

Case No. 21-7167

In the Supreme Court of the United States

Michael Dunne
Petitioner

v.

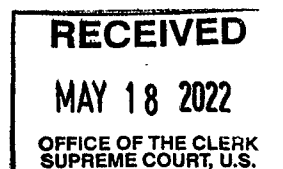
Mont. Dep't of Pub. Health &
Human Servs., Child & Fam. Servs.
Division, et al.
Respondent

On Petition for Writ of Certiorari
to the
Supreme Court of Montana

PETITION FOR REHEARING

Michael J. Dunne
#3011783
700 Conley Lake Rd
Deer Lodge, MT
59727

Pro Se Petitioner



Pursuant to Rule 44.2 of this Court, Michael Dunne respectfully petitions for rehearing of the Court's denial of his petition for a writ of certiorari.

1. On September 21, 2021 the Supreme Court of Montana Affirmed termination of Dunne's parental rights.
2. On April 18, 2022 the Supreme Court of the United States denied petition for writ of certiorari.
3. Dunne's Parental rights were terminated on February 24, 2021.
4. Because Dunne's parental rights had been terminated when the Court considered his petition for writ of certiorari, he was required to identify collateral consequences for a live case or controversy to exist. Spencer v. Kemna, 523 U.S. 1, 11 (1998) (it is the burden of the "party who seeks the exercise of jurisdiction in his favor," "clearly to allege facts demonstrating that he is a proper party to invoke judicial resolution of the dispute.")
5. Dunne - for the purpose of these proceedings - did not and does not assert the existence of any collateral consequences.

6. This court has long recognized that "[w]hen a civil case becomes moot pending appellate adjudication, 'the established practice... in the federal system... is to reverse or vacate the judgment below and remand with a direction to dismiss.'" Arizonans for Official English v. Arizona, 520 U.S. 43, 71, (1997) Vacatur is appropriate where "mootness occur[ed] through happenstance-- circumstances not attributable to the parties." *Id.*
7. Based on the above there was no live case or controversy when the Court denied certiorari.

CONCLUSION

Because there was no live case or controversy when the court denied certiorari, the Court should agree to rehear this matter, dismiss the petition for a writ of certiorari, and vacate the judgment of the Supreme Court of Montana with instructions to restore contact and visitation between Dunne and his child, A.D.

...Respectfully Submitted,

Michael J. Dunne

#30117831

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Deer Lodge, MT

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Prodson Petitioner

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