory actions. Both wrongful conviction and the other state boards' actions are under appealed. United

States Supreme Court 195 LEd 2d 132 US Williams v. Pennsylvania. These attitudes and actions have no place in the Court of Law.

Further, no law can uphold the Defendants' conduct when the Plaintiff's license was illegally obtained via FRAUD, as a matter of law.

In conclusion, the Plaintiff, a **Vietnamese female**, is entitled to keep her pharmacist license active, as other white male pharmacists who:

1. worked in the same pharmacies as the Plaintiff,
2. dispensed the same prescriptions as the Plaintiff, and

3. were able to keep their pharmacist license active; the Plaintiff will be damaged and at a disadvantage and hardship without a hearing to present her case including physical evidence to dispute the hearsay of executive officials and its witnesses, including those of the PA BOP's inspector, Inspector THOMAS BAT, and the trial Judge Naomi Reice Buchwald. The Plaintiff has the Constitutional right to face her accusers and she refuses to be victimized any further by the Defendants. She has always been and remains a conscientious pharmacist, and deserves reactivation of her license and poses no danger in her profession. Therefore, a trial where she can have the opportunity to present suppressed/withheld documentation, facts, and evidence would show her innocence and right to practice pharmacy, and provide her the justice she deserves.

The Plaintiff, Lena Lasher, sincerely believes that she can justifiably rely on the US Supreme Court case *Haines v. Kerner* 404 U.S. 519 (1972), which clearly states that "all Pro-Se litigants must be afforded the opportunity to present their evidence and that the Court should look to the substance of the" appeal "rather than the form."

For the foregoing reasons, to protect the integrity of the Court's processes and in preventing injustice, and to stop the Nebraska Board Of Pharmacy from continuing to violate the Equal Protection Clause, this Court should grant the Plaintiff's Amended Complaint and Jury Demand; the Plaintiff's complaint clearly states a claim upon which relief can be granted for deprivations of Plaintiff's rights under the Due Process and the Equal Protection Clauses of the 14th Amendment.

CONCLUSION The petition for a Rehearing should be granted.

CERTIFICATE I certified that this rehearing is restricted to the grounds specified in Rule 44.2

and that it is presented in good faith and not for delay.

Respectfully submitted,

March 20, 2020

A handwritten signature in black ink that reads "lenalasher".

Lena Lasher, Pro - Se