

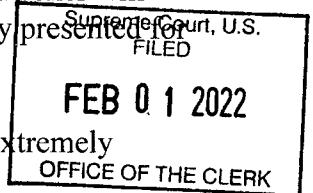
21-6214  
PETITION FOR REHEARING EN BANC

1. Petitioner, Usman D. Oyibo, in accordance with Rule 44.2 makes his application for Rehearing of this Court's order of January 10, 2022, denying Writ of Certiorari. Petitioner will present exceptional circumstances, and compelling reasons that were not previously presented for consideration before a full nine-Member Court.

2. It is extremely disrespectful for this court to say and uphold the 2<sup>nd</sup> circuit extremely fraudulent position to plaintiff, that his infallibly proven racial discrimination case "lacks an arguable basis either in law or fact" and completely denied petitioner's Writ. Petitioner has infallibly proved his medical malpractice case and also his racial discrimination case. On February 22, 2013 petitioner arrived in Huntington Hospital and reported that petitioner had gout in his toes and feet to the doctors. Defendants deliberately and irrationally dismissed gout

**WITHOUT CONDUCTING ANY LABORATORY TEST FOR GOUT** despite recognizing petitioner had all physical symptoms of gout, like painful joints and inflamed painful big toe, red skin around the toes, inability to walk on feet, elevated ESR, WBC, etc. **This is clearly negligence as well as medical malpractice in which the defendants are directly, completely responsible for.**

3. The Petitioner had previous presented material evidence and facts to the court from the Northwell Health's own Official Hospital website: <https://www.northwell.edu/find-care/services-we-offer/rheumatology/conditions/rheumatoid-arthritis> (CD Folder "N" which the Supreme Court blatantly ignored and sent back the CD), where the Northwell Health Hospital system clearly defined the appropriate diagnosis and standard of care of gout for the public. Here on the official website of Northwell Health, the full rheumatological workup is listed on their official website specifically stated that Joint Aspiration or the Synovial Joint Fluid Test is the only definitive test for gout and the appropriate standard of care or diagnostic procedure Northwell



Health specifically lists as to determine or detect/rule out Gout:

**“Joint aspiration. This involves a removal of fluid from the swollen bursa (or joint) to exclude infection or gout as possible causes.”**

4. Northwell Health's own official hospital website contradicts Dr. Michael Repice and Huntington Hospital claiming they did a full “rheumatological workup” for the petitioner. Huntington Hospital deliberately refused to do the synovial joint fluid test when petitioner arrived into that hospital back in February 22, 2013 and throughout all 12 days petitioner was there deliberately allowing petitioner to suffer unnecessarily. In addition Northwell Health on their own official Hospital Website placed a video for the public, where two Doctors within the Northwell Health system, Dr. Mike Rosen and Dr. Robin Dibner, a board certified Rheumatologist from Lenox Hill Hospital, specifically in the video states the Synovial Joint Fluid Test is the standard procedure of Northwell Health Hospital System for diagnosis of gout and the only way to definitely diagnosis gout (<https://www.northwell.edu/about/news/video/what-gout> CD folder “P”), **which Northwell Health/Defendant Hospitals deleted this page on their website and video soon after the petitioner had found/discovered it and submitted it to the courts as evidence in 2018**, which proves the defendants being extremely guilty of medical malpractice and a deliberate proof of discrimination against petitioner and both the Northwell Health Rheumatology section of their official Hospital website along with Dr. Robin Dibner specifically expresses how serum uric acid test are well known to not be a reliable test for gout. Petitioner also was medical malpractice assaulted/patient dumped by defendant hospital upon return in April 10,2014 and medical malpractice battered at North Shore Univ. Hospital on April 14, 2014.

5. **Discrimination is defined by google as “the unjust or prejudicial treatment of**

different categories of people or things, especially on the grounds of race, age, or sex”

(Appendix K). When you have a criminal medical malpractice it isn’t not a benign mistake and there must be a reason for it.

6. It has been well known that discrimination and medical malpractice are connected.

For example Cranwell & Moore P.L.C., Attorneys at Law recognized that discrimination can be a medical malpractice <https://www.cranwellmoorelaw.com/blog/2018/04/can-discrimination-be-a-form-of-medical-malpractice/> (Appendix C):

**Can discrimination be a form of medical malpractice? On behalf of Cranwell & Moore P.L.C., Attorneys at Law | Apr 27, 2018 |**

“...Doctors are like any other people, though, and they often carry prejudices that they may consciously or subconsciously act on. When it comes to providing health care, this can seriously affect the treatment a patient receives.

Women, minorities and other marginalized groups should be aware of the treatment they receive and whether it is up to par. Every patient, in fact, should be on the lookout for these common forms of medical malpractice that may be fueled by prejudice or discrimination.

**Inferior treatment**

According to a study by the Center for Justice and Democracy, minorities are more likely to be victims of preventable medical errors than other patients. There are many factors that influence this—less access to medical care, lack of insurance and language barriers are just a few. Nonetheless, there is no excuse for a preventable medical error, especially if it is the result of a physician’s own prejudice.

**Misdiagnosis**

Minorities are not the only population who may receive inferior care. Overweight and elderly patients are more likely to receive a misdiagnosis, and in both cases, this can be deadly. A doctor may dismiss these patients’ symptoms as indicative of their weight or age, when in fact, there is another ailment that needs treatment. Failure to diagnose or incorrectly diagnosing an illness is a serious error.

**Denial of care**

The aforementioned study also mentions minorities’ lack of access to primary care medical treatment. As a result, many underprivileged patients go to the emergency room to seek care. Because of the hectic nature of this environment, professionals may flatly deny patients care even when the sufferers have a serious condition that needs treatment. People should take seriously any denial of care and refusal to treat.”

7. Another law firm, Crowe Arnold & Majors, LLP, has also recognized very clearly

that discrimination and medical malpractice are connected in a post on their website titled “When Discrimination Reaches the Level of Medical Malpractice” <https://camlawllp.com/discrimination-reaches-level-medical-malpractice/> (Appendix C). It states the following:

“...Although discrimination in the healthcare industry is illegal, unethical, and morally repugnant, it still happens every day in the United States...”

#### **“Discrimination Against People of Color**

For decades, research has shown that minority groups such as African-Americans and Latinos experience more illness and premature death compared to white people in the United States. While efforts have been undertaken and laws have been passed to try to offset this, the reality remains: people of color, as a whole, receive less effective medical treatment than people who are white in this country. Discrimination happens in many different ways, often subconsciously, but the result is that people in minority groups have their illnesses go untreated, do not receive proper pain management, and live shorter lives ...” and also states “Physicians who discriminate against their patients—even if they do so unintentionally—can be held responsible through a medical malpractice lawsuit if a patient is injured by their neglect.”

8. US News also recognized the connection between discrimination and poor health/medical malpractice in the article “Racial Bias in Medicine Leads to Worse Care for Minorities” <https://health.usnews.com/health-news/patient-advice/articles/2016-02-11/racial-bias-in-medicine-leads-to-worse-care-for-minorities> (Appendix D ), which states:

“...Mounting research finds that racial bias and discrimination in health care as well as outside of medicine contribute to poor health for African-American patients and other racial and ethnic minorities. “I believe that a racist system of health kills people. There is ample evidence to show that,” says Wyatt (Dr. Ron Wyatt, a black Doctor who was discriminated against a hospital while he was a patient at said hospital) , who cowrote an opinion piece on racial bias in medicine for the Journal of the American Medical Association in August.

“Some people are just aware of it; they’re just racist, explicitly biased – prejudiced and biased. ... Others aren’t,” Wyatt says; he and other experts say that today, health care provider biases are typically more subtle. “The problem with it is we continue to see bad outcomes for black folks, and at some point we’ve got to say, whether explicit bias, unconscious bias – whatever it is, we need to know it and intervene so people live longer and live healthier...”

9. The website, <http://tuskegeestudy.weebly.com/pollard-v-united-states.html>  
(Appendix E), states that Attorney Fred D. Gray from Alabama, the civil rights lawyer for  
the petitioners (Black Men who were victims of the Tuskegee Syphilis Experiment) in  
*Pollard v. United States*, said that “...The Study (Tuskegee Syphilis Experiment) was  
racially motivated and discriminated against African Americans in that no whites were  
selected to participate in the Study; only those who were poor, uneducated, rural, and  
African American, were recruited...”.

10. The United States government website for National Center for Biotechnology  
Information (NCBI) has published a recent article [www.ncbi.nlm.nih.gov/pmc/](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC6258045/)  
articles/PMC6258045/ (Appendix F ) from 2017 entitled “TUSKEGEE AND THE HEALTH  
OF BLACK MEN” by Marcella Alsan and Marianne Wanamaker states the following:  
“The Tuskegee Study became a symbol of their (Black Men) mistreatment by the medical  
establishment, a metaphor for deceit, conspiracy, (medical) malpractice, and neglect, if not  
outright genocide...African-American men (currently) have the worst health outcomes of  
all major ethnic, racial, and demographic groups in the United States....”.

11. For example petitioner presented the Defendant Hospital deliberately dismissing petitioner's gout without conducted any laboratory test of gout during Petitioner's arrival, and fraudulently concealed the petitioner's gout, leaving petitioner to suffer unnecessarily for 12 days, and then when petitioner returned to Huntington Hospital with wounds from gout on petitioner's feet, the defendant hospital sent Hospital Security to medical malpractice assault/patient dump the petitioner with his feet unbandaged out into the cold for over an hour to die and their sister hospital, North Shore Univ. Hospital continued the fraudulent concealment of petitioner's gout and ambushed petitioner with a medical malpractice battery in the OR all prove

the medical malpractice of the hospital wasn't not a benign mistake, and therefore the medical malpractice is a criminal medical malpractice. **THEREFORE A MEDICAL MALPRACTICE ASSAULT/BATTERY IS CLEARLY UNJUST AND PREJUDICIAL TREATMENT AND THEREFORE A CLEAR CASE OF BEING TREATED VERY DIFFERENTLY AND WITH PREJUDICE AND THEREFORE A DISCRIMINATION CASE, A VIOLATION OF SECTION 1557 OF THE ACA, SINCE THE DEFENDANT HOSPITALS ARE NOT SUPPOSED TO BE IN THE BUSINESS OF MEDICAL MALPRACTICE ASSAULTING/PATIENT DUMPING/BATTERING OF PATIENTS, A CLEAR VIOLATION OF SECTION 1557, AND A CLEARLY A DENIAL OF ACCESS TO MEDICAL CARE, A VIOLATION OF TITLES XVIII AND XIX OF THE SOCIAL SECURITY ACT (MEDICARE AND MEDICAID) AND A VIOLATION OF THE USAGE OF THE FEDERAL FUNDS THE DEFENDANT HOSPITALS RECEIVE AS A MEDICARE/MEDICAID PARTICIPANT BOTH VIOLATIONS OF SPECIFIC US FEDERAL REGULATIONS/LAWS WHICH BRING THIS CASE TO THIS COURT AS 18 USC § 1331 DICTATES). SECTION 1557 CREATES PRIVATE RIGHTS OF ACTION ALONG WITH A MULTITUDE OF REMEDIES, INCLUDING COMPENSATORY DAMAGES. ALSO SECTION 1557 APPLIES TO ANY HEALTH PROGRAM OR ACTIVITY, ANY PART OF WHICH RECEIVES FUNDING FROM HHS (LIKE HUNTINGTON AND NORTH SHORE UNIV. HOSPITAL THAT ACCEPT MEDICARE/DOCTORS WITHIN THEIR HOSPITALS WHO ACCEPT MEDICAID).**

12. The removal of the Gout video (CD Folder title Exhibit "P") that was on the defendant hospitals' official website, after the petitioner presented the evidence to the court in 2018, also proves that defendant hospital's medical malpractice was not benign and they were desperately

trying to cover up they knew the medical malpractice was not benign, but intentional and therefore criminally done. This is clearly unjust and prejudicial treatment and therefore a clear case of being treated differently and with prejudice and therefore a discrimination case (violation of Section 1557 of the ACA).

13. Criminal medical malpractice in the petitioner's case has already been established as a discrimination case and therefore what remains is to additionally reinforce the discrimination aspect of the criminal medical malpractice case beyond what was proven in the criminal medical malpractice case of the petitioner when it was established the petitioner is a member of the protected class within section 1557 and of the Black GAGUT Family who was blessed by GOD with the GAGUT discovery.

14. Petitioner, as a Black Man, comes from the Black Family blessed with the discovery of GOD ALMIGHTY'S GRAND UNIFIED THEOREM (GAGUT) revealed by GOD to Professor Gabriel Audu Oyibo (the petitioner's father) in 1990. This GAGUT discovery coming from the Black People, has been largely ignored by the Non-Black society and so therefore it follows the Black family members of the GAGUT family can also be largely ignored by the Non Black society which is unjust and prejudicial treatment from the Non-Blacks (discrimination). It also follows that a case of a member of the GAGUT Black family, like the petitioner can be largely if not totally ignored by the Non-Black court/judges/society (discrimination). GAGUT is the ultimate/biggest revelation of a discovery by GOD to humanity which comes from Professor Gabriel Audu Oyibo, a Black Man. Wikipedia for example has boldly ignored/deliberately refused to have any wikipedia entry for GAGUT and Professor Gabriel Audu Oyibo available on their site for the public, due to the fact of GAGUT comes from a Black Man, Professor Gabriel Audu Oyibo, which is a fraudulent concealment as well as clearly unjust and prejudicial

treatment from Non-Blacks to Blacks (Discrimination). If Wikipedia, which is a Non-Black run, operated and controlled website can deliberately ignore and fraudulently conceal that ultimate revelation of GAGUT, one can see how the same group of Non-Blacks can deliberately ignore and fraudulently conceal the Petitioner's infallible case including this very Supreme Court, which is clearly unjust and prejudicial treatment from Non-Blacks to Blacks (Discrimination).

15. GAGUT has been largely ignored by the Mainstream Non-Black Media despite being covered by ABC TV, as well as News 55 and News 12 Long Island where Professor Gabriel Audu Oyibo was being presented/interviewed by Richard Rose and Doug Geed respectively about being nominated for Nobel Prize in Physics back in 2002, by the newspapers here in America, despite People's Daily of China the fifth largest newspaper in the world, covering GAGUT in 2006 as well as Russian Daily News 10-30-2018 News item 1339 and the following articles on GOD ALMIGHTY'S GRAND UNIFIED THEOREM NICKNAMED GAGUT  $G_{ij,j=0}$ , which is the ultimate truth and therefore the ultimate justice as indicated by Newsbreak, the #1 source of global intelligence news and by the New York and US Government despite support from Senators like the late Harvard Professor, Professor/Senator Daniel Moynihan, the late Senator John McCain, Former Senator Hillary Clinton, Senator Chuck Schumer and former Governor David Patterson being aware of GAGUT and petitioner's family being blessed with GAGUT. GAGUT has also been demanded by the Faculty, Staff and Students of Ivy League Universities like Harvard, MIT and Columbia University among others, and Goettingen University from Germany ranking GAGUT as the greatest mathematics work of all time and recommended to be studied by Goettingen at the center of the GAUSS Year 2005 in honor of Professor Carl Friedrich Gauss, the greatest mathematician since antiquity before GAGUT. Also the US Federal Government Sponsored GAGUT Yale University Study has recognized the Black

Race as the most intelligent race, with raw intelligence quotient data score of 28 for blacks compared to raw intelligence quotient data score of 19 for the non-blacks. The GAGUT Yale University Study infallibly proved that Black People are the most intelligent race (Appendix A ),

16. Varieties of the feelings/responses to the GAGUT discovery, a revelation by members of the GAGUT Black family has led to the large polarization of the human society, especially from certain Non-Black peoples who wished they had been blessed by GOD with the discovery of GOD ALMIGHTY'S GRAND UNIFIED THEOREM (GAGUT) revealed by GOD to Professor Gabriel Audu Oyibo, to viciously retaliate against Petitioner and his family for such a blessing. The late Professor Senator Daniel Moynihan and Senator John McCain both encountered such irrational polarization against GAGUT by members of the government and the National Science Foundation (NSF) back in 2000, and Petitioner's home was Firebombed on February 28, 2015 after a threat was publicly made that Petitioner's family "Deserved the holocaust" due to petitioner's family being blessed with the discovery of GAGUT (Appendix B). Since then petitioner has lived indigently, particularly in a trailer for the last 4+ years. Again from the evidence presented by petitioner of the Government, Media and Society ignoring of GAGUT, since Non-Blacks have been largely deliberately ignoring that ultimate revelation from GOD of GAGUT, one can see how the same group of Non-Blacks can deliberately ignore the Petitioner's infallible medical malpractice case, which is clearly unjust and prejudicial treatment from Non-Blacks to Blacks (Discrimination). Petitioner has also presented the parallel's to the court of this case to Pollard v. United States which pertained to the Tuskegee Syphilis Experiment. In Pollard, all of the victims of the criminal medical malpractice were Black. The prejudicial treatment is a departure from the norm and the norm is accepted medical practice which was totally intentionally ignored and completely abandoned in favor of a criminal medical

malpractice using a fraudulent concealment medical malpractice. GAGUT, a discovery from the Black People, being deliberately ignored by Non Blacks because of race is a racial discrimination, just like the Tuskegee Syphilis Experiment was a racial discrimination.

17. Since Petitioner case is completely paralleled with the Tuskegee Syphilis Experiment which was a criminal medical malpractice case that qualified as a racial discrimination and since GAGUT is being deliberately ignored by Non Blacks because of race, which is a racial discrimination and petitioner is a member of the Black GAGUT Family, therefore petitioner medical malpractice case is a racial discrimination case, where petitioner was racially discriminated by Non-Blacks particularly in the defendant hospitals due to the fact of the Petitioner being a member of the Black GAGUT Family who were blessed with the ultimate discovery of GAGUT. Petitioner's racial discrimination case is a gross violation of Section 1557 of the ACA which is violation of federal law and provides a private cause of action for this petitioner. Petitioner also demands the granting In Forma Pauperis for petitioner since petitioner has no money and clearly qualifies for it and finding the Defendant Hospitals guilty of grossly violating Section 1557 of the ACA in their vicious racial discrimination of the petitioner.

18. The clear evidence of the criminal medical malpractice is in the surveillance videos, that was criminally refused to be released by the Courts, which is a fraudulent concealment of the crime. The Courts deliberately ignoring this criminality also coincides with the point about in particular this case being a racial discrimination case because it clearly shows that the petitioner a BLACK MAN has no rights under the US constitution which is a categorical denying, ignoring and neutralizing of the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> Amendments which makes the amendments null and void and a blatant disrespect of the US Constitution. This decision of the Supreme Court

deserves some serious and urgent decision to declare that previous Supreme Court Action to be null and void and the judges responsible for that decision to be reprimanded immediately . Again Petitioner has no rights under the US constitution Federal or otherwise to get justice, which the Defendant Hospitals, along with the State and Federal courts judges, who all were acting as lawyers of the defendants, affirm that Petitioner has no rights afforded under the US constitution just like the infamous Dred Scott case (*Dred Scott v. Sandford*) and the equally infamous decision of the Supreme Court of the United States that upheld and reaffirmed that position.

19. The defendants hospital is governed by law, it has rules and regulations to protect patients from attack and abuse. They are supposed to cater to all races. Petitioner, who is a Black Man, was denied his patient rights which is extremely wrong and the courts have denied the petitioner any justice in the case. The one particular entity described by the US constitution that should be denied justice is Black people. The courts are therefore using the US constitution prior to the amendments where Black People have no rights and are totally denied justice at all costs.

20. Therefore the petitioner's has infallibly proven his medical malpractice case also as a racial discrimination because it is wrong and any decision other than finding the defendants guilty by the courts state or federal is wrong because it goes against infallible truth like  $2+1-3=0$ . Again the petitioner's case has been a racial discrimination from the start and has been a total denial of justice. The federal regulation laws are an approximation of the GAGUT which is the ultimate law. The case has being infallibly proven to be a child is infallibly related to its biological mother, and the courts have not been able to disagree with that position.

21. Also there has been reports from the New York Times about New York Courts having pervasive examples of racial bias — some explicit, some subtle — in New York State's court system including a high ranking court officer depicting an illustration of President Barack Obama

with a noose around his neck on social media. Another white officer referred to a Black court officers as “one of the good monkeys.” A third white court officer commented to a white colleague that he would have done better on a firearms test if he had been given a “Sean Bell target,” a reference to an unarmed Black man killed by the police in 2006. The incidents of overt racism were among several mentioned in a new report about racial bias in the New York State Court system commissioned by Chief Judge Janet DiFiore after national protests this summer against institutional racism in the criminal justice system. Jeh C. Johnson, a former Homeland Security secretary under President Obama, led the team that did the review. His report, released with little fanfare last week, found pervasive racism in New York courts, both explicit and implicit, from judges, court officers and lawyers. The accounts of racial bias the team collected bore a striking similarity to testimony in another review from three decades ago, the report said. “The sad picture that emerges is, in effect, a second-class system of justice for people of color in New York State,” wrote Mr. Johnson, a partner at Paul, Weiss, Rifkind, Wharton & Garrison.

<https://www.nytimes.com/2020/10/19/nyregion/nyc-courts-racism.html> (Appendix I). So it is clear that a racial discrimination case like the petitioner’s case hasn’t got a fair hearing and in fact can be ignored and be denied justice by the courts.

22. GOD ALMIGHTY’S GRAND UNIFIED THEOREM NICKNAMED GAGUT IS THE GOD ORDER REVEALED BY GOD TO A BLACK MAN CALLED PROFESSOR GABRIEL AUDU OYIBO, THROUGH WHICH GOD ORDAINED THAT SAME BLACK MAN PROFESSOR GABRIEL AUDU OYIBO WITH THE ULTIMATE INTELLIGENCE, ETA SUB INFINITY WHERE  $\eta_n = g_{nj} * x_j^{n+1}$  AND “n+1” IS THE INTELLIGENCE QUOTIENT (IQ) WHICH GOD BLESSED PROFESSOR GABRIEL AUDU OYIBO WITH “n+1” OF INFINITY

AND SINCE GOD ALSO BLESSED BLACK PEOPLE TO SHARE THE SAME GENES  
WITH PROFESSOR GABRIEL AUDU OYIBO GOD HAS ORDAINED THE BLACK RACE  
THE MOST INTELLIGENT, RICHEST AND UNDEFEATABLE RACE, THEREFORE  
BLACK PEOPLE MUST GET JUSTICE. For example New York Times article "Tears, Hugs  
and Fresh Clothes: New Jersey Prisoners Rejoice at Release"

<https://www.nytimes.com/2020/11/05/nyregion/nj-prisoner-release-covid.html> (Appendix J) in New Jersey "More than 2,000 inmates were freed" and the article says that "The initiative grew out of legislation signed into law last month and comes at a moment of intense national debate over transforming a criminal justice system that imprisons people of color in disproportionate numbers...." which is the beginning of righteous responses to GAGUT and also a statement that clearly demonstrates the huge denial of justice and human rights as well as US constitutional rights to the Black people with extraordinary impunity, similar to what was going on in Nazi Germany to the Jewish people that must be reversed and punished urgently by the Supreme Court and all others in order to avoid the consequences that occurred as a result of that act, which resulted in the destruction of 85 million human beings in order to resolve that horror for the Jewish People, since a very infallibly parallel exist between the Jewish People receiving that horror in Nazi Germany up until the time they were blessed with the formula  $E=MC^2$  on the one hand and Black People receiving a similar horror from the American Government for over 500 years, until 1990 when GOD blessed the Black People with the ultimate totality of formulas  $G_{ij,j=0}$  on the other hand and since correct formulas constitutes GOD ORDERS, if the Finite Jewish People Formula  $E=MC^2$  can be used to destroy the lives 85 million human beings in order to resolve the horror, the Infinite Total Black People Formula of  $G_{ij,j=0}$  can not only be used to destroy the solar system including our planet and wiping out all of humanity, but can also

be used to destroy the whole universe resulting in the much dreaded total armageddon that reverses the whole creation process, which no intelligent or rational set of human beings can consider that option as the solution to these horrors being endured by Black People for over 500 years, which compels the Supreme Court and all other Courts to deliver justice to the Black People particularly the petitioner's case.

23. The statistical data compiled by Vera Institute of Justice, which on wikipedia Vera Institute of Justice founded in 1961 by philanthropist Louis Schweitzer, works closely with government and civic leaders "to drive change, to urgently build and improve justice systems that ensure fairness, promote safety, and strengthen communities" (vera.org Appendix H ) also confirmed by a recent Harvard University Law School document entitled *“Dissecting racial disparities in Mass. Criminal justice system”* by Brook Hopkins and Felix Owusu (Appendix G ) that was ordered by the Chief Judge Ralph Gants, confirmed it for the state of Massachusetts therefore it is expected a study in the state of New York is verified to be correct as well. That Vera Institute report states that for Massachusetts the prison population of Black People is 27% whereas the total population is 7%, which is almost 4 times more than the total population which means that a minimum of 75% of the decisions to be wrong. In the state of New York the prison population of Black People is 48% whereas the total population is 15%, this means that a minimum of 67% of the decisions to be wrong.

24. In addition in the petitioner's case *Oyibo v. Huntington Hospital* , the New York State and Federal Courts denied the petitioner **ANY DISCOVERY**, including a decisively clear evidence of medical malpractice by Huntington Hospital (as well as a racial discrimination) in a video footage of the Petitioner being medical malpractice assaulted/medical malpractice patient dumped by the Defendant Hospital's staff and therefore ending up with the judges acting as lawyers for the defendants which led to a fraudulent decision which is equivalent with a child is not infallibly related to its biological mother, which should persuade the Supreme Court to reverse the lower court's decision of the petitioner's case

and find the defendant's guilty of medical malpractice, particularly because the Vera Institute of Justice injustice statistics figure for New York State (Appendix H ), Black People are 15% of the total population but 48% of the prison population. If there was justice the figure of the Black People would be 15% of the prison population , therefore Black People being 48% of the prison population means there is a ratio of those who got justice and those who did not get justice of 15 to 33.

25. The mere fact of the Black People are 48% of the prison population instead of 15% means that every case had a chance of being right or wrong, since 15%, NOT 48% is expected to be the right percentage of the correct decisions. That means the petitioner case has a chance of being a wrong decision or a right decision. However what verified it to be a wrong decision are the following 1) the so called judges acting as lawyers for the defendants, along with the defendants refused to released the video footage that clearly proved the Defendants Hospital's staff were beating up the petitioner who was their patient, not only were the defendant's guilty of medical malpractice but also guilty of criminal medical malpractice and racial discrimination 2) all of the judges acting as lawyers for the defendants and the defendants, by deciding the defendants were not guilty of medical malpractice and racial discrimination, refused to understand the infallible truth that a child (criminal medical malpractice assault subset) is actually a subset of medical malpractice. Therefore, these two points 1) and 2), along with the Vera Institute of Justice figure, verifying the petitioner case to have a possibility to have been decided wrong, the defendants are guilty of medical malpractice and racial discrimination against Usman Oyibo. GOD bless you.

### **CONCLUSION**

For the foregoing reasons, the petition for rehearing should be granted.

February 13, 2022

Usman D. Oyibo

### **CERTIFICATE OF GOOD FAITH**

Pursuant to Rule 44.2, Counsel certifies that the Petition is restricted to the grounds specified in the Rule with substantial grounds not previously presented. Counsel certifies that this Petition is presented in good faith and not for delay.

Usman D. Oyibo