

No. 20-7527

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In The  
SUPREME COURT OF THE UNITED STATES

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Kimberly Johnston,  
*Petitioner,*

v.  
Mark J. McGinnis, et al.,  
*Respondents.*

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On Petition for a Writ of Certiorari  
to the United States Court of Appeals for the  
Seventh Circuit

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**PETITION FOR REHEARING**

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## **PETITION FOR REHEARING**

According to Supreme Court Rule 44.2, Kimberly A. Johnston respectfully Petitions for Rehearing of the Court's Decision to deny the Petition for Writ of Certiorari dated March 23, 2021. Ms. Johnston moves this Court to grant this Petition for Rehearing because of the substantial controlling effect this Court has on all Lower Court judges, i.e., the Defendant is a Lower Court Judge.

By Rule 44.2, this Petition for Rehearing is filed within 25 days from the May 24th, 2021, Denial of the Petition for Writ of Certiorari.

## REASONS FOR GRANTING THE PETITION

There is the need for ethical constitutional interpretation of the Defendant' judicial misconduct. The Petitioner is concerned that denying this Petition for Rehearing would send the wrong message to Lower Court judges inferring, the U.S. Supreme Court condones judicial misconduct. The Petitioner believes the U.S. Supreme Court must also believe the institution of court; the foundation of fairness, begins with an honest and just judge. In other words, when judicial misconduct is so brazening the U.S. Supreme Court must hold themselves accountable; a controlling affect to repair the crack in the dam, before the dam breaks.

- I. The U.S. Supreme Court can assert judicial review over questions that arise from constitutional ethics; those moral commitments of the American ethos that are reflected in the Constitution of the United States.

U.S. Constitution Article III, the Judicial power; the power to oversee the Defendant' misconduct is held in Section 1, this Court is the Defendant' boss such that the Defendant shall only hold office during constitutionally defined "good behavior." This infers, in *id.* Section 2 that the U.S. Supreme Court has jurisdiction over judges as public ministers

or in the alternative public consuls and extends to all cases their citizens and subjects. The U.S. Supreme Court shall have original jurisdiction and in all other cases, the U.S. Supreme Court shall have appellate jurisdiction, both as to law and fact.

This Court ought to discipline Lower Court judges who deliberately harm or in the alternative seek to destroy a Party such as was done in this Case.

II. The First Amendment to the United States Constitution prevents abridging the Petitioner' right to Petition the U.S. Supreme Court for a redress of grievances.

The Defendant' judicial misconduct requires this Court to allow the Petitioner' right of redress and the appropriate relief must come from the U.S. Supreme Court.

The first instance of relief is to Grant the Petition for Rehearing.

III. Prudential Consideration. Should this Court take responsibility for the misconduct of a Lower Court judge? In *Cohens v. Virginia*, 19 U.S. 264 (1821), Chief Justice Marshall spelled it out, "that it must if it should."

The Defendant' pattern of misconduct rises to a higher level than the misconduct of other judges. For example the Petitioner was not even a Party to the underlying case but was forced to defend [herself]; the pattern of misconduct is intentional and an abuse of judicial power.

The Defendant' misuse of judicial power will continue in the form of retaliation against the Petitioner and thus asks, this Court to Grant the Petitioner Injunctive Relief against Defendant retaliation.

IV. Doctrine of Necessity. Should the U.S. Supreme Court Grant the Petitioner a Rehearing? The Petitioner argues the Doctrine of Necessity infers it must because the U.S. Supreme Court has constitutional authority over Lower Court judges' behavior "particularly in view of possible consequences."

It is necessary for the government to function correctly; judges must perform their judicial duties arising from good behavior. Contrarily, the Defendant who performs his judicial duties with wonton bad behavior is cause of intentional constitutional deprivations such as excessive and switch-n-bait hearings to deliberately increase the Petitioner' litigation costs.

It is necessary for the government to function correctly; it is paramount importance of constitutional adjudication, that judges must rise to the level of good behavior. The Defendant judge's behavior degrades constitutional adjudication and must be held accountable. See *Resuce Army v. Municipal Court*, 331 U.S. 549 (1947).

V. The Doctrine of Clear Mistake. It is more than a mistake to allow a judge to continue intentional constitutional deprivation against the non-Party just because of dislike or whom [she] associates with. If this Court allows the Defendant judge to have unlimited, unchecked judicial power to cause intentional constitutional deprivation it would be a "very clear [mistake], so clear that it is not open to rational question<sup>1</sup>."

The companion "Preferred Position" is appropriate, because, we know, due process arises from fairness and a court of competent jurisdiction. This Courts' preferred position is to ensure that Lower Courts ensure fairness and competency. The Petitioner asks this Court, "How is it possible for a non-Party to have due process in the Defendant's court when the Defendant is unfair and markedly incompetent because of blatant, wonton bias?"

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<sup>1</sup> Thayer, J. (1908). *The origin and scope of the American doctrine of constitutional law*. Legal Essays, 1, 21.

This Court' perferred position must be that all Lower Courts ensure both fairness and competency. If this is so, this Court ought to Grant the Petition for Rehearing.

VI. The Petitioner, a non-Party, has done nothing wrong, yet, an out-of-control judge has essentially destroyed [her] life. Where can the Petitioner go to get relief from an incompetent and vindictive judge; a judge who believes [he] can rewrite the constitution and inflict punishment whether it is lawful or not?

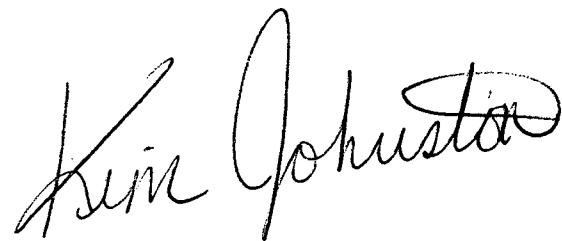
The Petitioner is reduced to finding relief in the federal bankruptcy court. This is wrong! Citizens of the United States should not be forced into bankruptcy by inept judges hellbent on destroying a person' life because of who they associate with.

VII. Personal Plea. Supreme Court you need to listen to this. [You are] my last hope and, well you know, its not enough that you know. Where are my rights? Why are my rights not being recognized here? That you know, I continue to have my constitutional rights and property rights, etc. trampled on by all these people and everybody just wants to look the other way. You know, what is the point of having these [Constitutional] rights

in this country, for any American, if they are not going to be protected?

## CONCLUSION

This Case deserves a Rehearing because this Court constitutionally controls the behavior of Lower Court judges, including the Defendant.

A handwritten signature in black ink that reads "Kim Johnston". The signature is fluid and cursive, with "Kim" on the left and "Johnston" on the right, connected by a single, sweeping line.

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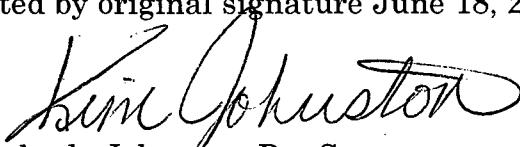
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Supreme Court Rule 44.2 Certification  
Good Faith and Not for Delay

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As required by Supreme Court Rule 44.2 Rehearing and outlined in the Supreme Court letter dated May 24, 2021, signed by the clerk, I certify that the document filed with this certification, Petition for Rehearing, is presented in good faith and not for delay.

Dated by original signature June 18, 2021.



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Supreme Court Rule 44.2 Certification  
Word Count

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As required by Supreme Court Rule 44.2 Rehearing, I certify that the document filed with this certification, Petition for Rehearing, contains 1,110 words, excluding the parts of the document that are exempt according to the word count function of the word-processing program used to prepare it.

Dated: June 18, 2021.



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