

NO. 21-6153

* * *

In the Supreme Court of The United States

* * *

Suran Wije, *PETITIONER*

v.

David A. Burns, The University of Texas at Austin, Jane Doe, and John Doe,
RESPONDENTS

* * *

ON PETITION FOR A WRIT OF CERTIORARI TO THE FIRST COURT OF
APPEALS, CAUSE NO. 01-19-00024-CV

* * *

PETITION FOR REHEARING

* * *

February 4, 2022

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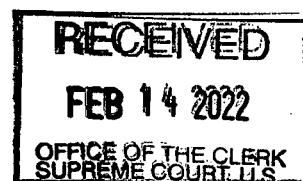




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PREAMBLE

Two state employees have a constitutional conflict pertaining to computer systems security. The first employee has a government degree, and the second employee has a science degree plus a liberal arts degree (CR 26). Both are U.S. citizens. The first employee (respondent), a director, convened a secretive and segregated Information Technology (IT) security meeting. The second employee (petitioner), who is staff not management, was intentionally excluded from that official gathering of fellow systems analysts. The first employee then sanctioned the second for ignorance of a stealthily altered security policy at that meeting (Affidavits: CR 19; CR 184; CR 215). Nevertheless, the second employee's IT system was still judged secure, and he was exonerated by independent and high-level security officials (CR 57) at the employer, a "Public Ivy" university.

Now seething, the first employee created a hostile work environment (Affidavits: CR 19; CR 184; CR 215); constructively discharged the second employee (CR 52); placed numerous lies (CR 387-389; Table 5) within his personnel file (CR 29 and CR 35); uploaded that file to State of Texas databases where those deceipts then spread online like revenge porn; and concealed that now weaponized personnel file (CR 29) from the second employee for many, many years with, allegedly, the help of bribery (original petition No. 21-6153, Tab 5). Because the flagship university employer was also the second employee's beloved alma mater, he risked retaliation by acting as an internal-only whistleblower to forestall an avertable and massive security breach, which made national

news (original petition No. 21-6153, Tab 4; CR 41). In retribution, the second employee was then placed on a de facto blacklist (CR 21, #8; CR 193-202) now approaching 18 years. Exemplifying the *Peter Principle* (Josh Clark) (CR 22), the first employee received much praise (CR 63), a pay raise, and even a promotion from director to senior director of IT. Yet, the first employee supposedly perjured himself (original petition No. 21-6153, Tab 6; CR 311-313).

In the peer-reviewed journal article, *Why Judges Don't Like Petitions for Rehearing*, the appellate rules are cited to discourage a rehearing unless the "proceeding involves a question of exceptional importance" (Richard Arnold, p. 34). This Court's own rules, Rule 44.2, admonish a rehearing to "other substantial grounds not previously presented." Thus, petitioner mindfully meditated on an imaginative thought experiment about the five objectives within the preamble to the U.S. Constitution. The first objective is "establish Justice" and the third is "provide for the common defense." Petitioner, next, considered the first three words of this preamble: "two state employees." Why does the first employee receive legal funding but the second employee does not? Of course, the second employee is now a former and blacklisted indigent employee but not at the time of an obvious "constitutional question beyond debate"—segregation (*Rivas-Villegas v. Cortesluna* (20-1539) (*per curiam*), citing "White [v. Pauly], 580 U.S., at ___ (slip op., at 6) (alterations and internal quotation marks omitted)").

The ultimate result of such disparate action, as summarized by this preamble's first two paragraphs, is that the State, again wasting precious taxpayer dollars, ostensibly

funded its own security breach. Utilizing root cause analysis and cybersecurity threat modeling, petitioner will demonstrate that under a few exceedingly rare circumstances of an “exceptional importance”—specifically, slavery¹ and security (S&S)—funding the first U.S. citizen but not the second threatens the national security interests of the United States.

Different Question: Do the root causes of an *unfunded* constitutional violation, facilitating a forewarned computer security breach, enable a threat model for state and U.S. national security?

¹ The connections between the first (justice) and third (defense/security) objectives within the preamble to the U.S. Constitution are again expounded by *Wije v. Ann Stuart*, et al (now pending as *Wije v. U.S.A.*). Neither the Emancipation Proclamation nor the Thirteenth Amendment ended debt bondage *slavery*—only World War II did that (please see footnote 4 in the original petition No. 21-6709).

I. PETITION FOR REHEARING

A. Root Cause Analysis – While working at his alma mater, the respondents, petitioner was a certified systems analyst, a certified quality auditor, and a certified project manager. Root cause analysis is one of the quality tools used by auditors. The nature of the justice-security relationship can be revealed by performing a root cause analysis (RCA). “A root cause is defined as a factor that caused a nonconformance and should be permanently eliminated through process improvement. The root cause is the core issue—the highest-level cause—that sets in motion the entire cause-and-effect reaction that ultimately leads to the problem(s)” (ASQ.org). Here, we see that the security breach was only a symptom; favoritism, as detailed below in Table 1, was

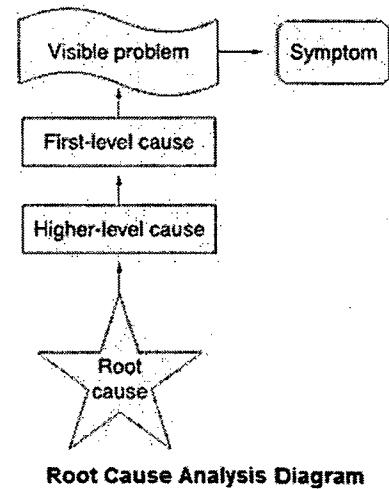


Figure 1. A security breach is only the symptom.

an empirical or **visible problem**; cronyism was a **first-level cause**; alleged bribery was a **higher-level cause**; an unfunded constitutional violation was the **root cause**—meaning, zero whistleblower support.

B. Threat Modeling – Since ancient times, militaries have used threat models when waging war to prioritize their defenses. That technique, which shares similarities to RCA, is also used in cyberwar. Threat modeling is “an engineering technique you can use to help you identify threats, attacks, vulnerabilities, and countermeasures that could affect your

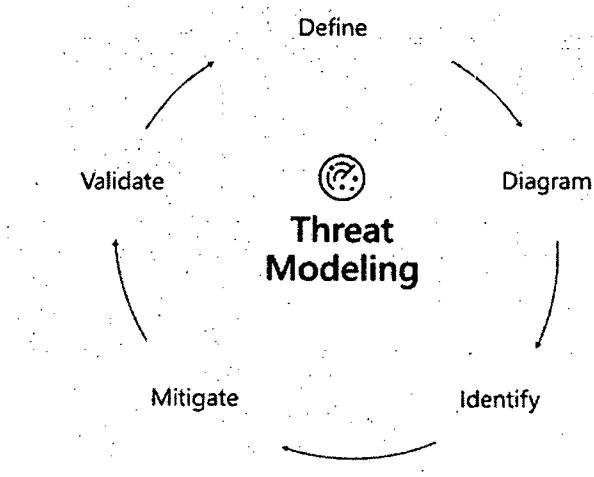


Figure 2. The five elements of threat modeling.

application” (Microsoft.com). But, “high-tech” threat modeling can be derailed by “high-touch” or human factors such as favoritism, cronyism, bribery, and non-transparency. In other words, the corruption fought by a whistleblower at each element of the threat model, enables that model

to properly function at the intersection of “high-tech” and “high-touch.” In the article, *Cyber Warfare: U.S. Military Admits Immediate Danger Is ‘Keeping Us Up At Night,’* there is no distinction between a traditional or physical war and an internet or cyberwar:

Nothing is especially new, in truth, at least not capability-wise. But there has been one major development: increased levels of integration between the physical and cyber domains—cyber warfare as an interchangeable battlefield tool, an attack in one domain and retaliation in another (Zak Doffman).

II. REASONS FOR GRANTING THE PETITION

A. Favoritism Over Merit – When the State has a supposed “pattern-or-practice” of allowing favoritism over merit for its scientific and engineering public-sector roles, costly catastrophes will result. The first step in filing a Civil Rights Act of 1871 (42 U.S.C. §1983 or “Section 1983”) and a Civil Rights Act of 1964 (Title VII) complaint is to

approach EEOC.gov . A better and larger image of Table 1 below with an analysis of those data is available here, <http://svj1.com/EOC.htm> .

Table 1. For best results, please see the hyperlink above.

Title	State of TX Employers	Sex	Race	Color	National Origin	Undergraduate STEM Degree?	M.S. or Ph.D. in STEM?	Medical/Health Graduate Degree?	Annual Salary
Information Technology (IT) Director	mccombs.utexas.edu	Male	Caucasian	White	U.S. Native?	No	No	No	\$118,372
Assoc. Provost Tech. and CIO	twu.edu	Male	Caucasian	White	U.S. Native?	No	No	No	\$173,855
Assoc. VP IT Shared Services	utexas.edu	Male	Caucasian	White	U.S. Native?	No	No	No	\$239,177
Assoc. VP and CIO	utexas.edu	Male	Caucasian	White	U.S. Native?	No	No	No	\$252,232
Complainant	blacklisted	Male	Asian	Brown*	Naturalized	Yes	Yes	Yes	~\$10,000

As a free management consulting service to the Texas State Legislature, petitioner had hoped to conduct a longitudinal analysis demonstrating how favoritism and the *Peter Principle* produce a causal relationship with tens of millions (or more) of dollars lost to long-suffering Texas taxpayers from cybersecurity breaches; unfortunately, due to the State's recent clawback of sunshine laws, those hopes are now dashed.

B. Cronyism Over Merit – While favoritism is due to a general relationship or feature, cronyism results from a specific friendship or association. On page 3 of footnote 2 (in the original petition No. 21-6153 on Tab 5 captioned, *Alleged Hush-Money Bribery Masquerading as a Tax-Deductible Charitable Donation*), petitioner expressed concern that the outgoing dean and the incoming dean of the business school both had a common University of Minnesota affiliation, which may create a conflict of interest. Such a business ethics question can no longer be raised, because again, recent clawbacks regrettably obstruct public access to even the most basic information.

C. Clawback of Sunshine Laws – In the article, *Sharpstown scandal sparked a revolution at the polls*, we learn how Texas government become open (James Pinkerton). Now, however, Table 1 cannot be compiled, since the State apparently strongarmed the press into declaring, “As of May 2020, we no longer publish [names, titles, hire dates, and] salaries for university, public hospital or local government employees” (please see, <https://salaries.texastribune.org/faq/#one>). Moreover, now, neither Tab 5 (*Alleged Hush-Money Bribery Masquerading as a Tax-Deductible Charitable Donation*) nor Tab 6 (*Respondents’ Supposedly Perjurious Affidavits*) can be generated, because basic public directory information was moved behind a password-protected firewall, <https://enterprise.login.utexas.edu/idp/profile/SAML2/Redirect/SSO?execution=e3s>

1 . When petitioner attempted to obtain the secret telephone voice recordings of his internal-only whistleblowing, he learned firsthand of what is described in this article, *No right to know?* (Jeremy Blackman).

D. State Law Reassures Bribery – Due to, perhaps, aggressive and expensive lobbying efforts, the Texas State Legislature enacted the following law as an exception to open records:

Sec. 552.1235. EXCEPTION: CONFIDENTIALITY OF IDENTITY OF PRIVATE DONOR TO INSTITUTION OF HIGHER EDUCATION. (a) The name or other information that would tend to disclose the identity of a person, other than a governmental body, who makes a gift, grant, or donation of money or property to an institution of higher education or to another person with the intent

that the money or property be transferred to an institution of higher education is excepted from the requirements of Section 552.021 (excerpt only).

Given the trend towards clawing back of sunshine laws and the lack of press or public oversight, Tab 5's *Alleged Hush-Money Bribery Masquerading as a Tax-Deductible Charitable Donation* is a direct threat to state and U.S. national security (please see, *We Can't Let Foreign Influence Compromise Our Universities* by Rachelle Peterson).

III. CONCLUSION

For the reasons set forth in this petition, Suran Wije respectfully requests that this Honorable Court grant a rehearing and his petition for a writ of certiorari.

Respectfully submitted,

Suran Wije

/s/ Suran Wije February 4, 2022

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CERTIFICATE OF COUNSEL

I hereby certify that this petition for rehearing is presented in good faith and not for delay; furthermore, it is restricted to "other substantial grounds not previously presented" as admonished by the Supreme Court of the United States Rule 44.2.

Respectfully submitted,

Suran Wije

/s/ Suran Wije, Pro Se February 4, 2022

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PROOF OF SERVICE

I, Suran Wije, do swear or declare that on this date, February 4, 2022, I have served this petition for rehearing on each party 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, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Scot Macdonald Graydon,	Clerk, Supreme Court of the United States
Office of the Attorney General of Texas,	1 First Street, NE
PO Box 12548 Austin, TX 78711-2548	Washington, DC 20543

I declare under penalty of perjury that the foregoing is true and correct.

Suran Wije

Executed on February 4, 2022

Signature