

No. 20-7650

In The
Supreme Court of the United States

In re BO ZOU _____—PETITIONER

VS.

LINDE ENGINEERING NORTH AMERICA, INC. —RESPONDENT

ON PETITION FOR A WRIT OF PROHIBITION TO
THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

PETITION FOR REHEARING

BO ZOU
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PETITION FOR REHEARING

Pursuant to Rule 44 of this Court, Petitioner hereby submits the petition for rehearing of this case before a full nine-Member Court. Based on the denial decision of this Court, Petitioner questions the Justices' impartiality, and US laws whether ineffective in this Court and whether Respondent's illegal and criminal deeds may be awarded, rather than sanctioned by this Court.

Petitioner moves this Court to grant this petition for rehearing because of following substantial grounds:

a. The Tenth Circuit Court of Appeals cannot follow Federal Rules of Appellate Procedure to sign the ruling of court by a judge, but signed by the Clerk. The Tenth Circuit Court of Appeals violated not only Fed. R. App. P. 45, but also Constitutional First Amendment. Moreover, the Tenth Circuit Court of Appeals cannot show why the ruling of court may be unpublished for so important and substantial legal issues. The substantial ground was not previously presented by Petitioner.

b. There are enough grounds for intervening circumstances of a substantial effect on whether magistrate judge may knowingly violate Code of Conduct for United States Judges Cannon 3A(4) to initiate *ex parte* communication with Respondent.

c. There are enough grounds for intervening circumstances of a substantial effect on whether magistrate judge may abuse her discretion to cover and protect Respondent and Respondent counsels' guilt and crime in perjury and falsifying documents on a large scale, and contempt of the courts and copyright infringement.

d. There are enough grounds for intervening circumstances of a substantial effect on whether magistrate judge may knowingly usurp judicial authority to issue injunctive reliefs without or in excess of her jurisdictions and authority.

e. There are enough grounds for intervening circumstances of a substantial effect on whether Respondent and its counsels may knowingly and blatantly conceal Respondent's two parent corporations to cheat and be in contempt of this Court.

The petition for rehearing is filed in good faith and in 15 days permitted by this

Court.

Petitioner states detailed grounds to support the rehearing as follows:

1. The Tenth Circuit Court of Appeals violated Fed. R. APP. P. 45 and Constitutional First Amendment.

Pursuant to Fed. R. APP. P. 45, the clerk of court does not have any authority to sign and issue a ruling of a case. But, the ruling of court was signed and issued by the clerk of court, not by a judge of three-judge panel. *See APPENDIX "A"* in Petitioner's Writ of Prohibition. It means that the decision for Petitioner's appeal case was made by the clerk, not made by the panel. The Tenth Circuit Court of Appeals violated not only Fed. R. APP. P. 45, but also Constitutional First Amendment, which guarantees freedom of speech, the right to peaceably assemble, and the right to petition the government for a redress of grievances. These rights are also protected from infringement by State governments by the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

Moreover, the Tenth Circuit Court of Appeals cannot show why the ruling of court may be unpublished. The Tenth Circuit Court of Appeals should state or cite the rule of court to show the cause why the ruling of court may be unpublished although so important and substantial legal issues existed in the appeal case.

The above substantial grounds were not previously presented by Petitioner.

2. There are enough grounds for intervening circumstances existing for the rehearing.

(1). Code of Conduct for United States Judges Cannon 3A(4) clearly prohibits a judge from initiating, permitting, or considering *ex parte* communications or considering other communications concerning a pending or impending matter that are made outside the presence of the parties or their lawyers. Magistrate judge Jodi F. Jayne actively initiated *ex parte* communications with Respondent. Magistrate judge's deeds have violated Code of Conduct for United States Judges Cannon 3A(4) and made her disqualification for this lawsuit. There are enough grounds for intervening

circumstances of a substantial effect on whether magistrate judge may violate Code of Conduct for United States Judges Cannon 3A(4) to initiate *ex parte* communications with Respondent.

(2). **Falsifying a document is a crime punishable as a felony.** In this case, Respondent falsified documents on a large scale without sanctioning because magistrate judge abused her discretion to cover and protect Respondent's crime of falsification on documents. Magistrate judge's deeds have made her disqualification for this lawsuit. Petitioner has provided factual evidence for this Court. But, this Court ignored the facts and denied Petitioner's Writ of Prohibition.

Moreover, magistrate judge abused her discretion to cover and protect Respondent and Respondent judges' perjury, contempt and copyright infringement. So, there are enough grounds for intervening circumstances of a substantial effect on whether magistrate judge may abuse her discretion cover and protect Respondent and Respondent counsels' guilt and crime in perjury and falsifying documents on a large scale, and contempt of the courts and copyright infringement.

(3). Magistrate judge usurps judicial authority to rule on Petitioner's two motions (Dkt. Nos. 34, 89) in violation of Fed. R. Civ. P. 11 and 28 U.S. Code § 636 (e)(4) respectively, and issue temporary restraining order (Dkt. No. 72) in violation of Fed. R. Civ. P. 65(b), and issue preliminary injunctions in violation of 28 U.S. Code § 636 (b)(1)(A) to help and protect Respondent without or in excess of her jurisdictions and authority. Writs of Prohibition arrest the proceeding of any "tribunal, corporation, board or person exercising judicial functions, when such proceedings are without or in excess of the jurisdiction of such tribunal, corporation, board or person. There are enough grounds for intervening circumstances of a substantial effect on whether magistrate judge may knowingly usurp judicial authority to issue injunctive reliefs and rule on two motions without or in excess of her jurisdictions and authority.

(4). Respondent and Respondent's counsels blatantly concealed Respondent's two

parent corporations LINDE PLC and LINDE ENGINEERING US LLC in Respondent's DISCLOSURE STATEMENT filed to this Court on May 3, 2021. The counsel Jessica Lynn Craft just signed her oath or affirmation under the Rule 5.4 of this Court, and was admitted to the bar of this Court on March 22, 2021. Jessica Lynn Craft immediately cheated this Court and filed false statement to this Court. Petitioner has provided factual evidence in Petitioner's *"Reply Brief"*. However, this Court distributed Petitioner's Writ of Prohibition for conference prior to Petitioner's *"Reply Brief"* posted on the website of this Court. The Justices and the judges in the lower courts may have interest conflicts with Respondent's two undisclosed parent corporations. It's necessary for this Court to do some investigations before distributing Petitioner's Writ of Prohibition for conference.

Moreover, this Court ignored the facts and did not sanction on Respondent and Respondent counsels' blatant cheat and contempt of this Court by concealing Respondent's two parent corporations. It's necessary and appropriate for this Court to sanction Respondent and its counsels, and vacate the rulings made by the lower courts. So, there are enough grounds for intervening circumstances of a substantial effect on whether Respondent and its counsels may knowingly and blatantly conceal Respondent's two parent corporations without sanctioning by this Court.

(5). The clerk office refused to file and docket Petitioner's *"Emergency Application to Delay Petitioner's Case"* submitted by Petitioner on May 28, 2021. The clerk office actually received Petitioner's application at 9:06 AM on June 1, 2021 (See FedEx tracking No. 787719204970). However, Petitioner's application was stamped to be received on June 2, 2021. In the refusal letter issued by the clerk office on June 2, 2021, the clerk office asserted that Petitioner's application was received on June 20, 2021, and refused to file and consider Petitioner's application because Petitioner's Writ of Prohibition was denied on June 7, 2021. See APPENDIX "I". So, there are enough grounds for intervening circumstances existing for the rehearing.

(6). Petitioner filed the motion to delay Petitioner's case for conference on May

20, 2021 because this Court just received Petitioner's "*Reply Brief*" on May 19, 2021, but immediately distributed Petitioner's case for conference, prior to Petitioner's "*Reply Brief*" posted online and distributed to the Justices. This Court received Petitioner's motion on May 24, 2021. *See APPENDIX "J".* However, this Court violated Rule 21 of this Court not filing and docketing Petitioner's motion. Also, Petitioner never finds that this Court mentioned or denied "*Petitioner's motion to delay Petitioner's case for conference*". Petitioner wonders where Petitioner's motion is. Why Petitioner's motion may be arbitrarily pended or held by the Clerk office, and not distributed for the Justices to review? This Court cannot arbitrarily violate Rule 21 of this Court to dismiss Petitioner's motion. So, there are enough grounds for intervening circumstances existing for the rehearing.

3. New fact for magistrate judge to usurp judicial authority.

Magistrate judge Jodi F. Jayne arbitrarily changed deposition for 6–10 fact witnesses, agreed and granted by both parties in joint status report and approved by the district judge, to 4 fact witnesses without or in excess of her jurisdiction and authority. The reason is not provided in "*Petition for Writ of Prohibition*" and "*Reply Brief*".

CONCLUSION

For the forgoing grounds, the petition for rehearing should be granted. Respondent and Respondent's counsels' illegal and criminal deeds should be sanctioned by this Court, rather than encouraged and awarded by this Court.

Respectfully submitted,



Date: July 7, 2021

CERTIFICATE OF *PRO SE* PETITIONER

I hereby certify that this petition for rehearing is presented in good faith and not for delay, and the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

Brennan
Pro Se Petitioner

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

June 2, 2021

Bo Zou
4920 S Yorktown Avenue #122
Tulsa, OK 74105

RE: In Re Bo Zou
Application for stay
No: 20-7650

Dear Zou:

Your application for stay received June 20, 2021 is herewith returned for the following reason(s):

Your petition for a writ of certiorari was denied by the Court on June 7, 2021, therefore this Court no longer has jurisdiction over your case.

Sincerely,
Scott S. Harris, Clerk
By: 
Mara Silver
(202) 479-3027

Enclosures

No. 20-7650

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VS.

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ON PETITION FOR A WRIT OF PROHIBITION TO
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**PETITIONER'S MOTION TO DELAY
PETITIONER'S CASE FOR CONFERENCE**

BO ZOU
4920 S Yorktown Avenue, #122
Tulsa, OK 74105
Phone: 713-835-8655

APPENDIX "J"

**PETITIONER'S MOTION TO DELAY
PETITIONER'S CASE FOR CONFERENCE**

Petitioner hereby respectfully submits the Motion to request this Court to delay Petitioner's Writ of Prohibition for conference until June 10, or June 17, 2021.

On March 22, 2021, Petitioner filed the Petition for Writ of Prohibition, which was docketed by this Court on April 1, 2021. Respondent filed its Response in Opposition on May 3, 2021. Pursuant to Rule 15 of this Court, Petitioner has fourteen (14) days to file Petitioner's Reply Brief. Petitioner filed his Reply Brief on May 14, 2021. Petitioner's Reply Brief was received and signed by this Court at 9:49 AM on May 18, 2021. Usually, this Court will docket the document first, and then at least a few days or one week later, distribute the documents for Justices to review.

However, on May 19, 2021, this Court quickly distributed Petitioner's case for June 3 conference, But, Petitioner's Reply Brief was not posted and distributed until noon, May 20, 2021. It's too hurry for Petitioner's Reply Brief to be carefully reviewed by the Justices in so short period because there are perhaps more than one hundred cases and their documents needed to be reviewed by the Justices in eight (8) business days (excluding one day per week for conference). Especially, in Petitioner's Reply Brief, Petitioner requests this Court to sanction on Respondent and Respondent counsels' blatant contempt of this Court and the lower courts by knowingly and willfully concealing Respondent's two parent corporations since the beginning of the case.

Petitioner seeks justice from this Court concerning whether magistrate judge Jodi F. Jayne may abuse her discretion to cover and protect Respondent's guilt and crime in perjury and falsifying documents, contempt and copyright infringement without disqualifying; and whether magistrate judge may knowingly usurp judicial authority to rule on Petitioner's two motions and issue temporary restraining order and preliminary injunctions without or in

excess of her jurisdictions and authority without disqualifying.

Therefore, it's very important to give the Justices enough time to review Petitioner's Writ of Prohibition and Reply Brief. The documents for Petitioner's Writ of Prohibition and Reply Brief should be carefully reviewed and considered by the Justices in enough time.

So, Petitioner hereby respectfully requests this Court to delay Petitioner's Writ of Prohibition for conference until June 10, or June 17, 2021.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruno".

Date: May 20, 2021

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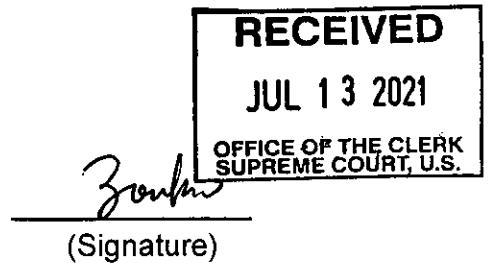
PROOF OF SERVICE

I, BO ZOU, do swear or declare that on this date, July 7, 2021, as required by the US Supreme Court, I have served the enclosed PETITION FOR REHEARING on each party to the above proceeding or that party's 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:

Jonathan G. Rector, 2001 Ross Avenue, Suite 1500, Lock Box 116,
Dallas, TX 75201

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 7, 2021.



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CERTIFICATE OF WORD COUNT

I, BO ZOU, hereby certify pursuant to Supreme Court Rule 33.1(h) that the Petition for Rehearing contains 1,595 words, excluding the parts of the document that are exempted by Rule 33.1(d). I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted

Zou

July 7, 2021.