

No. 21-216

**In The
Supreme Court of the United States**

ROGER BROWN,

Petitioner,

v.

UNKNOWN EMPLOYEES OF CITIZENS PROPERTY
INSURANCE CORPORATION AND
CITIZENS PROPERTY INSURANCE CORPORATION,

Respondents.

**On Petition For A Writ Of Certiorari
To The United States Court Of Appeals
For The Eleventh Circuit**

PETITION FOR REHEARING

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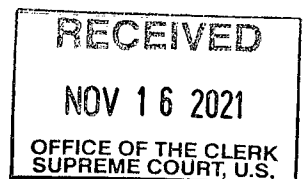


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Pursuant to Rule 44, Petitioner Roger Brown requests rehearing and reconsideration of the Court's October 18, 2021 order denying the Petition for a Writ of Certiorari.

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BACKGROUND

Decisions by the U.S. Supreme Court are just promises on paper and have no effect unless enforced. There is a strong need *nationwide* for a definitive resolution by this Court at this stage to enforce its prior decisions on all arm of the state entities that conduct mainly commercial activities.

Both the District and 11th Circuit Courts *ignored* this U.S. Supreme Court's decision in *Thacker v. TVA*. If not decided now this situation will arise again and again on appeal in the future.

This is an important nationwide question. Most states are operating arm of the state entities that conduct commercial activities and are hiding behind immunity to infringe upon constitutional rights of U.S. Citizens.

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ARGUMENT

Petitioner Roger Brown is a 73 year old Pro Se litigant [non-lawyer] who was living in Texas at the time

he filed suit against Citizens Property Insurance Corporation [CPIC] in federal court in Tampa, Florida for its wrongful commercial activities.

CPIC raised the issue that it was immune from suit in federal court under the 11th Amendment because it was an arm of the state of Florida despite almost exclusively conducting commercial activities.

Brown contended that CPIC was not entitled to 11th Amendment protection because it was performing exclusive commercial activities with Brown and thus under *Thacker v. TVA*, CPIC could be sued when it conducted non-governmental commercial activities despite being an arm of the state.

This Court's decision in *Thacker v. TVA* made it clear that an arm of the state does *not* have immunity when conducting commercial activities. *Thacker v. TVA* was law when Petitioner filed suit. *Thacker v. TVA* was decided on April 29, 2019, Petitioner filed suit in Federal Court on August 7, 2019. Both the District and 11th Circuit Courts *ignored* this U.S. Supreme Court's decision in *Thacker v. TVA*.

THACKER is a precedent that is dispositive in this case:

*“When the TVA **or similar body** operates in the marketplace as private companies do, it is as liable as they are for choices and judgments. The possibility of immunity arises **only when** a suit challenges governmental activities – the kinds of functions private parties typically do not perform. And even then, an entity with a sue-and-be-sued clause may receive immunity*

only if it is “clearly shown” that prohibiting the “type of suit [at issue] is necessary to avoid grave interference” with a governmental function’s performance. Burr, 309 U.S., at 245. That is a high bar.” Thacker v. TVA. [Emphasis Added]

◆

CONCLUSION

The main issue is whether a State’s “sue and be sued” corporation is immune from suit in Federal Court when conducting commercial activities. Since 11th Amendment immunity is a federal question, *Thacker v. TVA* should control in this case.

This Court needs to enforce its decision in *Thacker v. TVA*.

The Court should grant the Petition for Rehearing and consider this Petition together with this Court’s unanimous decision in *Thacker v. TVA*, and grant certiorari in this case.

Respectfully submitted,

ROGER BROWN, Pro Se