

No. 21-7635

In the Supreme Court of the United States

William F. Kaetz — *Petitioner*

vs.

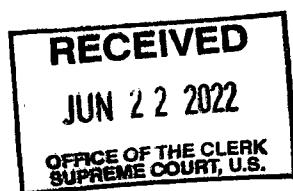
United States of America *et. al.* — *Respondent*

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



Question

Were the district courts' administrative court operations procedures in response to the covid-19 pandemic emergency forbidden by authority and unconstitutional because it was totalitarian and caused the overthrow of Constitutional protected liberties?

Contents

Question	2
Rehearing Grounds of Intervening Circumstances of a Substantial and Controlling Effect	4
Certificate of Petitioner	9
Proof of Service	10

Cases

<i>Calvary Chapel Dayton Valley v. Sisolak</i> U.S. 2020. U.S. Lexis 3584, 2020 WL 4251360 (Jul.24.2020)	7
<i>Dennis v. United States</i> 341 US 494. 520. 71 S. Ct. 857. 95 L. Ed. 1137 (1951)	6
<i>Downes v. Bidwell</i> 182 US 244. 384. 21 S. Ct. 770. 45 L. Ed. 1088	6
<i>Ex Parte Milligan</i> , 71 U.S. 2, 120-21, 18 L. Ed. 281. (1866)	6
<i>Gamble v. United States</i> , 139 S. Ct. 1960 (U.S. June 17, 2019)	8
<i>Home Building & Loan Ass'n. v. Blaisdell</i> , 290 U.S. 398, 425. 54 S. Ct. 231, 78 L. Ed. 413 (1934)	8
<i>Roman Catholic Diocese of Brooklyn, New York v. Andrew M. Cuomo. Governor of New York</i> 141 S. Ct. 63 (2020)	7

Constitutional Provisions

Art. II, § I, cl. 8	8
Art. VI, cl. 3	8

In the Supreme Court of the United States

No. 21-7635

William F. Kaetz — *Petitioner*

vs.

United States of America *et.al.* — *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 11/01/2021. 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 1/13/2022. A Writ of Certiorari was filed on April 12, 2022 and was denied on June 6, 2022, this denial of the writ is attached hereto exhibit #1.

Rehearing Grounds of Intervening Circumstances of a Substantial and Controlling Effect

This case involves a Writ of Mandamus asking the court to end the totalitarian overthrow of liberty protected by the Federal and State Constitutions with the use of alleged emergencies, specifically the use of fear of a pandemic that took away our Constitutional form of government and replaced it with totalitarianism using administrative internal court procedures. (Exhibit #2)

Speedy trial rights and the right to confront witnesses and the equal protection of law and the due process of law have been taken away with the use of fear of a pandemic that amounts to fraud on the courts at a massive scale.

Ordinarily, it is exceedingly rare for this Court to grant rehearing. The need for rehearing is more pressing here because this pandemic fear fraud on the court will freely recur.

The Writ of Mandamus will prohibit the government from implementing the pandemic fear fraud on the court anywhere nationwide. This is a matter of great national importance.

The Guidance will effectively resolve this pandemic fear 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 pandemic fear fraud on the court claim and a Writ of Mandamus relief, the same issues could arise again in this case following entry of a denial because it will happen again, the overthrow of the Constitution will not be tolerated, many people have filed similar complaints, there is no jurisdiction to use an emergency to overthrow the Constitution. The lower courts' actions conflict with this Court's findings.

The Constitution guarantees these rights to us during all times, good or bad, we encounter a decades-long succession of statements from this Court that confirm there is no jurisdiction to overthrow the Constitution using an emergency (the pandemic). "The history of the world had taught them that what was done in the

past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, [people], at all times, and under all circumstances. *Ex Parte Milligan*, 71 U.S. 2, 120-21, 18 L. Ed. 281. (1866). "The Constitution is not to be obeyed or disobeyed as the circumstances of a particular crisis in our history may suggest". *Downes v. Bidwell* 182 US 244. 384. 21 S. Ct. 770. 45 L. Ed. 1088, (Harlan. J. dissenting). "Our Constitution has no provision lifting restrictions upon governmental authority during periods of emergency." *Dennis v. United States* 341 US 494. 520. 71 S. Ct. 857. 95 L. Ed. 1137 (1951) (Frankfurter. J. concurring). Rather, "[t]he People have decreed that it shall be the supreme law of the land at all times." *Id.* Its "full operation cannot be stayed by any branch of the government in order to meet what some may suppose to be extraordinary emergencies." *Downes* 182 U.S. at 385 (Harlan, J. dissenting). This is because the drafters "foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of Constitutional liberty would be in peril, unless established by irrepealable law." *Milligan* 71 U.S. at 120. The principle that "[g]overnment is not free to disregard the [Constitution] in times of crisis" applies in full force during this pandemic." *Roman Catholic Diocese of Brooklyn, New York v. Andrew M. Cuomo, Governor of New York* 141 S. Ct. 63 (2020) (Justice Gorsuch concurring.). "Members of this Court are not public health experts, and we should respect the judgment of those with special expertise and responsibility in this area.

But even in a pandemic, the Constitution cannot be put away and forgotten." Id. At 68 (majority opinion). "Even if the Constitution has taken a holiday during this pandemic, it cannot become a sabbatical". (Gorsuch, J., concurring).

In Justice Alito's dissent (joined by Justices Thomas and Kavanaugh) to the court's denial of emergency injunctive relief in *Calvary Chapel Dayton Valley v. Sisolak* U.S. 2020. U.S. Lexis 3584, 2020 WL 4251360 (Jul.24.2020) (Alita, J., dissenting) Justice Alito stated, "We have a duty to defend the Constitution, and even a public health emergency does not absolve us of that responsibility. ... a public health emergency does not give Governors and other public officials carte blanche to disregard the Constitution for as long as the medical problem persists." There is no question that our founders abhorred the concept of one-person rule. But the response to a pandemic (or any emergency) cannot be permitted to undermine our system of Constitutional liberties or the system of checks and balances protecting those liberties. For the judiciary to apply an overly deferential standard would remove the only meaningful check on the exercise of power. The application of normal scrutiny will only require the government to respect the fact that the Constitution applies even in times of emergency.

As this Court has observed: "The Constitution was adopted in a period of grave emergency. Its grants of power to the federal government and its limitations of the power of the States were determined in the light of emergency, and they are not altered by emergency." *Home Building & Loan Ass'n. v. Blaisdell*, 290 U.S. 398, 425. 54 S. Ct. 231, 78 L. Ed. 413 (1934). "

It is clear from this Court's own words through decades-long succession of statements the Constitution cannot be overthrown with the use of an emergency, there is no justification for the overthrowing of the Constitution because of fear from an emergency, the pandemic.

In *Gamble v. United States*, 139 S. Ct. 1960 (U.S. June 17, 2019) Justice Thomas explained: "When faced with a demonstrably erroneous precedent, my rule is simple: we should not follow it. This view ... follows directly from the Constitution Supremacy over other sources of law – including our own precedents. That the Constitution outranks other sources of law is inherent in its nature, ... The Constitution's Supremacy is also reflected in its requirement that all judicial officers, executive officers, congressmen and state legislators take an oath to "support this Constitution", Art. VI, cl. 3; see also Art. II, § I, cl. 8 ..."

"I am aware of no legislative reason why a court may privilege a demonstrably erroneous interpretation of the Constitution over the Constitution itself" ... "the same principle applies when interpreting statutes and other sources of law; if a prior decision demonstrably erred in interpreting such a law, federal judges should exercise the judicial power – not perpetuated a usurpation of legislative power – and correct the error. A contrary rule would permit judges to "substitute their own pleasure" for the law...."

It is clear federal courts should fix demonstrably erroneous interpretations of law, not perpetrate a usurpation of power – not make law – and adhere to the Constitution. One judge's administrative order interfering on all cases that

misapplied ends of justice continuances using politically charged content and viewpoint discrimination that have nothing to do with the particulars to cases is a demonstrably erroneous interpretation of law, a perpetration of usurpation of power. This petition for a Writ for Mandamus has standing, and this court is required to correct and prevent totalitarianism and fraud on the courts by individual judges using fear of an emergency to justify totalitarian acts. A Writ for Mandamus is applicable. There is no opposition from respondent.

There is a strong need for definitive resolution by this Court at this stage and to prevent a pandemic fear mongering fraud on the court from happening again. The Constitution is being overthrown for political reasons with the use of pandemic fear, a fraud that has affected the courts. These matters need this Court's power to stop the totalitarianism and prevent this wrong from happening again.

* * * * *

For the foregoing reasons, the petition for rehearing should be granted.

Certificate of Petitioner

I hereby certify that this petition for rehearing is presented in good faith and not for delay.

Respectfully submitted...

Date: 6/15/2022

Signature: 

William F. Kaetz
437 Abbott Road
Paramus, NJ., 07652
201-753-1063
kaetzbill@gmail.com