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No. 21-331

In The
Supreme Court of the United States

ALICE JIN-YUE GUAN,

Petitioner,

v.

BING RAN,

Respondent.

**On Petition For Writ Of Certiorari
To The Supreme Court Of Virginia**

PETITION FOR REHEARING

ALICE GUAN, OR YUE GUAN, PRO SE
#286
11654 Plaza America Drive
Reston, VA 20190
617-304-9279
AliceGuan2021@gmail.com

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SUPREME COURT, U.S.

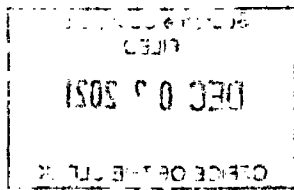


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Pursuant to Rule 44.2, Alice Guan (“Alice”) respectfully petitions for rehearing of the Court’s order denying certiorari.

◆

GROUNDS FOR REHEARING

The original certiorari petition presented several important questions that are likely the most important issue for which circuit splits can be resolved and potentially new precedent can be established.

Four significant events occurred (and/or were learnt by Alice) after Alice has already filed her petition for certiorari that merit rehearing:

(1) Gabby Petito died from manual strangulation and her body disposed in the wilderness to evade being discovered.

(2) Information surfaced about the 13 Turpin children, who were horrifically abused by their parents, allegedly have been mistreated and victimized again in the hands of entities or persons that are associated with federal government.

(3) Alice listening to all SCOTUS oral arguments from present time into previous years and arrived at case14-10154 where this Court decided that reckless domestic assault qualifies as a “misdemeanor crime of domestic violence” under statute prohibiting possession of a firearm by person convicted of a misdemeanor crime of domestic violence, abrogating *United States v. Nobriga*, 474 F.3d 561 (2006). *Voisine v. United States*,

136 S. Ct. 2272, 195 L. Ed. 2d 736 (2016), a case referenced another case: *United States v. Hayes*, 555 U.S. 415, 129 S. Ct. 1079, 172 L. Ed. 2d 816 (2009) on the similar issues and laws.

(4) A Complaint Appellee Bing Ran filed against his second wife Jing Li contains evidence that, in 2014-2016 litigation in case CL-07-3662 (the case this petition is originated from), Appellee Bing Ran and his counsel Chris Schinstock provided false financial information that resulted in a May 13, 2016 order, an order Judge James Clark used as a foundation in his injunction order imposed on Alice in 2019, the very injunctions order appealed to SCOTUS.

Five substantial grounds not previously presented in Alice's petition for certiorari also merit rehearing:

(1) Bing Ran is a serial domestic abuser who routinely exercises violence to his domestic spouses, including beating, hitting and manual strangulation and threatening to kill.

(2) Laws prohibit ex-domestic violence abuser from using a gun which is an instrument that extend the abuser's violent power beyond what his hands can do. Such a law is equivalent to this Court's ability to review the petition for certiorari and to rule to prohibit Bing Ran [who utilizes others such as Judge James Clark (who now is a defendant in a case in the eastern district of Virginia Civil Case No. 1:21-CV-752) as his guns] from extending his abusive and violent power beyond what his bare hands can do.

(3) The essential requirements of due process are notice and an opportunity to respond (with a response). Does this requirement also include not refuse to consider the response? Does refusal to consider the response equate to not giving notice and equate to not giving opportunity to respond and equate to no due process?

(4) Officers in color, such as Civil Case No. 1:21-CV-752's Defendant James Clark, first refused to provide notice to Alice on his ruling on Alice is 49% stock owner and he based his next decision to deprive Alice and to remove from Alice the \$2.3M on his none-noticed ruling of 49% stock owner, then in a later hearing 3 months later, after Alice had an opportunity to respond, he refused to recognize or consider Alice's responses or to hold hearing appropriate or adequate to the nature of the case. His later action is the same as he refusing to notice or to provide opportunity for Alice to respond at all which is a violation of an essential principle of due process. U.S.C.A. Const.Amends. V, XIV. *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 105 S. Ct. 1487, 84 L. Ed. 2d 494 (1985).

(5) One fundamental question James Clark ruled is what his state of mind was when he wrote the May 13, 2016 order, an order he himself can not be the judge to evaluate because that practice violates the Court's longstanding teaching that ordinarily "no man can be a judge in his own case" consistent with the Due Process Clause. *In re Murchison*, 349 U.S. 133, 136, 75 S.Ct. 623, 99 L.Ed. 942 (1955); *United States v. James Daniel Good Real Property*, 510 U.S. 43, 53, 114 S.Ct.

492, 126 L.Ed.2d 490 (1993). *Chrysafis v. Marks*, 141 S. Ct. 2482 (2021).

Because the questions raised in the original certiorari petition are of national importance to safeguard our precious and rigorously developed and established legal system and its purposes and objectives, to prevent abuse, to prevent circumventing the required due process, to prevent fraud and corruption, in light of significant updates since the time Alice filed her original petition for certiorari, Alice Guan respectfully requests that the Court consider Alice's petition for rehearing and grant her petition for certiorari.

◆

**THIS COURT SHOULD GRANT REHEARING
THROUGH THE CONSIDERATION OF THE
RELEVANT RECENT EVENTS AND THE
GROUNDS NOT PREVIOUSLY PRESENTED**

Petitions for rehearing of an order denying certiorari are granted: (1) if a petition can demonstrate "intervening circumstances of a substantial or controlling effect"; or (2) if a petitioner raises "other substantial grounds not previously presented." R. 44.2.

Alice's petition shows both.

After Alice has already filed her petition for certiorari, Gabby Petito ("Gabby") disappeared, her remains was discovered in the wilderness, autopsy concluded Gabby was killed by manual strangulation, which is defined by common dictionaries (Black's Law

Dictionary does not yet have definition for this term) as:

“Manual strangulation (also known as “throttling”) is strangling with the hands, fingers, or other extremities and sometimes also with blunt objects, such as batons. Depending on how the strangling is performed, it may compress the airway, interfere with the flow of blood in the neck, or work as a combination of the two.”

which also had been what Appellee Bing Ran (“Abuser Bing Ran”) routinely did to Alice Guan during the last 10 years of their 20+ years of marriage, one of the many methods Abuser Bing Ran exercises abuse and violence as described by Alice in her Amended Motion to Augment the Record submitted to the SCVA on February 9, 2021, App.4 line 6-7: Abuser Bing Ran often held Alice’s neck with both very strong hands choking Alice to near death.

Gabby’ body was hidden in the wilderness so not to be found, Abuser Bing Ran wanted to grind Alice’s body into minced meat so no one can find her. App.7 lines 7-12.

The way Gabby died and what Alice described to the SCVA back in February 2021 prompted Alice to file this petition to provide a fuller picture to this Court of the underlying conditions in the state court litigations that have affected how Alice’s rights were deprived.

Also, after Alice has already filed her petition for certiorari, Alice learned that the 13 Turpin children,

who had been the victims of domestic violence and domestic abuse in the hands of their parents, the very children who also survived horrific treatment from their abusers through years of life and death situations, fell as victims again in the hands of the federal government. Alice similarly fell again as victim again in the hands of the court officials after her own survival in the life and death condition in the hands of her then husband Abuser Bing Ran.

This is also related to the effort Alice has been making to assist abused woman (women such as Jing Li and Michelle Castillo) and their children through Loudoun Better Life Time (BLT) which involved the \$2.3M loan described in the certiorari petition. App.7 line 25 – App.9 line 23.

There is no difference between how horrific the Turpin parents were and how Bing Ran was and is. Turpin kids tried to escape from the horror, Alice and her 2 kids also tried to escape the horror of Abuser Bing Ran as Alice recounted some of the events in her Amended Motion filed on February 2021. App.4 line 1 – App.5 line 12.

Abuser Bing Ran is a horrific and a serial abuser who is a predator who preyed on Alice when she was 15 on college campus (App.4 line 14-17, App.14). He was arrested in 1998 for Class 1 Misdemeanor after he again battered his then wife Alice because she bought a cup of soup and an appetizer without his permission (App.15-22) (Abuser Bing Ran pled guilty); He went on

to abuse his second wife Jing Li, App.51-103, 30-38, 29, while he was in possession of guns.

Even though there has been protective order (App.23-26 protective order in 2004) issued against Abuser Bing Ran [Jing Li (33 years to his junior) also obtained 1-year protective order in 2019, App.30-38, after he battered Jing Li by cracking a cup on Jing Li's head. App.29. Jing Li later had to drop the protective order and other charges against Abuser Bing Ran after he threatened her with zero financial resources and after he filed a Complaint (App.51-103) against her rendering her homeless and penniless and jobless (she had been a homemaker with no outside jobs but only to maintain his houses)], after Alice and Abuser Bing Ran resumed their life together again, Bing Ran continued battering Alice (App.7 lines 5-24, App.27-28).

After separation and divorce, Abuser Bing Ran continued his abuse of Alice through finance and corporate control in their co-owned business AdSTM, and through utilizing court officers as an extension of his abusive power which enabled him continuing his abuse of Alice from at least 2014 through current time (Case CL07-3662, CL09-1664 in Alexandria Circuit Court, Virginia), in ways no different from a domestic abuser employing guns to expand his abusive powers (as in aforementioned 2 cases).

Abuser Bing Ran has long established a rule: he is no one to be messed with, he determines other's quality of life and life and death in that matter, easily, through his own actions and through employing others. In

2014, after many years of financial deprivation done by Abuser Bing Ran, Alice finally filed Petition in the divorce case for a full accounting and for recovering of damages. It is recently discovered that in 2014–2016 time frame, Abuser Bing Ran and his counsel Chris Schinstock provided false financial information to the court where Judge James Clark presided over the legal case: most of Bing Ran's financial information as shown on pages App.101-102 were NOT provided in the discovery of the litigation where Chris Schinstock served as Abuser Bing Ran's legal counsel at the same time as he was also serving as the drafter of the App.61-103 agreement in 2016 as well as the legal counsel for Abuser Bing Ran when the complaint (App.51-60) was filed in 2019 against Jing Li. As alleged in Civil Case No. 1:21-CV-752, per the disclosure of Protorae Law PLLC personnel in December 2019, Abuser Bing Ran, whose assets is about \$20 millions or more now based on App. 101-102, bribed Judge James Clark and intended to bribe the justices in SCVA so he and the people he employed can keep Alice restrained and out of AdSTM, the company she founded and built to prosperity.

The October Amendment (see Petition for Certiorari) kept Abuser Bing Ran in the management of AdSTM until, as Mark Zaid wrote to the federal government in November 2018, App. 104-125, sometime in 2018 when Abuser Bing Ran resigned completely from AdSTM and departed from all operation and from all management of AdSTM. Even though he no longer had any role in AdSTM, he through the

hands and power of James Clark, restrained Alice from managing AdSTM and even from being physically present in AdSTM and even from any form of communication with AdSTM. These restraint of freedom and deprivation of financial ability is no different from what Abuser Bing Ran did to Alice during their marriage: App.4 lines 25-29, App.5 lines 13-15, App.6 lines 7-15.

Abuser Bing Ran, after Alice offered him a job in her company AdSTM after his own business tanked due to his own legal trouble (App. 6 line 20 – App. 7 line 4), began to attack and abuse Alice in the workplace and work environment all the way through year 2019 when Alice borrowed her own asset that was stored in AdSTM under clear promissory notes (see handwritten notes attached to the amended motion to augment record filed with SCVA, typed up version to aid SCOTUS formatting requirements is in App. 39-44) with the intent to establish facilities to assist abused women and their kids transition from women's homeless shelters into regular homes (App.7 line 5 through App.9 line 23). Abuser Bing Ran utilized the court officials to achieve his wishes to deprive Alice from her financial property and from rights in managing her financial property all the way to severely restraining her freedom, very much like how he restricted Alice's movement, physical location, ability to speak freely, and ability to manager any amount of money or use any amount of money. App.4 lines 25-27. App.5 lines 13-15, App.6 line 7-15. App.10 lines 3-8, also see Petition for Certiorari.

Civil Case No. 1:21-CV-752's Defendant James Clark institutionalized the injunction in opposition of the clear language of Judge Rosie Alston that James Clark's actions against Alice "adversely affect" Alice's "personal, pecuniary, or property rights" "in AdSTM". App. 10 lines 9-18, lines 21-26, App.45, line 12, App. 48, lines 22-26.

Civil Case No. 1:21-CV-752's Defendant James Clark in 2019 in case CL07-3662 without notice, then later even though notice was provided he refused to recognize or consider the responses and motion and petition Alice filed (see Petition for Certiorari) which all equally created situations that lack due process, in this fashion of complete lack of due process, James Clark and certain justices in the SCVA deprived Alice's property, rights, life in the way of a great portion of her quality of life and a great portion of her life, without due process.

Civil Case No. 1:21-CV-752's Defendant James Clark and certain justices in SCVA have been Abuser Bing Ran's guns, they extended Abuser Bing Ran's abusive power, formed a collaborated structure which allowed Abuser Bing Ran to pull a trigger to let Alice be harmed physically, mentally, emotionally, and financially.

In addition to lack of due process, the order appealed to SCOTUS in case CL07-3662 relied on a May 13, 2016 order which is an order that relied on the false information Abuser Bing Ran and Chris Schinstock knowingly provided to the court in 2014-2016, based

on the discovered information contained in App.101-102.

As a survivor who fell victim of a very ferocious Abuser Bing Ran, Alice only finally could write about some of the horrific traumas since November 2020 (App.3 line 5-23) after she went through several months of EMDR medical treatment (App. 133 lines 3-5) which desensitized her from her trauma (App.3 line 24-31), a medical procedure that was applied to Alice after Alice faced trauma from her HOA in Florida [Abuser Bing Ran is a member of the same HOA and based on information and belief he had a hand in the lawsuit HOA filed against Alice (a lawsuit Florida 5th DCA ruled the HOA violated the Declaration and lost the case), according to his testimony in case CL07-3662, he bought a house 2 doors down from Alice's residence so he could keep an eye on Alice] and had to seek medical assistance and she received wonderful cares from Dr. Scott Farmer and his team where he diagnosed Alice sustained PTSD from many years of Abuser Bing Ran's abuse (App. 132 lines 22-25) and the PTSD got precipitated and aggravated by the HOA actions. App. 127-133.

Writing this Petition is very heavy. It feels every part of my body, every cell in my body, recalls the torture, the times of the desperation, and the countless split moments that hang on the thin line between life and death, and feels the suffocation created by the court injunctive order that is appealed to SCOTUS. Although EMDR has desensitized me from those events to prevent me from feeling the intense pain and

sorrow, but those moments and time nevertheless are still so vivid, and my conscious mind knows the same is happening to other women now, leaving them in misery and suffering and even death by the hands of their abusive spouses or abusive former spouses or the people those abusive spouses employ.

Alice is only seeking not to have her rights and property deprived or deprived continuously. Right now, her rights that is protected by Virginia law and protected by the federal laws and the constitution have been infringed and deprived, she has been restrained physically and her freedom of speech and freedom of association have been greatly affected, about \$2.3M of her own assets have been deprived from her – all these were done without due process, were based on a May 13, 2016 order that was the result of false evidence provided by Bing Ran and Chris Schinstock and were based on this May 13 2016 order where Judge Clark in 2019 adjudicated his own state of mind in 2016 when he signed it. Alice diligently pursues these cases not for the purpose of punishing Abuser Bing Ran or anyone else, Alice dares not to. Alice just wants justice served in a way so that her rights are restored.

CONCLUSION

Based on the above and her Petition for Certiorari, Alice respectfully requests this Court accept her this Petition for Rehearing, reconsider this Court's earlier

decision, and she respectfully requests this Court grant her Petition for Certiorari.

December 2, 2021

Respectfully submitted,

ALICE GUAN, OR YUE GUAN, PRO SE
#286
11654 Plaza America Drive
Reston, VA 20190
617-304-9279
AliceGuan2021@gmail.com

CERTIFICATE OF GOOD FAITH

I hereby certify that this petition for rehearing is presented in good faith and not for delay, and that it is restricted to the grounds specified in Supreme Court Rule 44.2.

Sincerely,

/s/

ALICE GUAN, OR YUE GUAN, PRO SE
#286
11654 Plaza America Drive
Reston, VA 20190
617-304-9279
AliceGuan2021@gmail.com