

No. 19-6980

IN THE SUPREME COURT OF THE UNITED STATES

JOHN LYNDON WILLIAMSON

Pro-Se Petitioner

v.

CITY OF WICHITA

Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI TO THE
KANSAS SUPREME COURT**

PETITION FOR REHEARING

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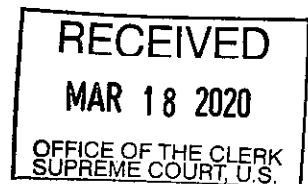


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REASONS FOR GRANTING THE PETITION

I. If this courts future decisions in California v. Texas [19-840], and Texas v. California [19-1019], hold compelling commerce unconstitutional under federal Congressional authority that holding should also equally apply to States despite this courts current traditional Stare Decisis Doctrine and case law precedent that States have wide discretion in Police and Welfare Powers greater than Congress Article I § 8 powers regarding public safety and welfare legislation.3

II. Judicial deference to States under Tenth Amendment Police and Welfare Powers under states' rights should not extend to the extradinarily nature of making failure to purchase a private product a criminal offense.4

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PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44.2, John Williamson respectfully petitions for rehearing of the Court's per curiam denial of Certiorari issued on February 24, 2020, *John Williamson v. City of Wichita* 19-6980 (February 24,, 2020). Mr. Williamson moves this Court to grant this petition for rehearing to consider his case with merits briefing and oral argument. Pursuant to Supreme Court Rule 44.2, this petition for rehearing is filed within 25 days of this Court's decision in this case.

REASONS FOR GRANTING THE PETITION

In *NFIB v. Sebelious* 567 U S 519, 132, S. Ct. 2566, 183, L Ed 2d 450 (2012) this Court never addressed the constitutional issue of whether the individual mandate in the Affordable Care Act was constitutional. Instead this court ruled the mandate was a tax under Congressional spending clause authority. This means that petitioners previous "Petition for Certiorari" was not a Ripe issue for this court to decide back on February 24, 2020. The ruling in the two upcoming cases of Texas, et al., *Petitioners v. California, et al.* [19-1019], and

California, et al., Petitioners v. Texas, et al. [19-840], was granted certiorari on March 2, 2020, and will decide whether Congress has the authority to legislate an economic induvial mandate penalty.

The March 2, 2020 granting of Certiorari of the above cited cases took place after this court denied petitioners Petition for Certiorari on February 24, 2020 and represents an intervening circumstance not previously presented.

Whether the United States Constitution prohibits States from compelling commerce under Tenth Amendment State Police and Welfare Powers has never been addressed by this court before and is not reviewable by any other court.

Mr. Williamson raised the complicated question about the parameters of State Police Powers in the context of the unique power to compel commerce in his denied Petition for Certiorari under Point One in his Issues Presented and ask that this court incorporate his Certiorari Point One by reference as if set forth at length here. Rehearing is appropriate for this Court to consider the following

substantial questions:

I. Mr. Williamson's Tenth Amendment challenge has no state court remedy. This court should entertain his petition to protect Petitioners Fifth, Eighth, Ninth, and Fourteenth Amendment rights, and decide if states compelling commerce is consistent with a limited role of government power.

A. Until recent national history many of the U.S. Constitutions Bill of Rights were not Incorporated (e.g. Sixth Amendment right to counsel not until *Gideon v Wainright* 1962; Eighth Amendment excessive fines not until 2019 in *Timbs v Indiana*), and applied to the States. If this court can change it's holding on Incorporation then surely it can decide to limit State legislatures from compelling commerce as being outside of the proper role of government Police and Welfare powers.

B. Under the legal rational of compelling commerce States could also enact legislation to prohibit anyone from entering any retail store where there is fragile merchandize unless they purchase retail breakage insurance. There is no end to what areas of public policy state legislatures could decide to compel commerce in if allowed to.

II. Deference to State Tenth Amendment legislation of criminal laws in compelling commerce is inconsistent with the federal judiciary's duty to check arbitrary and capricious exercise of State legislative power.

A. The fact that over the last 40 years Congress has enacted criminal laws that virtually mirror every single state criminal offense which are enforced under the doctrine of "Dual Sovereignty" raises substantial questions about whether there really is any difference in plenary police powers between Congress and the parameters of State Legislatures Tenth Amendment Powers.

B. It is inconsistent to favor auto insurance companies over health insurance companies when they operate on the same basis. Auto insurance companies want good drivers to subsidize bad drivers, and health insurance companies want healthy people to subsidize the sick and dying. Good drivers are not any more in the immediate market for auto insurance than healthy people are in the immediate market for health insurance. Vehicles can be repaired in body shops, or replaced, but there is no equal for new bodies for the sick that lack medical care due to no health insurance. So if Congress can't compel

mandatory health insurance under commerce clause authority States should not be able to mandate auto insurance under Tenth Amendment Police and Welfare Powers.

CONCLUSION

Petitioner respectfully requests that this Court grant the petition for rehearing and order full briefing and argument on the merits of this case.

Respectfully submitted,

John Lyndon Williamson

March 13th 2020

CERTIFICATION

I hereby certify that this petition for rehearing is presented in good faith and not for delay.

_____

John Williamson

No. 19-6980

**IN THE
SUPREME COURT OF THE UNITED STATES**

John Lyndon Williamson
Pro-Se Petitioner

vs.

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PROOF OF SERVICE

I John Lyndon Williamson do swear or declare that on this date, March 13th 2020, as required by Supreme Court Rule 29 I have served the enclosed PETITION FOR REHEARING on each party to the above proceeding or that parties counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United states mail properly addressed to each of them and with first class postage prepaid.

The names and addresses of those served are as follows:

Clerk of Court Supreme Court of the United States
1 First Street, N.E. Washington, DC 20543

Jan Jarman City Prosecutor Wichita City Hall
455 N. Main, 2nd Floor Wichita, Kansas 67202

Kansas Attorney General Memorial Hall, 2nd Floor
120 S.W. 10th Topeka, Kansas 66612-1597

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 13th 2020.

John Williamson