

IN THE SUPREME COURT OF THE UNITED STATES

ALAN L. GALLAGHER,

No. 21-7534

Petitioner,

Vs

CAPELLA EDUCATION COMPANY et al.,

Motion for Reconsideration

Respondents,

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Based upon Justice (to be done) and its appearance (to be seen—supervision of lower courts), motion for reconsideration is hereby made.

The 9<sup>th</sup> Circuit cancelled oral argument and refused (on the record) to read written oral argument.

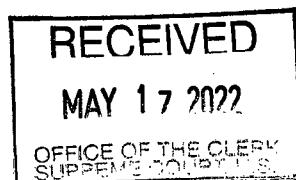
Neither the District nor 9<sup>th</sup> Circuit read the dissertation (in the record), required to assess arguments.

Capella and other universities disclaim contracts against themselves but are allowed to enforce them against students. "Sauce for the goose...."

District and 9<sup>th</sup> Circuit agree there are exceptions to educational immunity where exist allegations of arbitrary, irrational, capricious, or retaliatory behavior,

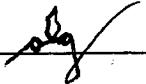
herein alleged, which should survive motion to dismiss where they must be taken as true.

This should result in jury trial.



All Mentors/Committee members praised/recommended the Dissertation (published on Amazon/Kindle), self-evidently of graduate quality. Rejection is thus irrational.

Respectfully submitted this 6<sup>th</sup> day of May 2022,



Alan L. Gallagher, Pro se, In forma pauperis 324 NE 10<sup>th</sup> Ave. Canby, Oregon 97013

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Certificate of Service

True copy of this motion served this same date by US mail to attorney for Appellees

~~Resende~~  
Gutierrez ~~et al.~~, Miller Nash, 111 SW 5<sup>th</sup>, Ste 3400, Portland, OR 97204



Alan L. Gallagher

**Certificate**

I hereby certify that this Motion is made in good faith and not for delay. I further certify that it is based on substantial grounds not previously presented.

Alan L. Gallagher