

CASE TITLE NO. 21-8136

DIONNE K. THOMPSON LMSW
NON-LAWYER PETITIONER
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IN THE SUPREME COURT OF THE UNITED STATES
First Street, NE
Washington, D.C. 20543

DIONNE K. THOMPSON
Non-Lawyer PETITIONER

v.

MORRIS HEIGHTS HEALTH CENTER, INC.
a/k/a "MHHC"

VERONA GREENLAND
In her official capacity of "MHHC" Chief Executive Officer

LLOYD CROOKS
In his official capacity of "MHHC" Chief Financial Officer

SUN LIFE FINANCIAL, INC.
ASSURANT, INC.
FIRST FORTIS LIFE INSURANCE
UNION SECURITY LIFE INSURANCE COMPANY OF NEW YORK
a/k/a "USLICONY"

LAURA BOSWELL
In her official capacity as "USLICONY" Claims Specialist

GREG CHENEY
In his official capacity at "USLICONY" ADMINISTRATIVE OFFC.

STELLA DOERING
In her official capacity at "USLICONY" ADMINISTRATIVE OFFC.

On Petition for A Writ of Certiorari to
The United States Court of Appeals for the Second Circuit

PETITION FOR REHEARING

Randi F. Knepper, esq. – McElroy, Deutsch, Mulvaney & Carpenter LLP
Attorney for Respondents

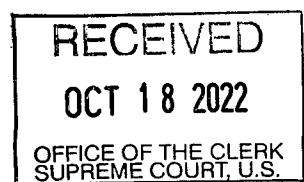


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PETITION FOR WRIT OF CERTIORARI

("Petitioner and Non-Lawyer Litigant") hereinafter, Dionne K. Thompson, respectfully petitions for a *Petition for Rehearing* to review the judgment of this Court with respect to Case Title No. 21-8136.

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STATUTES

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CODE OF FEDERAL REGULATIONS

35 C.F.R. Part 35 – IN RE: NON-DISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES

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PROCEDURAL SUMMARY

Petitioner, Dionne K. Thompson, ("Petitioner" herein) respectfully requests a rehearing and reversal of the order entered by the Court on October 3, 2022 (See Appendix B), denying the petition, (Case: 21-8136) for *writ of certiorari* to the Court of Appeals for the Second Circuit. Specifically, Petitioner requests that this Court enter an order granting, vacating and remanding ("GVR") the petition because the Second Circuit's determination was incorrect. The Second Circuit decided to deny Petitioner's right to *in forma pauperis* for the purposes of an appeal. Their decision was clearly incorrect, evidencing that both the Second Circuit and the District Court (S.D.N.Y.) failed to examine the merits of Petitioner's case. In *Nunez v. United States* with respect to a GVR order, Scalia's dissent finds that "...we have no power to set aside (vacate) another court's judgment unless we find it to be in error."¹

"...Congress, through 28 U.S.C. § 2106, appears to have conferred upon this Court a broad power to GVR, the Court has the power to remand to a lower federal court any case raising a federal issue which is properly before it in its appellate capacity."²

"The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances."³

Further, Petitioner, a Non-Lawyer, raises the issue of unequal treatment, requesting that this Court consider the Second Circuit's erroneous decision which states that Petitioner's "...motion is denied." (See Amend. XIV, Appendix A annexed at *Writ of Certiorari* 21-8136). Accordingly, "...this Court [should] rule[] on the merits, []alleviating the potential for unequal treatment inherent in this Court's inability to grant plenary review of all pending cases raising similar issues."⁴

¹ 128 S.Ct. 2990 (2008).

² See *Lawrence v. Chater*, 516 U.S. 163 (1996).

³ 28 U.S.C. § 2106.

⁴ *Supra* at Note 2.

“All Members of the Court agree that a wide range of intervening developments may justify a GVR order but that the GVR power should be used sparingly.”⁵ That said, the (“ADA”) makes a GVR order appropriate here. This Court should grant Petitioner’s petition in order to determine the lawfulness of Defendants’ adverse actions (in what appears to be disability discrimination).

Therefore, Petitioner’s *Writ of Certiorari* should be granted; vacated and remanded, (“GVR”). Entry of a GVR would allow Petitioner’s remaining claims involving the (“ADA”) provision to be properly adjudicated.

Petitioner filed the present petition for a *Writ of Certiorari* after the Second Circuit denied all of Petitioner’s claims, stating that “...the motion is denied.” (See Appendix A annexed at Writ of Certiorari 21 – 8136). In denying Petitioner’s claims, the Second Circuit failed to address the issue of disability discrimination, as well as Petitioner’s right to assert and redress grievances related to (“ADA”) violations by entities, under the First Amendment (and retaliation, see related Second Circuit consolidated cases: 12 – 1986, 12 – 3077).⁶

Petitioner timely filed the instant petition in this Court. This Court correctly granted Petitioner’s *in forma pauperis* relief.

On October 3, 2022, the petition for writ of certiorari was denied (See Appx. B). However, Petitioner respectfully asserts that the petition should be granted, vacated, and remanded because this Court clearly determined that this case presents “...an arguable basis in law [and] fact” by virtue of its act of properly granting *in forma pauperis* “...for the purposes of an appeal” (dissenting from the decision of the Second Circuit). Consequently, Petitioner’s remaining claims should be subject to adjudication by the lower courts.

⁵ *Id.*

⁶ U.S. Const. Amend. I.

Petitioner asserts that her United States Constitutional First Amendment rights regarding a "...redress of grievances" (a right rooted in the Magna Carta) remain unresolved: and, this Court has historically denied Petitioner of her right to have these claims adjudicated.⁷

**I. PURSUANT TO SUPREME COURT RULE 44.2,
PETITIONER ASSERTS THAT THERE ARE OTHER
SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED
REGARDING LEAVE TO PROCEED *IN FORMA PAUPERIS*
ISSUES.**

A motion to proceed *in forma pauperis* on appeal must be made in the first instance to the district court. *See Fed. R. App. P. 24(a).*

Petitioner filed an application for *in forma pauperis* at the Court of Appeals for the Second Circuit: and, it was denied twice and improperly dismissed, stating that "...the motion is denied" (following a motion for reconsideration).

Accordingly, due to Petitioner's poverty, she was clearly unable to pay the costs of this case or to give security therefor; and she asserts that she is clearly entitled to a redress of grievances (see Amend. I—U.S. Constitution). Following Petitioner's appeal (via *Writ of Certiorari*) to the Supreme Court of the United States, Petitioner's request for *in forma pauperis* relief was correctly granted and Petitioner's case was appropriately filed on May 25, 2022, and placed on the docket on June 14, 2022.

Historically, Petitioner was granted leave to proceed *in forma pauperis* at the United States District Court for the Southern District of New York (S.D.N.Y.) regarding related cases: 21-cv-01886, 09-cv-7239, 11-cv-5635: and, at the United States Court of Appeals for the Second Circuit, regarding consolidated: and, relevant cases: 12—1986 and 12—3077).

Petitioner asserts that the Second Circuit's "...failure to issue a good faith certificate under 28 U.S.C. § 1915(a) was an abuse of discretion. 455 F.2d 402, 405 (2Cir. 1972)." (quoting *Miranda v. United States* 458 F.2d 1179 (2d Cir. 1972)). Further, Petitioner purports that she "...has not yet been afforded an adequate

⁷ *Id.*

opportunity to show the Court of Appeals that h[er] claimed errors are not frivolous so as to enable that court to review properly the District Court's certification that the appeal was in bad faith.”⁸

“Normally, allowance of an appeal should not be denied until an indigent has had adequate representation by counsel. *Johnson v. United States*, 352 U.S. 565.” (quoting *Ellis v. United States* 356 U.S. 674 (1958)).

In *Coppedge v. United States*, “[t]he requirement that an appeal *in forma pauperis* be taken “in good faith” is satisfied when the [Petitioner] seeks appellate review of any issue that is not frivolous.”⁹ “When a [Petitioner] applies to a Court of Appeals for leave to proceed *in forma pauperis*, the District Court's certification that the application is not “in good faith” is entitled to weight; but it is not conclusive.”¹⁰ “If it appears from the face of the papers filed in the Court of Appeals that the applicant will present issues for review which are not clearly frivolous, the Court of Appeals should grant leave to proceed *in forma pauperis*, appoint counsel to represent the appellant and proceed to consideration of the appeal on the merits in the same manner that it considers paid appeals.”¹¹

II. WITHOUT A REHEARING AND GVR, PETITIONER WILL BE DEPRIVED OF HER RIGHT TO HAVE AN APPELLATE COURT CONSIDER THE MERITS OF HER REMAINING CLAIMS BASED ON CLAIM PRECLUSION.

A rehearing of the denial of a petition for a *writ of certiorari* is appropriate when there are “...other substantial grounds not previously presented.” (See Sup. Ct. R. 44.2).

Furthermore, this Court may modify any judgment brought before it, and vacate and remand that case to the court below “...as may be just under the circumstances.” 28 U.S.C. § 2106. This

⁸ *Farley v. United States* 354 U.S. 521 (1957).

⁹ 369 U.S. 438 (1962).

¹⁰ *Id.*

¹¹ *Id.*

particular remedy – to grant the petition, vacate the judgment below, and remand the case – is particularly appropriate as this court previously did not consider issues relating to Petitioner’s *in forma pauperis* denial(s) at the lower courts “...for the purposes of an appeal.”

The “...GVR order has, over the past 50 years, become an integral part of this Court’s practice, accepted and employed by all sitting and recent Justices.” *Lawrence*, 516 U.S. at 166.

Petitioner also still has unresolved claims, involving related SCOTUS cases: 12M125, 13 – 10069 and 21-8136. Petitioner here, should have the opportunity to have these claims determined accordingly.

Petitioner, Dionne K. Thompson, should now have the opportunity to receive the appellate review that she was denied by the Second Circuit’s error. This Court’s denial of the Petition for a *Writ of Certiorari* deprives Petitioner of her right of appellate review, leaving the SDNY district court: and, Second Circuit’s error intact. Consequently, the facts of this case militates in favor of a rehearing, and GVR order.

Therefore, under *Lawrence*, and S. Ct. R. 44.2, Petitioner’s request for rehearing should be granted and the Second Circuit’s judgment should be properly vacated and remanded for consideration.

Without a rehearing and GVR order, Petitioner would arguably be forever barred from having her meritorious claims related to the Americans with Disability Act (42 U.S.C. 12101 *et seq.* “ADA”) (as well as her First, Fifth and Fourteenth Amendment claims – regarding due process of law, and the equal protection of the laws) considered for appeal.

Jurisdiction of the federal court was specifically conferred under 42 U.S.C. 12101 *et seq.* (“ADA”) Americans with Disabilities Act of 1990.

The Second Circuit’s refusal to accept jurisdiction over Petitioner’s appeal would preclude Petitioner from litigating her claims under 42 U.S.C. 12101 *et seq.* (“ADA”) the Americans with Disabilities Act of 1990.

Unless this Court grants the petition for rehearing and issues a GVR, Petitioner will remain in limbo and her claims will fade into oblivion. "Whether a GVR order is ultimately appropriate depends further on the equities of the case..." *Lawrence v. Chater*, 516 U.S. at 167-68 (1996) (per curiam). Here, the equities of the case urge that the Petitioner receive a GVR order. A GVR order is the only remedy capable of reversing the Second Circuit's and the (SDNY) Southern District of New York's erroneous decision.

As was true in *Lawrence*, this case presents a circumstance in which "...the GVR order can improve the fairness and accuracy of judicial outcomes while at the same time serving as a cautious and deferential alternative to summary reversal in cases whose precedential significance does not merit our plenary review." *Id.* at 168 (per curiam).

CONCLUSION

The Second Circuit's denial of Petitioner's claims greatly impacts the outcome of Petitioner's rights, regarding disability violations, and misconduct, pursuant to 42 U.S.C. 12101 *et seq.* ("ADA") Americans with Disabilities Act of 1990. This Court's denial of Petitioner's Writ of Certiorari leaves Petitioner without the opportunity to have her claims fairly and properly adjudicated.

For the foregoing reasons, Petitioner respectfully requests that this Court grant a rehearing and issue a GVR order, remanding this case to the Second Circuit and/or district court (S.D.N.Y.) for consideration in light of these Court's erroneous decisions: and, for any further relief to which Petitioner, may be entitled.

NON-LAWYER STANDARD

Now comes JESUS CHRIST/YESHUA HA'MASHIACH, Petitioner's Spiritual GUIDE and Anti-typical Paschal LAMB, WHO entered into the heavenly sanctuary's second apartment (the Holy of Holies) precisely on October 22, 1844, (as prophesied at the end of the 2,300 day benchmark): and, HE began cleansing the sins of the Lamb's Book of Life Converts following this

aforementioned date, with respect to the investigative judgment of the living.¹²

Foremost, Non-Lawyer Plaintiff attributes her procedural survival to her spiritual GUIDE: JESUS CHRIST/YESHUA HA'MASHIACH, as HIS infinite wisdom, power and love have served as a support system for her during her extraordinary¹³ and overwhelming court proceedings — see 1Cor. 1:24, 30. Non-Lawyer Plaintiff formally requests that CHRIST/YESHUA send HIS "twelve legions of angels," ministering spirits (see Heb. 1:14, Matt. 26:53), to assist with this case, as Non-Lawyer Plaintiff intends to vindicate the all righteous, self-sacrificing character and government of JESUS CHRIST/YESHUA HA'MASHIACH, with respect to HIS Eternal Purpose — see Eph. 3:11. For the foregoing reasons, Non-Lawyer Plaintiff petitions the BAR OF GOD and the COUNCILS OF HEAVEN, specifically pleading that JESUS CHRIST/YESHUA overturn (Eze. 21:27) the unjust government of sin (as it causes unbearable pain, suffering and death — see James 1:15) — see Matt. 5:22.

That said, disabled and economically destitute Pro se Plaintiff is not an Attorney or Lawyer: and, she is assisting herself after contacting well over (100) one hundred Attorneys, who ignored her case because of a "conflict of interests." Such an anti-trust riddled circumstance has caused Pro se Plaintiff to have to assist herself, as a last resort.

Complaints filed by Pro se Litigants are held to "less stringent standards than formal pleadings drafted by lawyers." *Haines v. Kerner*, 404 U.S. 519, 520, 92 S. Ct. 594, 30 L. Ed. 2d 652 (1972). "When considering motions to dismiss a pro se complaint, . . . 'courts must construe [the complaint] broadly, and interpret [it] to raise the strongest arguments that [it] suggest[s].'" *Weixel v. Bd. of Edu. Of the City of N.Y.*, 287 F. 3d 593, 597, (2d Cir. 2002) (quoting *Cruz v. Gomez*, 202 F. 3d 593, 597 (2d Cir. 2000)) (alterations in original). Even after *Twombly* and *Iqbal*, pro se complaints are entitled to liberal construction when they "contain sufficient factual content to allow the district court 'to draw the reasonable inference that the defendant[s] (were) liable for the misconduct alleged.'" *Schwamborn v. Cnty. Of Nassau*, 348 Fed. Appx. 634, 2009 WL 3199001, at *1 (2d Cir. 2009) (quoting *Iqbal*, 129 S. Ct. at 1949). Yet when evaluating such a complaint, "the [c]ourt is also aware

¹² See Dan. 8:14.

¹³ By faith (Eph. 2:8-10), Non-Lawyer Plaintiff has a consolidated *retaliation case* at the Supreme Court of the United States: 12M125 (SCOTUS Motion).

that pro se status does not exempt a party from compliance with relevant rules of procedural and substantive law." *Iwachiv v. N.Y. City Bd. of Educ.*, 194 F. Supp. 2d 194, 202 (E.D.N.Y. 2002) (internal quotation marks omitted); see also *Atherton v. D.C. Office of the Mayor*, 567 F. 3d 672, 681-82, 386 U.S. App. D.C. 144 (D.C. Cir. 2009) ("[E]ven a pro se complainant must plead 'factual matter' that permits the court to infer 'more than the mere possibility of misconduct.'") (quoting *Iqbal*, 129 S. Ct. at 1950).

Dated: October 11, 2022

Respectfully submitted,

CROWN JEWELS

By faith, as an "Anointed Vicegerent" for "Earth" and "Beneficiary" herein, I name:
"TESHUA" as "SETTLOR". I name: the "COUNCILS" as "Trustee(s)" and the
"Board of Governors" for Planet "Earth's" credit and monetary policies, supervising
any "Central Banks" with the broadest powers (Matt. 5:22). Beneficiary's signature
herein as "Trust Res" shall be equitably converted to: _____ producing inexhaustible
pings: and, Trusts vest at the 7th day (SO ORDERED). Signature: 10-11-2022

CULLINAN DIAMONDS

Dionne K. Thompson, LMSW

Non-Lawyer Litigant

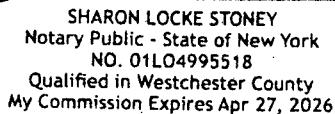
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CERTIFICATE OF GOOD FAITH

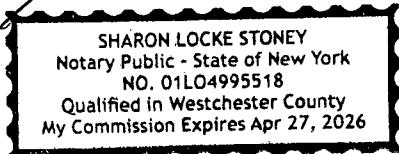
The undersigned hereby certifies that this Petition for Rehearing is restricted to the grounds specified in Supreme Court Rule 44.2 of the Rules of the Supreme Court of the United States: and, it is presented in good faith, and not for delay.

Dionne K. Thompson
Non-Lawyer Litigant (Petitioner)

10-11-2022

CULLINAN DIAMONDS





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available in the
Clerk's Office.**