ORIGINAL

No. 21-7125

In the Supreme Court of the United States

William F. Kaetz — Petitioner

vs.

United States of America — Respondent

On Petition for A Writ of Certiorari To
To the United States Court of Appeals
for the Third Circuit

PETITION FOR RE-HEARING

William F. Kaetz
437 Abbott Road
Paramus, NJ., 07652
201-753-1063

Pro se Petitioner

In the Supreme Court of the United States

No. 21-7125

William F. Kaetz — Petitioner

vs.

United States of America — Respondent

On Petition for A Writ of Certiorari To
To the United States Court of Appeals
for the Third Circuit

PETITION FOR RE-HEARING

Pursuant to Rule 44 of this Court, the petitioner acting pro se hereby respectfully Petitions for Rehearing of this case before a full nine-Member Court.

The date on which the United States Court of Appeals decided my case was 5/27/2021. The date on which the United States District Court decided my case was 6/01/2020. A Petition for Rehearing was timely filed in my case. A timely Petition for Rehearing was denied by the United States Court of Appeals on 9/14/2021. An extension of time to file the Petition for a Writ of Certiorari was granted and included 2/11/2022 on 11/29/2021 on Application No. 21A179. I filed a Writ of Certiorari on 2/15/2022. My Petition for Writ of Certiorari was denied on 3/21/2022. My Petition for Rehearing was timely filed and presented in good faith and not for delay. On April 19, 2022, this court sent back my petition for corrections within 15 days of April 19, 2022. I am filing this corrected Petition for Rehearing within the 15 days.

This case involves a Writ of Coram Nobis asking the court to set aside a 20-year-old plea agreement to restore all my liberties, specifically my Second Amendment Rights because new facts of fraud on the court, I was criminalized for exercising my rights.

Rehearing Grounds of Intervening Circumstances of a Substantial and Controlling Effect

1. Ordinarily, it is exceedingly rare for this Court to grant rehearing. But Justice Clarence Thomas was in the hospital at the time my petition was presented and denied. When a Justice is missing is when a rehearing was granted. "[R]ehearing petitions have been granted in the past where the prior decision was by an equally divided Court and it appeared likely that upon reargument a majority one way or the other might be mustered." Stephen M. Shapiro et al., *Supreme Court Practice* § 15.6(a), at 838 (10th ed. 2013). "The small number of cases in which a full Bench can rehear a case decided by an equal division probably amounts to the largest class of cases in which a petition for rehearing after decision on the merits has any chance of success." *Id.* at 839.

For example, the government petitioned for rehearing in *United States* v. *One 1936 Model Ford V-8 DeLuxe Coach,* 305 U.S. 666 (1938), when there was a vacancy due to Justice Cardozo's death, but before the vacancy was filled. This Court granted the petition, *ibid.*, then heard the case after Justice Frankfurter was confirmed. 307 U.S. 219 (1939). This Court similarly granted petitions for rehearing before a full Bench in a series of cases after Justice McReynolds' retirement caused

a vacancy in 1941;[1] after a leave of absence by Justice Jackson caused a temporary vacancy in 1945;[2] and after Justice Jackson's death caused a vacancy in 1954.[3] See also, *e.g.*, *Pollock* v. *Farmers' Loans & Trust Co.*, 158 U.S. 617 (1895) (similar for absence due to illness); *id.* at 601-606 (reproducing petition for re-hearing discussing earlier cases); *id.* at 606-607 (granting rehearing).

2. The need for rehearing is also more pressing here because this fraud may freely recur in other cases, the validity of the Guidance is unlikely to arise in any future case. The Writ of Coram Nobis here prohibits the government from implementing the fraud on the court anywhere nationwide. Unless the Court resolves this case in a precedential manner, a matter of "great national importance" involving an "unprecedented and momentous" Writ of Coram Nobis will act as an injunction barring implementation of fraud on the court to criminalize exercisers of Constitutional rights. the Guidance will effectively resolve this fraud on the court issue for the country. This Court should be the final arbiter of these matters through a definitive ruling.

To be sure, because this case arises on appeal of a fraud on the court claim and a Writ of Coram Nobis, the same issues could arise again in this case following entry of a denial because the original filing was a rule 60 motion, I will start again with a Writ of Coram Nobis in the District Court because I know I am right, the

---

[1] *Baltimore & Ohio R.R.* v. *Kepner*, 313 U.S. 597 (1941); *Toucey* v. *New York Life Ins. Co.*, 313 U.S. 596 (1941); *New York, Chi. & St. Louis R.R.* v. *Frank*, 313 U.S. 596 (1941); *Commercial Molas-ses Corp.* v. *New York Tank Barge Corp.*, 313 U.S. 596 (1941).

[2] See *MacGregor* v. *Westinghouse Elec. & Mfg. Co.*, 327 U.S. 812 (1946); *Bruce's Juices, Inc.* v. *American Can Co.*, 327 U.S. 812 (1946).

[3] *Indian Towing Co.* v. *United States*, 349 U.S. 926 (1955); *Ryan Stevedoring Co.* v. *Pan-Atl. Corp.*, 349 U.S. 926 (1955).