No. ___21-7050_____

IN THE

SUPREME COURT OF THE UNITED STATES

Guy Cozzi --- PETITIONER

vs.

Workers' Compensation Board, et al. --- RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Second Circuit

PETITION FOR REHEARING OF THE DENIAL OF THE WRIT OF CERTIORARI

Pro-Se and IFP Petitioner-Appellant:

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REASONS FOR GRANTING THE PETITION FOR REHEARING

Pursuant to SCOTUS rule 44.2, Petitioner Guy Cozzi respectfully petitions for a rehearing of the denial of the Writ of Certiorari for docket #21-7050.

1 - Pro-Se Petitioners Need Legal Counsel

I did not have an attorney to represent me or assist me with writing my Writ of Certiorari appeal brief. As a Pro-Se petitioner/appellant, I need a professional attorney to assist me so that my written Writ of Certiorari is not affected by my emotions, stress and health problems. I have been told that judges do not like it when Pro-Se litigants get emotional because it clouds the legal arguments. If SCOTUS can allow me a 30 day extension, I will get an attorney to rewrite my appeal brief. The Writ of Certiorari would then be resubmitted **without** any inappropriate comments of a Pro-Se petitioner/appellant. Moreover, an attorney would rewrite my brief in an abbreviated form and only include **Section 1 and Section 2** (points #1-15) and omit everything else. If the SCOTUS order denying my petition was influenced by emotional comments distracting from the legal arguments in my brief, then an attorney could edit my brief to correct that.

As a Pro-Se and IFP petitioner, I write in a *very* narrative manner with a lot of details, emphasis and emotion. That is my writing style and it is part of who I am. However, I realize that my writing style may be inappropriate for an appeal brief because it's too narrative and may distract from the legal arguments presented. It's also very different from the way attorneys write. I am not capable of writing a brief like an attorney does because I do not have a law school education. Navigating through the judicial system creates a ton of emotions and stress for Pro-Se and IFP litigants, which has a dramatic impact on their written briefs. **Pro-Se litigants, like me, <u>cannot</u> disconnect from the emotions when fighting a court battle because we personally absorb all the suffering, stress and obstacles while navigating the legal system.** An experienced

attorney doesn't have those emotions because they represent clients, not themselves. Maybe that explains the old adage: *"A man who is his own lawyer has a fool for a client."*

2 - The Pro-Se Side of the Fence

Rooker-Feldman creates very important Constitutional issues that have *significant* nationwide impact. This case can *only* be decided by SCOTUS. The following is verified with the archive audio of the October 26 oral argument hearing:

1. **The three Justices at the US Court of Appeals for the Second Circuit said at oral argument that this case has profound legal and Constitutional issues that the US Supreme Court has to decide.**
2. They said they have been thinking about this issue (Rooker-Feldman) for a long time. There must be *many* Federal judges nationwide who believe Rooker-Feldman needs to be reconsidered. But as the **three Justices at the US Court of Appeals** said, their hands are tied because this case can only be decided by SCOTUS.
3. **All three Justices agreed that Section 25 of the Judiciary Act of 1789 violates** Article I Section 8 Clause 18 - the *Necessary and Proper* clause of the Constitution. Why? It limits, obstructs and prevents SCOTUS and the Judicial branch from fulfilling its enumerated power of appellate judicial review of state court rulings. In addition, if Section 25 violates the Constitution, then 28 U.S. Code § 1257 and the Rooker-Feldman doctrine also **violate** the Constitution.
4. Moreover, they asked me multiple times if I wanted to go to the US Supreme Court again with this case.

I have been fighting this battle for 8 years. **I am one of countless millions of litigants who have been silenced, censored and forgotten for the past 100 years due to the Rooker-Feldman doctrine.** All we ask is that you hear our voice and let us present our case in your courtroom this one time. **If you spend a little time on our side of the fence, you would understand how unfair and unjust that doctrine is for Pro-Se and IFP litigants.** Your perspective of Rooker-Feldman would then be very different.

From your side of the fence, the perspective is the opposite of what we (on this side of the fence) actually experience. **As a result, you cannot comprehend the suffering, despair, and injustice that we go through.** That is why our voice should be heard in your courtroom. We are not prison inmates who committed crimes and are now asking for a *get out of jail free card.* **We are hard-working, law-abiding, American citizens who have been denied justice due to Rooker-Feldman.** All we ask is that our voice be heard by SCOTUS this one time.

God only knows how many people have been denied justice since *Rooker v. Fidelity Trust in 1923*, and those that will be denied justice in the future, due to Rooker-Feldman. **Please do not abandon us.** *Lady Justice* is blindfolded - but she's not deaf.

3 - Stare Decisis and Overturning Precedent

I have been told that courts do not like overturning or changing precedent, which apparently would include the Rooker-Feldman doctrine.

Stare Decisis

- https://www.law.cornell.edu/wex/stare_decisis
- "Although courts seldom overrule precedent, the U.S. Supreme Court in *Seminole Tribe of Florida v. Florida* explained that stare decisis is not an "inexorable command." **When prior decisions are "unworkable or are badly reasoned," then the Supreme Court may not follow precedent, and this is "particularly true in constitutional cases."** For example, in deciding *Brown v. Board of Education*, the U.S. Supreme Court explicitly renounced *Plessy v. Ferguson*, thereby refusing to apply the doctrine of stare decisis."

Seminole Tribe of Fla. v. Florida, 517 U.S. 44 (1996)

- https://www.law.cornell.edu/supct/html/94-12.ZO.html
- "Nevertheless, we always have treated stare decisis as a "principle of policy," *Helvering v. Hallock, 309 U.S. 106, 119 (1940)*, and not as an "inexorable command,"

Payne, 501 U.S. at 828. "[W]hen governing decisions are unworkable or are badly reasoned, 'this Court has never felt constrained to follow precedent.'" Id. at 827 (quoting *Smith v. Allwright, 321 U.S. 649, 665 (1944)*). **Our willingness to reconsider our earlier decisions has been "particularly true in constitutional cases, because in such cases 'correction through legislative action is practically impossible.'"** Payne, supra, at 828, (quoting *Burnet v. Coronado Oil & Gas Co., 285 U.S. 393, 407 (1932)* (Brandeis, J., dissenting))."

Justice Clarence Thomas accurately described the role of the judicial branch:
Perez v. Mortg. Bankers Ass'n, 135 S. Ct. 1199 (2015)

- **US Supreme Court Justice Thomas, concurring in the decision:**
  - https://supreme.justia.com/cases/federal/us/575/13-1041/
  - *(emphasis added)* "But we have not consistently exercised the judicial check with respect to administrative agencies. Even though regulated parties have repeatedly challenged agency interpretations as inconsistent with existing regulations, we have just as repeatedly declined to exercise independent judgment as to those claims. Instead, we have deferred to the executive agency that both promulgated the regulations and enforced them. Although an agency's interpretation of a regulation might be the best interpretation, it also might not. **When courts refuse even to decide what the best interpretation is under the law, they abandon the judicial check. That abandonment permits precisely the accumulation of governmental powers that the Framers warned against.** See The Federalist No. 47, at 302 (J. Madison).
  - The Judicial Branch is separate from the political branches for a reason: It has the obligation to apply the law to cases and controversies that come before it, **and concerns about the popular esteem of individual judges - or even the Judiciary as a whole - have NO place in that analysis. Our system of Government could not long survive absent adherence to the written Constitution that formed it."**

Gideon v. ~~Wainwright~~ [Rooker-Feldman]

What if you apply the ruling in *Gideon v. Wainwright* to this Rooker-Feldman case? Here's what you get...

Gideon v. Wainwright, 372 U.S. 335 (1963)

- www.law.cornell.edu/supremecourt/text/372/335
- https://en.wikipedia.org/wiki/Gideon_v._Wainwright
- "From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every ~~defendant~~ **[appellant]** stands equal before the law. This noble ideal cannot be realized if the poor man ~~charged with crime~~ **[IFP litigant]** has to face his accusers without a lawyer **[and Cozzi rights]** to assist him. A ~~defendant's~~ **[appellant's]** need for a lawyer **[and Cozzi rights]** is nowhere better stated than in the moving words of Mr. Justice Sutherland in Powell v. Alabama:"
- "The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel **[and a federal court appeal]**. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If ~~charged with crime~~ **[his constitutional rights are violated]**, he is incapable, generally, of determining for himself whether the ~~indictment~~ **[state court ruling]** is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel **[and Cozzi rights]**, he may ~~be put on trial~~ **[lose in state court]** without a proper ~~charge~~ **[trial]**, and ~~convicted~~ **[denied]** upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible **[due to violations of the Constitution]**. He lacks both the skill and knowledge adequately to prepare his ~~defense~~ **[appeal to avoid Rooker-Feldman]**, even though he have a perfect one. He requires the guiding hand of counsel **[and Cozzi rights]** at every step in the proceedings against him. Without it, though he be not ~~guilty~~ **[incorrect]**, he faces the danger of ~~conviction~~ **[losing]** because he does not know how to establish his ~~innocence~~ **[appeal to avoid Rooker-Feldman]**." 287 U.S., at 68-69, 53 S.Ct., at 64, 77 L.Ed. 158.

"The day we see the truth and cease to speak is the day we begin to die."

- *Martin Luther King Jr.*

"The truth is not for all men, but only for those who seek it."

- *Ayn Rand*

"The naked truth is always better than the best-dressed lie."

- *Ann Landers*

"All truth passes through three stages: First, it is ridiculed. Second, it is violently opposed. Third, it is accepted as being self-evident."

- *Arthur Schopenhauer*

Conclusion

This case isn't about *me*. I'm insignificant to the story. It's the *message* that's important - not the *messenger*.

I humbly and respectfully ask SCOTUS to grant a rehearing of the Petition for Writ of Certiorari based on the information stated in this petition.

Respectfully submitted,

Guy Cozzi

Date: April 25, 2022