

No. 20-388

IN THE

Supreme Court of the United States

LINGFEI SUN,

Petitioner,

—v.—

CITY OF NEW YORK, NEW YORK CITY HEALTH AND HOSPITALS
CORPORATION, ELMHURST HOSPITAL, POLICE OFFICER SGT.
CUNNINGHAM, YUANFANG CHEN, M.D., SOSTRE, S. SAMUEL, M.D.,
SHANWAN CHEN, M.D., MIHAI IORDACHE, M.D., YUN LI, M.D.,
HYEKYUNG LEE, M.D., RICHARD WANG, M.D., YOU DU LI, QIYIN LI,
LINNGOR TSANG,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR REHEARING

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PETITION FOR REHEARING

Petitioner Pro Se, Lingfei Sun respectfully moves this Court for an order (1) vacating its denial (dated December 07, 2020) of the petition for a writ of certiorari (Docket 20-388), and (2) granting the Petitioner's Petition for A Writ of Certiorari to review my Federal Lawsuit case, for U.S. Court of Appeals Second Circuit (and low court) had severe judicial abuse which resulted in the Petitioner's lawsuit against the Respondents (The City of New York, Elmhurst Hospital et al,) was wrongfully dismissed. The U.S. Court of Appeals Second Circuit (and low court)'s Judicial abuse power covered up the Respondents' a series of related continuing violations – repeats of NYPD police brutally broken my room's door and brutally and maliciously arrested me (the good person), and repeats of Elmhurst Hospital psychiatric Professionals' continuing violations cruelly harmed me. The Petitioner's Civil Rights and Constitutional Rights were seriously violated under 42 U.S. C. sections 1981 and 1983 and first, fourth, fifth, eight and fourteenth amendments to the United States Constitution. The U.S. Court of Appeals Second Circuit (and low court)'s judicial abuse power caused to the Petitioner's life damage and ruin permanently.

I. REHEARING SHOULD BE GRANTED TO REVIEW THE PETITIONER'S LAWSUIT CASE (U.S. COURT OF APPEALS SECOND CIRCUIT (low courts)' JUDICIAL ABUSE POWER).

— The Respondents' (the City of New York, Elmhurst Hospital et al,) Malicious and Vicious Continuing Violations Insidiously and Cruelly Damaged and Ruined the Petitioner's life.

(Please See "STATEMENT OF THE CASE" at the Petitioner's Petition for A Writ of Certiorari Docket 20-388 at page 2-18)

1. U.S. Court of Appeals Second Circuit wrongfully affirmed low court's dismissal Order and Judgment, Low court wrongfully dismissed my Lawsuit's the beginning part (August 2003) of the Respondents-Defendants' series violation as untimely against them and unconstitutionally barred applicable continuing violation Doctrine Law to my Lawsuit case. The Respondents-Defendants' (the City of New York, Elmhurst Hospital et al) violations to me were insidiously tortuous acts as a chain ring, that they premeditated arranged to maliciously violate and harm me. They insidiously and maliciously arranged first event for harm me at August 2, 2003 (August 2003), they connected NYPD police brutally arrested me (the normal and good person) to Elmhurst Hospital Mental Emergency Room for performing maliciously forced CT Brain Scan on me, Elmhurst Hospital illegally locked up me who was normal, healthy and no mental illness at all

into Psychiatric Ward (Hospitalization) harmed me. Again they made second premeditated event to harm me that was their continuing violation to me on January 2005. More again they made third event to harm me, which occurred on March 2005. Continually their fourth event occurred on July to September 2005, it was the series continuing violation result of events one, two and three.

The Respondents-Defendants' continuing violations were the repeats of NYPD police brutally broken my room's door and brutally arrested me (the good person) and the repeats of Elmhurst Hospital's cruel continuing violation to me, illegally locked up me (the normal and no mental illness person) into psychiatric ward (Hospitalization).

I am the good person, normal and no mental illness at all ever, but I was forcibly locked into the psychiatric ward (Hospitalization). My Civil Rights and Constitutional Rights were violated viciously. My life was threatened every minute, Elmhurst Hospital and doctors illegally made fraudulent Certificate of Examining Physician Certifications without any examine on me and even didn't talk to me one time, that the Elmhurst Hospital's illegal Certificate of Examining Physician Certifications they intentionally used for applying orders from Mental Hygiene Court to lock me in the psychiatric ward and forced me to take medication. The Respondents-Defendants maliciously harmed me and ruined my life that they were more insidious and brutal than

cruel killers used weapon to damage and took innocent person's life away.

In Continuing Violation Doctrine Law my lawsuit overcomes time-limitation because the Respondent-Defendants' entire series of the continuing violation that was from the beginning at August 2, 2003, that all were done intentionally, wrongfully and maliciously by the Respondents-Defendants (the City of New York, Elmhurst Hospital et al) to harm me. So in the applicable law "Continuing Violation Doctrine" the Petitioner's Federal lawsuit against the Respondents-Defendants' the part of the series continuing violation at August 2003 was timely against the Respondent-Defendants.

I have the Rights and meet the criteria to apply the continuing violations doctrine Law and I have Rights entitle to proceed with my federal Lawsuit (U.S. District Court Eastern District Court of New York 07 CV 04868) against the Respondents-Defendants' continuing violation. The Court of Appeals Second Circuit unconstitutionally affirmed the low court's dismissal order and Judgment.

(See United States Court of Appeals Second Circuit's SUMMARY ORDER at Petition for A Writ of Certiorari Docket 20-388 Appendix page 1-8)

2. The Courts (U.S. Court of Appeals Second Circuit and Eastern District Court of New York) wrongfully used preclusion (res judicata) to ban my federal Lawsuit against the Respondents-

Defendants. My federal Lawsuit case has continuing facts and new proven happened to the case, with new facts and proven, claim preclusion (res judicata) does not ban my federal Lawsuit case. U.S. Court of Appeals Second Circuit covered up the Respondents-Defendants' malicious violations harmed me, wrongfully affirmed the low court's dismissal order (and Judgment).

As the Supreme Court explained more than 60 years ago in *Lawlor v. National Screen Service Corp.*, 349 U.S.322 (1955), "res judicata does not ban a suit, even if it involves the same course of wrongful conduct as alleged earlier, so long as the suit alleged new facts or worsening of the earlier condition,

A principle advanced in Ohio case that "the binding effect of res judicata has been held not to apply when fairness and justice would not support it." *Builder's Dev. Group. L.L.C., v. Smith*, No. 23846. 2010 WL 3448574. At *3 (Ohio Ct. App. Sept. 3, 2010).

U.S. Court of Appeals Second Circuit seriously violated my constitutional Rights under 42 U.S. C. sections 1981 and 1983 and first, fourth, fifth, eighth, and fourteenth amendments to the United States Constitution, that substantially prejudiced and impaired my life permanently.

(See U.S. Eastern District Court of New York dismissal Order and Judgment "Docket 07 CV 04868" at The Petitioner's Petition for A Writ of Certiorari Docket 20-388 Appendix page 11-19).

REHEARING SHOULD BE GRANTED TO REVIEW
THE PETITIONER'S LAWSUIT CASE FURTHER
CONSIDERATION - COMPENSATE ME

— Judicial Hearing and Trial Rights are
Constitutional Rights for Justice

1. The Petitioner's lawsuit raised the facts (must judicial trial my case), but low Court abused judicial power, without having a judicial hearing (my case) and without having a judicial trial (my case) to cover up the Respondents-Defendants' malicious violations. U.S. Court of Appeals Second Circuit wrongfully affirmed the low court's dismissal order (and Judgment) as preclusion and untimely to against the Respondents. The low Courts abused judicial power.

Judicial Hearing Rights and Judicial Trial Rights are Constitutional Rights that low Courts must have judicial hearing and Trial (my case) for Justice. But the low Courts harbored the Respondents-Defendants' (NYPD police, Elmhurst Hospital et al) violations unconstitutionally that harmed me (the people of civilians) and that further caused to more destruction and harm to me permanently.

2. The facts and what happened as stated; my life was saved because I have had Mental Health Supreme Court hearing for justice. At the Mental Health Supreme Court's hearing, according clear facts that I was normal, healthy and no mental illness at all, the Mental Health Supreme Court

judged that the Elmhurst Hospital and the doctors maliciously abused and cruelly violated all laws, I was discharged forthwith (year of 2005) from Elmhurst Hospital psychiatric ward (Hospitalization).

(See Mental Health Supreme Court Judge HON. JANICE A. TAYLOR's Order at the Petitioner's Petition for A Writ of Certiorari Docket 20-388 Appx. Page 22, and the details at page 12-18)

From August 2, 2003 to now, December 2020, it already be more than seventeen years, I have suffered from the Respondents-Defendants' premeditated harm, the maliciously forced CT Brain Scan on me at August 2, 2003; I have suffered from the Respondents-Defendants NYPD police's malicious violations that police brutally broken my room's door, wrongfully arrested me (the good person) and harmed me; I have suffered from Elmhurst Hospital's cruel and malicious continuing violations they illegally locked up me, the normal and no mental illness at all person into psychiatric ward (Hospitalization); I still be alive because the Mental Health Supreme Court's Hearing at the year of 2005 saved my life. I still have ability to ask you, Honorable Supreme Court of the United States nine Judges to review my case for justice because I am the good person, normal and no mental illness at all ever. I lived normally and I worked normally. I ask Judicial Hearing and Trial Rights (Constitutional Rights for justice), compensate me.

3. The Respondents-Defendants committed the malicious continuing violations harmed me as;

___ Elmhurst Hospital unconstitutionally prohibited me to appear in Housing Court (at the year Of 2005) that was in violation of my fourteen amendment due process rights. They intentionally and cruelly caused me losing of my living rights (rent room), they maliciously persecuted me – homeless. I ask judicial hearing and trial Rights (my case) - my constitutional Rights for justice, compensate me.

(see detail at the Petitioner's Petition for A Writ of Certiorari Docket 20-388 at page 13-15).

The low Courts corrupted, without judicial a hearing (my case) and without judicial a trial (my case); It is same as the low Courts (Judges) watched and heard me has being harmed and hurt maliciously (my lawsuit raised proof facts and see Judge Hon. JANICE A. TAYLOR's Order at Appx. page 22-23), but the low Courts' Judges unconstitutionally don't go through judicial hearing and judicial trial for my case. The low courts covered up the Respondents'-Defendants the malicious continuing violation unconstitutionally, wrongfully barred my federal Lawsuit (07 CV 04868) and dismissed my Lawsuit case. The U.S. Court of Appeals Second Circuit (and low Court)'s unconstitutional destruction and harm caused to my Rights which related mental hygiene fields be deprived wrongfully and injustice, and further it lead to I cannot get a job from any employment agency and employer because the U.S.

Court of Appeals Second Circuit (and low court) abused power, that U.S. Court of Appeals Second Circuit (and low court)'s unconstitutional destruction and harm continually prejudiced and impaired my life permanently.

My life suffered from U.S. Court of Appeals Second Circuit (and low court)'s unconstitutional destruction and harm ... the sky collapse tears and the ground spread pain. The unconstitutional destruction and harm is unforgivable, by the law of universe, the unconstitutional destruction (and harm) must cause to billions times (where ever, when ever and whatever) back to you all (your life) – Life Matter “We are the Same Life and the Rights”.

Honorable nine Judges of the United States Supreme Court; I have the constitutional Rights - judicial hearing and judicial trial (my case) that is Courts' (Judges) job and the responsibility for justice. Honorable nine Judges of the United States Supreme Court please review my lawsuit case, further consider and correct the low Courts' errors of judicial abuse power, compensate me.

CONCLUSION

For the foregoing the facts, the applicable continuing violation doctrine Law and my U.S. Constitutional Rights, as well as those set forth in the Petition for A Writ of Certiorari (Docket 20-388), LINGFEI SUN the Petitioner (Pro Se) respectfully requests that this Court grant my Petition for Rehearing and grant my Petition for A Writ of Certiorari (20-388) to review my Lawsuit case and further consideration for justice, compensate me.

Respectfully submitted,

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Sworn to before me on

December 29, 2020

JASMINE WILLIAMS
Notary Public, State of New York
No. 01WI6397949

Qualified in Queens County
Commission Expires September 16, 2023

Jasmine Williams

Notary Public

December 29, 2020

CERTIFICATE

As the Petitioner Pro Se, I hereby certify that this petition for rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 44.

Lingfei Sun

LINGFEI SUN Petitioner Pro Se

Petition for A Writ of Certiorari

(Docket 20-388)

Dated: December 29, 2020.

Sworn to before me on

December 29, 2020

JASMINE WILLIAMS

Notary Public, State of New York

No. 01W16397949

Qualified in Queens County

Commission Expires September 16, 2023

Jasmine Williams

Notary Public