

Docket # 21-7043

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

**On Petition For A Rehearing
To The
Supreme Court Of the United States**

April 15, 2022

**Case Brought from Court Of Appeals For The Ninth Circuit Case
No: 21-55833
District Court Case No:5:21-cv-01046**

Ada Maria Benson
(Petitioner- Persona Propia)
v.

Allstate Insurance Company
Defendants

Benson, Ada Maria
(Persona Propia)
324 South State St #3054
Hemet, California 92546
Bensonadamaria@gmail.com

PETITION FOR REHEARING

Pursuant to Supreme Court **Rule 44.1**, The petitioner, Benson, Ada Maria (Persona Propria) respectfully Petition for Rehearing of the **Court's Per Curiam Decision** issued by the United States Supreme Court Clerk Mr. Scott S. Harris on **April 04, 2022** in Benson, Ada Maria V. Allstate Insurance. United States Supreme Court Number No. 21-7043 (No. 21-55833). (See attached)

This case was denied without briefs nor arguments. **The United States Supreme Court has never issued a per curiam opinion, without briefing or argument since 1996 when the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) was passed.** The AEDPA Is an Act to deter terrorism, provide justice for victims, and for other purposes.

Petitioner is entitled to relief under the 18 U.S. Code § 3771 - Crime Victims' Rights Act.

Denial of this case is a violation to the established State of California Act: **"The Insurance Frauds Prevention Act [1871 - 1879.8]** *"The California Insurance Frauds Prevention Act ("IFPA"), located under Section 1871.7 of the California Insurance Code, allows members of the public to file private qui tam suits against anyone who commits insurance fraud in the state."*

Failure to protect an insured driver and violation to the Breach of Contract is a felony **41 U.S. Code § 6503 - Breach or violation of required contract terms.** This Court in denying this case is leaving a crime committed without a penalty. **U.S. Olano, 507 U.S 725, 731 (1993)** *"No correcting errors seriously affected the fairness of the proceedings. Denial is a Plain Error.*

18 U.S. Code § 2259 - Mandatory restitution b) Scope and Nature of Order. (1) Directions.—Except as provided in paragraph **(2)**, the order of restitution under this section shall

direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses.

The Mitigating circumstances Exist and are progressive. Once the petitioner was hurt and her vehicle was damaged, the damages and the expenses have carried over the years the burden of an economic loss and affecting the health and economy of the petitioner. For as long as the petitioner does not recover the loss, the mitigating circumstances exist. **Allstate has Intentionally Caused Economic Harm 15 U.S. Code § 6611 - Damages in tort claims . See Restatement Of The Law Third [3d]. Torts: Liability For Economic Harm exists.** This Restatement covers infliction of economic loss, including professional negligence, negligent misrepresentation, negligent performance of services, and public nuisance. It also addresses fraud, breach of fiduciary duty, interference with contract, unjustifiable litigation, and civil conspiracy.

Allstate's Conduct is liable and must be **punishable under 18 U.S. Code § 2259. Wanton misconduct exists.** Citing **Restatement (Second) of Torts § 500 (1965)** "*Wanton misconduct is the intentional doing of an act which one has a duty to refrain from doing or the intentional failure to do an act which one has a duty to do, in reckless disregard of the consequences and under such surrounding circumstances and conditions that a reasonable person would know, or should know, that such conduct would, in a high degree of probability, result in substantial harm to another.*"

Petitioner is victimized by the hit and run driver as well as petitioner is a victim of Allstate by the failure of Allstate to cover the obligation held by an established contract that owes responsibility to the petitioner up to this date. **The petitioner is an indigent, hard working woman that was affected further in her disabilities and economically.** The accident affected further back pain. Legs were numb as soon as hit in the accident and the **savings account was devastated by imposing on the petitioner the expenses that the insurance had to cover.** To this date, the forced expenses incurred are a subtraction to the plaintiff's economy, while allstate recovered from the hit and driver

insurance. Therefore **embezzlement exists by the defendant.18 USC § 641.** Here is the petitioner the victim of a conspiracy that left the petitioner injured and economically affected. Economic harms are liable **The Prima Facie Tort Doctrine exists in this case** and allows a petitioner to recover for damages resulting from a defendant's intentional and malicious infliction of harm. The prima facie tort is defined as the "infliction of intentional harm, resulting in damages, without excuse or justification, by an act or series of acts."

Petitioner is entitled to relief under the 18 U.S. Code § 3771 - Crime Victims' Rights Act. (a) Rights of Crime Victims (a) (4) The right to be reasonably heard at any public proceeding in the court involving release, plea, sentencing, or any parole proceeding. (6) The right to full and timely restitution as provided in law. (7) The right to proceedings free from unreasonable delay. (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

Allstate has not denied that it has trespassed a Breach of Contract against the petitioner. The federal courts have never received an opposition to the petitioner's filing this case petition. To the contrary, the evidence provided by the petitioner as appendices to the Petition For Writ of Certiorari demonstrates that up to this date, Allstate has maintained active communication with the petitioner regarding this case. **A defendant who actively responds to an ongoing claim, is because feels attachment to a responsibility that has not been complied with.** The opponent must present evidentiary facts sufficient to raise a triable issue of fact. In this case there are no allegations to the torts committed against the petitioner.

The Fifth Amendment says to the federal government that "no one shall be "deprived of life, liberty or property without due process of law."

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**COMPLIANCE WITH RULE 44 OF THE UNITED STATES SUPREME COURT.
 GROUNDS TO FILE PETITION FOR REHEARING:**

This petition for Rehearing is filed within the 25 days required by the Clerk of the Supreme Court in his letter attached dated April 04, 2022. The docket number of the Supreme Court appears on the title page. Docket # 21-6841

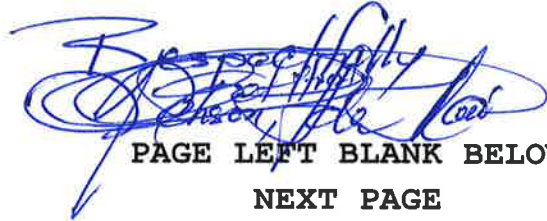
- Petitioner is entitled to relief under the 18 **U.S. Code § 3771 - Crime Victims' Rights Act.** (a) Rights of Crime Victims .
- **15 U.S. Code § 6611** - Damages in tort claims . See Restatement Of The Law Third [3d]. Torts: Liability For Economic Harm
- **The Insurance Frauds Prevention Act [1871 - 1879.8]**
 "The California Insurance Frauds Prevention Act ("IFPA"), located under Section 1871.7 of the California Insurance Code 18 U.S. Code § 2259 - Mandatory restitution
- AEDPA Is an Act to deter terrorism, provide justice for victims, and for other miscellaneous purposes.
- Fifth Amendment. Due Process of Law.

REASONS FOR GRANTING THE PETITION

The Mitigating Circumstances are carried over the years. Once the indigent petitioner was affected in property, health and economy, the economic burden and health destruction have placed a burden in the life of the petitioner. This case has been evidenced plenty by the petitioner in the appendices attached to the petition for a Writ of Certiorari filed in this court.

18 U.S. Code § 3771 - Crime Victims' Rights Act. (a) Rights of Crime Victims provides ample jurisdiction to the United States Supreme Court to hear this case.

As Rule 12.2. Requires, **This petition states its grounds distinctly and is served as required by Rule 29.** The Grounds are limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.



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DENIAL LETTER OF APRIL 02, 2022

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

April 4, 2022

Clerk
United States Court of Appeals for the Ninth
Circuit
95 Seventh Street
San Francisco, CA 94103-1526

Re: Ada Maria Benson
v. Allstate Insurance Co.
No. 21-7043
(Your No. 21-55833)

Dear Clerk:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Harris", written in a cursive style.

Scott S. Harris, Clerk