

No. 21-7948

IN THE SUPREME COURT OF THE UNITED STATES

FEMI ISIJOLA,  
Petitioner,

vs.

ELIZABETH A. BIELECKI, DIRECTOR, NEW HAMPSHIRE DIVISION OF,  
MOTOR VEHICLES,  
Respondent.

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF NEW HAMPSHIRE

**PETITION FOR REHEARING ON PETITION FOR WRIT OF CERTIORARI  
DENYING PETITIONER'S PETITION FOR WRIT OF CERTIORARI  
PURSUANT TO RULE 44. 2 OF THE RULES OF THE SUPREME COURT  
OF THE UNITED STATES**

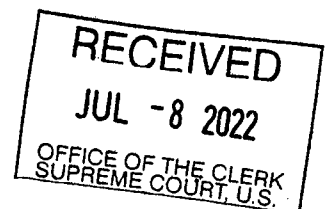
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**ORIGINAL**



## **LIST OF PARTIES**

All parties appear in the caption of the case on the cover page

The known parties to the proceeding are:

1. The Petitioner is Femi Isijola of Hooksett, New Hampshire, and a Pro Se Litigant.
2. The Respondent is Elizabeth Bielecki, Director, New Hampshire Division of Motor Vehicles and the Respondent Counsel of Record is Jessica A. King, Esq Assistant Attorney General, New Hampshire Department of Justice, 33 Capitol Street, Concord, New Hampshire, 03301-6397.

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## PETITION FOR REHEARING EN BANC

NOW COMES, Femi Isijola (“Petitioner”) and moves this Court for a Rehearing En Banc. This Petition is timely in that this Court made its decision on June 27, 2022, and this filing is within the twenty-five days’ time limit established pursuant to Rule 44.2 of the Rules of the Supreme Court of the United States to file for Petition for Rehearing. Petitioner, whose right to travel interstate in the United States and its Territories has been taken away from him and because of this reason, he is **home confined**, and he is indigent and has already filed a Motion to proceed In Forma Pauperis with his Petition for Writ of Certiorari pursuant to Rule 39 of the Rules of the Supreme Court of the United States of America. Petitioner will endeavor to state his grounds briefly and distinctly as required under Rule 44. 1 of the Rules of the Supreme Court of the United States.

## STATEMENT OF FACTS

The Petition for writ of Certiorari arises from the Respondent, Elizabeth Bielecki, Director, New Hampshire Division of Motor Vehicles (“Director Bielecki”) suspending Petitioner’s Driver’s License and Vehicle Registration privileges before **a hearing** and accusing Petitioner of serious allegations of False Statements of procuring a New Hampshire Driver's License and Vehicle Registration Certificate **without any presentment of charges** against Petitioner in a Court of Law nor Indictment by Grand Jury before suspension of his Operating and Registration Privileges. Petitioner’s Operating and Registration privileges have been suspended indefinitely ever since as the State of New Hampshire Judicial Branch inclusive of

the Supreme Court of the State of New Hampshire have denied the Petitioner the Equal protection of the Laws in the State of New Hampshire. (emphasis added).

Despite the Petitioner's pleadings in an Administrative Hearing and exhausting all State Court's remedies in the State of the New Hampshire, the Due Process Clause of the Fifth Amendment which requires a Presentment before Deprivation of Liberty, or Property and of the Fourteenth Amendment which also requires that no State deprive any person of Life, Liberty or Property without Due Process of Law have been violated.

Petitioner, Femi Isijola, formerly known as Philip Israel Mark, a travelling salesperson who is a Citizen of the State of New Hampshire and has been a Licensed New Hampshire Driver since the year 1999. Petitioner received a dated letter of June 9, 2020 from Director Bielecki, the Director of the New Hampshire Department of Safety, Division of Motor Vehicles, that his Vehicle Registration was going to be suspended on June 15, 2020 using Motor Vehicle Criminal Code N. H. RSA 261: 178 for False Statement for Vehicle Registration **without a pre-suspension hearing and no presentment for any offense in a Court of Law or by indictment by Grand Jury**. Director Bielecki issued another letter of suspension on June 16, 2020, notifying that Petitioner's Driver's License will be suspended on June 22, 2020, using Motor Vehicles Criminal Code N. H. RSA 263:12V for False statement for Driver's License without a pre-suspension hearing and no presentment of any charges nor conviction for any offenses in a Court of Law.

Petitioner, requested for a written request for a Hearing and on a dated letter of July 17, 2020, that he received from his former Counsel, Donald Blaszkowski and on August 5, 2020, he participated in an Administrative Hearing before the Bureau of Hearings, New Hampshire Department of Safety. Petitioner was represented by former Counsel, Donald Blaszkowski ("Counsel") but the Former Counsel Performance was **"Deficient"** and **"Ineffective"**, the former Counsel was questioning the Petitioner instead of the State witness, Trooper First Class Aaron R. Richards. Counsel said about his client, the Petitioner, **that he was going to kill him.** Counsel was interrupting Petitioner in the Administrative Hearing. Petitioner was told if he did not prevail in the Administrative Hearing, he could be subjected to **potential indefinite suspension of his privileges** and would **transfer over to all states.**

Petitioner requested for Petition for Director's Review on September 22, 2020, and on October 7, 2020, Director Bielecki said Petitioner's Petition for Director's Review is not accepted.

Petitioner appealed the Hearing Examiner's Determination and Director Bielecki's Decision to suspend his Driver's License and Vehicle Registration pursuant to N.H RSA 263:76 to the Superior Court of Merrimack County, State of New Hampshire on October 2, 2020.

On December 3, 2020, there was a Judicial Hearing on the Merits participated telephonically by Counsel of Director Bielecki, Michael P. King and the Petitioner.



At this Judicial Hearing, the Court allowed the Petitioner to present testimonies about his former Counsel and the court suggested new Administrative Hearing. The court said he was not quite sure where Petitioner's Suspension comes from.

“So my other question is, I'm not quite sure where the year suspension comes from. That must be from an administrative rule, right? **Because it's not in the statute.** Just as you'll suspend or revoke the license, so it must be a rule.”

On January 27, 2021, the Superior Court of Merrimack County of the State of New Hampshire entered its Final Order without citing **no statutory or common law authority** stating in part:

“Therefore, Isijola did not suffer any prejudice with respect to the outcome of the hearing. On these facts, despite the apparent breakdown in the attorney/client relationship, the court cannot find that the hearing was unfair or that the result calls the integrity of the proceeding into question. For all of these reasons the Director's decision is **AFFIRMED** and judgment is granted to the Director”.

On February 9, 2021, the Superior Court of Merrimack County of the State of New Hampshire denied Petitioner's Motion for Reconsideration stating that:

“A criminal conviction is not a prerequisite for suspension or revocation of a license and/or registration under RSA 260:10. The plaintiff had a hearing”.

Thereafter, Petitioner appealed the Superior Court's Decision and Order to the Supreme Court of New Hampshire on a Notice of Mandatory Appeal by Right enumerating Plain Errors, Misinterpretation of New Hampshire Statutes: NH RSA 260:10; NH RSA 261:178, Ineffective Counsel, Inaccurate Hearing Examiner's Decision with Discrepancies on References numbers, Unlawful Suspensions, and applications of State and Federal questions on Due Process Clause.

On November 18, 2021, the Supreme Court of New Hampshire entered its decision affirming the Final Order of the Superior Court of the Merrimack County of New Hampshire. Its decision, states:

“Having considered the brief and reply brief of the plaintiff Femi Isijola, the memorandum of law of the defendant, the Director of the New Hampshire Division of Motor Vehicles, and the record submitted on appeal, including the trial court's well-reasoned order, the court concludes that oral argument is unnecessary in this case, and that plaintiff has not established reversible error.”

Petition for Motion for Clarification was subsequently filed with the Supreme Court of the State of New Hampshire on November 19, 2021. A timely Petition for Motion for Reconsideration was also filed with the Supreme Court of the State of New Hampshire on November 23, 2021. A timely Application for an Extension of Time to file a Petition for a Writ of Certiorari was filed in this Court and granted by the order of this Court dated February 17, 2022, and Petitioner's Application for an Extension of time to file for a Writ of Certiorari extended to May 9, 2022. On May 5, 2022, Petitioner filed a Petition of Writ of Certiorari with this Court and assigned Docket No. 21-7948 and as seen on this Court Docket Entry Report (**See Addendum, page(s) 15-16**), a member of Bar of this Court by the name of **Anthony Jordan Galdieri, Esq** who is not the Counsel of Record for Respondent, Elizabeth A. Bielecki, filed a Waiver Form **that was not** sent to him by the Petitioner (**See Addendum, page 28**) and this Court denied Petitioner's Writ of Certiorari and Petitioner is now filing with this Court, a timely Petition for Rehearing for Petitioner's Writ of Certiorari on July 1, 2022.

Although it is going to over two years that Petitioner has been falsely accused of procuring a New Hampshire Driver's License and Vehicle Registration, and Petitioner's Operating and Registration Privileges have remained indefinitely suspended since commencing this litigation.

### **REASONS MERITING REHEARING-GROUNDS**

This Petition for Rehearing is presented in good faith and not for delay as Petitioner fully believes the Issues presented in his Petition for Writ of Certiorari are of National importance and Public Interest and of noteworthy mentions and a member of Bar of this Court **who is NOT a COUNSEL OF RECORD** by the name of Anthony Jordan Galdieri, Esq, who never participated in the Lower Court Proceedings parading himself as a Counsel of Record and making this Court to make a quick decision on Petitioner's Writ of Certiorari as it was nearing the end of its October 2021 term, when this Petitioner has clearly identified who the Counsel of Record by the name of Jessica A. King, Esq pursuant to Rule 34.1(f) of the Rules of the United States Supreme Court, who is not a member of the Bar of this Court but should have follow Rule 9.1 and Rule 9. 2 of the Rules of the Supreme Court of the United States. By the action of this Counsel, by the name Anthony Jordan Galdieri, Esq, who is a member of Bar of this Court, makes it, **a fraud on the Court**. On June 15, 2022, I notified this Court about the action of this Counsel, **(See Addendum, page 17-27)** and as seen on the Docket Entry Report of this Court, it does not show this Court received Petitioner's Notification, filed with the Clerk of this Court on June 15, 2022 via U. S. Mail, Certified Mail with Return

Receipt before the Court denied Petitioner's Petition of Writ of Certiorari on June 27, 2022. **(See Addendum, Page 16)** Claims presented within the Petition for Writ of Certiorari are of nature in which they affect a Large Population of the Entire Country, as the large population have a right to travel interstate and are provided with Driver's License privileges and Vehicle Registration privileges and depend on the Privileges for their Livelihood once the Privileges are issued, and they are affected if they are Falsely accused of a Crime or Offense without Presentment of Formal Charges or indicted by Grand Jury, and have those privileges taken away from them without a Pre-suspension Hearing before their Right to Travel Interstate is taken away from them. Petitioner identifies with a Minority group and the State of New Hampshire and its Laws have mostly been unfavorable to its Minority group Citizens and if this Petition for Writ for Certiorari remains DENIED, the Supreme Court of the State of New Hampshire will NOT rule favorably for any its minority citizens because it has loopholes to lay claims on, as Petitioner's case is a case that is an Appeal by Right in the State of New Hampshire and he was entitled to a DENOVO review of his case but the State of New Hampshire Supreme Court choose to let Criminal Codes to be applicable to the Petitioner **without being convicted** of any Crimes nor Offenses and his **Driver's License and Vehicle Registration privilege have remained suspended indefinitely ever since.**

In Petitioner's Petition for Writ of Certiorari, Petitioner presented facially Unconstitutional Statutes as well as Statutes that are facially Constitutional by the way they are applied by the State of New Hampshire Courts. The State of New

Hampshire Courts possessed the evidence definitely confirming Petitioner's innocence of procuring his New Hampshire Driver's License and Vehicle Registration Certificate since the year 1999 and Criminal Codes were applied to his having his Driver's License and Vehicle Registration suspended indefinitely.

### **I. DUE PROCESS DECISIONS OF THIS COURT**

In the immediate case, Petitioner filed a Petition to the State of New Hampshire Supreme Court to have a DENOVO review of the Application of the Motor Vehicle Criminal Laws by the Merrimack County Superior Court of the State of New Hampshire to a Petitioner **that was never convicted** of any Motor Vehicle Laws in a Court of Law that warranted indefinite suspension of his Driving License and Vehicle Registration Privileges and his Right to Travel Interstate. In this Court, Petitioner emphasized on Due process violations of the Fifth and Section one, of the Fourteenth Amendment of the United States Constitution, **Inadequate pre suspension Hearing Procedure, Ineffective Assistance of Counsel** based on "Deficient Performance" and "Prejudice" standard. Citation of no References to any Authority of any State or Federal Authority by the Merrimack County Superior Court of the State of New Hampshire in using Motor Vehicles Criminal Laws on a Non-Convicted Petitioner, which can be leveled on any Citizen of the United States who resides in New Hampshire and this Petition is of Public Interest and National Importance and the pre suspension Hearing which is definitely is in conflict with relevant decision of this Court, most notably in the decided case of **Bell v. Burson, 402 U.S. 535 (1971)** and which was decided over fifty-one years ago and other

relevant decisions pursuant to Rule 10(c) of the Rules of the Supreme Court of the United States. Rule 10(c) of the Rules of the Supreme Court of the United States states:

“a state court or a United States of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important Federal question in a way that conflicts with relevant decisions of this Court.”

## **II. FRAUD UPON THE COURT- MEMBER OF BAR OF THIS COURT POSING AS COUNSEL OF RECORD**

Another important consideration by this Court, is the FRAUD UPON THIS COURT by a member of Bar of this Court by the name of Anthony Jordan Galdieri, Esq, who is NOT the COUNSEL OF RECORD and claiming he send Petitioner, a Waiver Form that Petitioner never send him, as Petitioner send the Waiver Form to Jessica A. King, Esq on May 21, 2022 (**See Addendum, page 29**) and it clearly states in the Waiver Form, if one is not a member of bar of this Court, what the Counsel of Record should do if a response is requested and the response will be filed by a Bar member of the this Court. Anthony J. Galdieri, Esq **was not the Counsel of Record** in this case, as the Petitioner in this case has made clear who the Counsel of Record is in this case, in his Affidavit in Support of Proof of Service filed with this Court. (**Addendum, page 30**) and for Anthony J. Galdieri, Esq, a member of Bar of this Court claiming to be a Counsel of Record is in clear violation of Rule 34.1(f) of the Rules of the Supreme Court of the United States which states:

“the name of the attorney who is counsel of record for the Part concerned (who must be a member of the Bar of this Court except as provided in Rule 9.1) and on whom service

is to be made, with a notation directly thereunder identifying the attorney as counsel of record and setting out counsel's office address, e-mail address, and telephone number. Only one counsel of record may be noted on a single document, except that counsel of record for each party must be listed on the cover of a joint appendix. The names of other members of the Bar of this Court or the bar of the highest court of State acting as counsel, and, if desired, their addresses, may be added, **but counsel of record shall be clearly identified.** Names of persons other than attorneys admitted to a state bar may not be listed, unless the party is appearing pro se, in which case the party's name, address, and telephone number shall appear."

The Counsel of Record in the entitled case of the Petitioner is Jessica. A. King, Esq, and the Counsel of Record represented the Respondent, Elizabeth A. Bielecki, in the Highest Court proceedings of the State of New Hampshire, and the Highest Court of the State of New Hampshire is the Supreme Court of the State of New Hampshire. **(See Addendum, page 32).**

The Rules of this Court governs how the Attorney representing a party must do to file a document with this Court. Rule 9.1 and Rule 9. 2 of the Rules of the Supreme Court of the United States of America states:

#### Rule 9.1

"An attorney seeking to file a document in this Court in a representative capacity must first be admitted to practice Before this Court as provided in Rule 5, except that admission to the Bar of this Court is not required for an attorney appointed under the Criminal Justice Act of 1964, see 18 U.S.C. § 3006A(d)(7), or under any applicable federal statute. The attorney whose name, address, and telephone number appear on the cover of a document presented for filing is considered counsel of record. If the name of more than one attorney is shown on the cover of the document, the attorney is shown on the cover of the document, the attorney who is counsel of record shall be clearly identified." See Rule 34.1(f).

Rule 9. 2

“An attorney representing a party who will not be filing a document shall enter a separate notice of appearance as counsel of record indicating the name of the party represented. A separate notice of appearance shall also be entered whenever an attorney is substituted as counsel of record in a particular case.”

This Court have stipulated on what are required to be a member of Bar of this Court in Rule 5 of the Rules of the Supreme Court of the United States of America.

Rule 5 .1 of the Rules of the Supreme Court of the United States states:

“To qualify for admission to the Bar of this Court, an applicant must applicant must have been admitted to practice in the highest court of a State, Commonwealth, Territory or Possession, or the District or the District of Columbia for a period of at least three years immediately before the date of application; must not have been the subject of any adverse disciplinary action pronounced or in effect during that 3-year period; and must appear to the Court to be of good moral and professional character.”

The Respondent never contested or **OPPOSE** the Petitioner’s Petition for Writ of Certiorari, even though this Petitioner provided the Counsel of Record for the Respondent, Jessica A. King, Esq with a Waiver Form on May 31, 2022, via first class prepaid envelope with Certified Mail with Return Receipt (**See Addendum, page 29**). **Petitioner will recommend that this Court take appropriate disciplinary action against Anthony J. Galdieri, Esq for posing as a Counsel of Record for Respondent, Elizabeth A. Bielecki, when he is not the Counsel of Record, for such action is unbecoming of a member of the Bar of this Court and for his failure to comply with the Rules or any Rule of this Court pursuant to Rule 8 of the Rules of the Supreme Court of the United States. Rule 8 .1 and Rule 8. 2 of the Rules of the Supreme Court states:**



Rule 8. 1

“Whenever a member of the Bar of this Court has been disbarred or suspended from practice in any court of record, **or has engaged in conduct unbecoming a member of the Bar of this Court**, the Court will enter an order suspending that member from practice this Court and affording the member an opportunity to show cause, within 40 days, why a disbarment order should not be entered. Upon response, or if no response is timely filed, the Court will enter an appropriate order.”

Rule 8. 2

“After reasonable notice and an opportunity to show cause why disciplinary action should not be taken, and after a hearing if material facts are in dispute, the Court may take any disciplinary action against any attorney who is admitted to practice before it for conduct unbecoming a member of the Bar or **for failure to comply with these Rules or any Rule or order of the Court.**”

Petitioner find it odd that the Courts of the State of New Hampshire, its Superior Court and Supreme Court, refuse to hold State Officials of the State of New Hampshire and its Court Officers accountable for their wrongs and those Courts not providing Constitutional Justice for its vulnerable citizens, while they are violating the Laws, Constitution and the Rights of Fellow Citizens, and while acting under the Color of the Law.

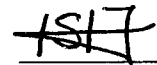
Petitioner realizes that a Petition for Rehearing en Banc is required to be heard by the entire quorum of Justices and **pleads** the whole Full Court evaluates this Petition. Petitioner believes he is entitled to Relief as a matter of law as well as a relief via Constitutional Justice. Furthermore, Petitioner believes an Affirmative Decision by this Court will serve the entirety of the United States of America and its Territories as a whole.

## CONCLUSION

**WHEREFORE**, Petitioner prays this Court will grant him a Rehearing en Banc, so that the Meritorious Arguments he has presented within his Petition for Writ of Certiorari that was denied will be given a fair and just resolution. Petitioner believes granting this Meritorious Petition for Writ of Certiorari will serve the entirety of the United States of America. Petitioner filing this Petition of Rehearing is affirming that its grounds are limited to intervening circumstances of a substantial or controlling effect or **to other substantial grounds not previously presented such as member of Bar of this Court by the name of Anthony J. Galdieri, Esq posing as a Counsel of Record for the Respondent, Elizabeth A. Bielecki, when he was never the Counsel of Record for the Respondent.** Petitioner has forwarded a copy of this Petition for Rehearing en Banc to the Respondent's Counsel of Record, Jessica A. King, Esq, Assistant Attorney General, New Hampshire Department of Justice, Concord, New Hampshire, 03301-6397.

Respectfully submitted,

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DATED: July 31, 2022