

No. 21-5534

IN THE SUPREME COURT OF THE UNITED STATES

NOVEMBER TERM, 2021

OMOLARA MAKINI, Petitioner,

v.

PEOPLE OF THE STATE OF MICHIGAN, OAKLAND COUNTY
SHERIFFS OFFICE, DEPUTY BRANDON KARSEN, OAKLAND
COUNTY PROSECUTING OFFICE, Respondent.

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

PETITION FOR REHEARING/
RECONSIDERATION

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(UNREPRESENTED)

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October 29, 2021

CIVIL CASE



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PETITION FOR RECONSIDERATION/REHEARING

Pursuant to Supreme Court Rule 44.1, Omolara Makini respectfully petitions for reconsideration/rehearing of the Court's decision to allow the Michigan Supreme Courts decision issued on August 3, 2021 to stand without hearing. Makini et al. vs State of Michigan et al, No. 163042, (August 3, 2021) and Oakland County Circuit Court opinion issued on February 5, 2021. Makini et al vs State of Michigan et al, No. 2019-178698CZ, (February 5, 2021). Ms. Makini moves this Court to grant this petition for rehearing and/or reconsidering her case with merits briefing and oral argument. Pursuant to Supreme Court Rule 44.1, this petition for rehearing is filed within 25 days of this Court's decision in this case.

REASONS FOR GRANTING THE PETITION

Michigan Supreme Court did not cite either "order authority" or "mandatory authority" when issuing the order denying Ms. Makini's "Application for Leave to Appeal" due to claims of lack of persuasion on August 3, 2021, therefore Ms. Makini nor this honorable court has been presented with valid authority to substantiate reason for denial. Additionally, The Sixth Circuit Court of Oakland County in Michigan presented several "errors in law" via the Opinion and Order Granting Summary Disposition; specifically the following laws: MCL 600.5805(9), MCL 2.116(C)(10), MCL 600.6455 (7), and MCL 330.1207a.

MISTAKES OR ERRORS IN THE LAW:

1.) Michigan Supreme Court: The MSC Judge is required to issue Orders that reflect competent legal authority in order to substantiate the courts opinion, decision, and jurisdiction. Furthermore, ALL JUDICIAL OFFICERS are required to fulfill the duties of their respective offices, and have taken and subscribed to the following oath and affirmation:

"I do solemnly swear or affirm that I will support the Constitution of the United States and constitution of this state and that I will faithfully discharge the duties of the office ofaccording to the best of my ability."

2.) MCL 600.5805 (9) ERRORS-IN-LAW:

Pursuant MCL 600.5805(9), the period of limitation is 2rs for an action against a Sheriff charging misconduct or neglect of office by the Sheriff or the Sheriffs deputies. There is error in law because Ms. Makini was released from Oakland County Jail on November 15, 2019 and she filed the lawsuit on December 23, 2019 of which grants authority within the 2yr period of limitation, however, there is no such law "specifically" outlining the date calculation necessary to determine the exact date that satisfy the 2yr statue of limitation deeming it impossible for either the lower court or petitioner accuracy when citing "timeframe" authority. For example, "the law should state whether the 2yr limitation starts after Ms. Makini's initial date of release on bail bond or after the final court order following incarceration almost 2 yrs later." Two different dates entirely.

3.) MCL 2.116 (C) (10)-ERROR-IN-LAW:

Pursuant MCL 2.116(C)(10): The Motion for Summary Disposition in Sixth Circuit Court must specify the grounds on which it is based. There is error in the law because the law states that "except as to the amount of damages, there is no genuine issue as to any material fact, and the moving party is entitled to judgment or partial judgment by law" however the trial court honored a motion only months before the actual trial. There is no law that states that Ms. Makini is required to respond to a Motion for Disposition in order for a judge to grant a fair trial. The trial court used poor discretionary judgment by granting a motion that should have been denied or Ms. Makini should have been informed by the court that a response was expected. Otherwise, there is no law stating that Ms. Makini's case should have been dismissed with prejudice, days before the actual trial and after a Settlement Hearing based on mere lack of response to a Motion. For example, "the law could be amended to better protect all parties by requiring the court participation in notifying the plaintiff especially a "Pro Se" litigant of any defects in filings or deadlines expected at the discretion of the court".

3.) MCL 600.6455 (7)-ERROR-IN-LAW:

Pursuant MCL 600.6455(7), an offer made pursuant to this section which is not accepted within 21 days after the offer is made shall be considered rejected.

A rejection of an offer does not preclude or prevent an offer made later by either party.

Ms. Makini's rejection of the \$7,500 offer presented during the Settlement Hearing assumes that the offer is insufficient based on the severity of the claims. As a result of case dismissal of which prevented Mediation and a fair trial, proper case evaluation has not been granted and petitioners evidence presented as material facts have gone unnoticed. There is error in law because there is no law protecting the Plaintiff from discretionary dismissals when there has been an offer for damages made prior. For example, "there should be a clause or law added granting plaintiff full authority to proceed directly into mediation at the same time as the settlement hearing when an offer is made same day. When there is no offer presented the court shall move the proceedings forward to trial. However, the mere fact that an offer is made should grant authority and substantiate a ruling in plaintiffs favor by default".

4.) MCL 330.1207(a)-ERROR-IN-LAW:

Pursuant MCL 330.1207(a), the entire Mental Health Code presents an error-in-law because per the Sixth Circuit Courts in Oakland County Michigan, there was an order for Ms. Makini's mental health treatment. However, there is error in law because Ms. Makini REFUSED mental health treatment on several occasions within the scope of proper procedure for filing complaints against staff both in the jail and the Center for Forensics in Ann Arbor. Mental health treatment should not be treated as a requirement for inmates who have not demonstrated via trial by jury that it is necessary, preventing abuse of authority by judicial officers. For example, "Trial by jury should be required by all courts prior to entering orders recommending mental health care for inmates without proof of mental illness."

5.) MCL 750.424-ERROR-IN-LAW:

Pursuant MCL 750.424, making an effort to get someone to lie under oath is considered Subornation of Perjury with a 15 yr maximum felony. Pursuant 750.483a(6)(a), Tampering with Evidence or Offering False Evidence is a 4yr maximum Felony in Michigan. Pursuant MCL 750.483a(1), it is illegal to refuse to produce information, documents or testimony after the court has ordered it to be produced. In addition, pursuant MCL 750.483(a)(1), it is illegal to retaliate against another person for having reported a crime committed against another or themselves. There is an error-in-law because there is no law specific to tampering with police in-car video footage AND altering the identity of the plaintiff to that of another person entirely in police in-car video. Ms. Makini's footage produced is not of her own body, voice, nor the situation representing the incident in its entirety. The footage is another womans footage and the Defendants attorney stated that the only footage he had was the footage of another woman to produce to Ms. Makini. Oakland County police force retaliated against Ms. Makini before filing this lawsuit for being a "colored female" who was not a victim to their corrupt jail system by way of physically beating her during an arrest attempt for a warrant in Macomb County Michigan. Furthermore, upon closure of this case two years later, the Oakland County Police force ordered a "hit to kill her" and "organized campaign" against Ms. Makini for filing this lawsuit and defending her rights. An attack that forged the hand of the Judges in this case to neglect their duties as judicial officers.

These are precisely the type of factual issues that need to be resolved in full briefing and argument and for this reason, reconsideration/rehearing is appropriate. See Schweiker v. Hansen, 450 U.S. 785, 791 (1981) (Marshall, J., dissenting)(summary disposition only appropriate in cases where “law is settled and stable, the facts are not in dispute, and the decision below is clearly in error”).

CONCLUSION

Ms. Makini respectfully request that this Court grant the petition for reconsideration/rehearing and order full briefing and oral argument on the merits of this case.

RESPECTIVELY SUBMITTED,
/s/OMOLARA MAKINI
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October 29, 2021

CERTIFICATE OF COUNSEL

I hereby certify that this petition for reconsideration/rehearing is presented in good faith and not for delay.

/s/ Omolara Makini
OMOLARA MAKINI

CERTIFICATE STATING GROUNDS

I hereby certify that pursuant Rule 44, this Petition for Reconsideration/Rehearing is presented on substantial grounds not previously presented.

/s/ Omolara Makini
OMOLARA MAKINI