

No. 22-351

---

In the  
Supreme Court of the United States

---

CHARLES SIMON,

*Petitioner,*

v.

UNITED STATES DEPARTMENT OF JUSTICE, ET AL.,  
*Respondents.*

---

On Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Seventh Circuit

---

PETITION FOR REHEARING

---

CHARLES SIMON  
*PETITIONER PRO SE*  
3410 DEREIMER AVENUE, APT. 7  
BRONX, NY 10475  
(917) 318-4771  
LITIGATORCHARLES@GMAIL.COM

---

JANUARY 5, 2023

---

SUPREME COURT PRESS

♦ (888) 958-5705 ♦

BOSTON, MASSACHUSETTS

---

**TABLE OF CONTENTS**

	Page
TABLE OF AUTHORITIES .....	ii
PETITION FOR REHEARING .....	1
RULE 44 CERTIFICATE .....	4

**REHEARING APPENDIX**  
**TABLE OF CONTENTS**

Notice of Supreme Court of the United States Pursuant to Supreme Court Rule 12.3 (October 14, 2022) .....	1a
United States Government Waiver Rights Claim.....	3a
Motion/Petition to Expedite Issuance Declaratory Judgment and Preliminary Injunction Upon Respondents Failure to File Responsive Pleadings Ordered by the Court by 11/14/2022 (November 21, 2022).....	5a
Postal Receipts .....	6a

**TABLE OF AUTHORITIES**

	Page
<b>CASES</b>	
<i>Aetna Life Ins. Co. v. Lavoie,</i> 475 U.S. 813 (1986).....	2
<i>McDonnell Douglas Corp. v Green,</i> 411 U.S. 792 (1973).....	2
<i>Sampson v. Murray,</i> 415 U.S. 61 (1970) .....	2
<b>CONSTITUTIONAL PROVISIONS</b>	
U.S. Const. amend. I .....	1
U.S. Const. amend. V .....	1
<b>STATUTES</b>	
28 U.S.C. § 455(a) .....	1
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e.....	2, 3
<b>JUDICIAL RULES</b>	
Sup. Ct. R. 1 .....	1
Sup. Ct. R. 15.3.....	1, 2
Sup. Ct. R. 44.....	1
<b>REGULATIONS</b>	
28 C.F.R. § 301.314 <i>et seq.</i> .....	3
28 C.F.R. Part 301 .....	3



## PETITION FOR REHEARING

The Petition for Rehearing proceed *nunc pro tunc* under Supreme Court Rule 44, simply because the Clerk of Court has not afforded Pro Se Petitioner as to date 1/2/2023 a copy of the Denial of Petitioner's Petition, where Justice Alito took no part in the consideration or decision of the petition entered on December 12, 2022; the chilling breach of Rule 1, U.S. Const. Amend I, & V, is advanced upon the Supreme Courts' *ex parte* denial of Petitioner's Petition on December 12, 2022. The Petitioner is in the dark as to why the Petition was denied, simply because the Clerk of Court has not afforded Pro Se Petitioner as to date 1/2/2023 a copy of the Denial of Petitioner's Petition, where Justice Alito took no part in the consideration or decision of the petition entered on December 12, 2022, the Supreme Court is also in the dark as to the Supreme Court Clerk's Breach of Rule 1 by failing to docket several documents that prove Petitioner's claim. Central to this factual conclusion, the documented evidence of facts show Federal Respondents, represented by Elizabeth B. Prelogar, Solicitor General unethically deceived the Supreme Court upon filing the fictitious waiver thus vigorously breached the Supreme Court's Order pursuant Rule 15.3 by failing to submit brief in opposition on Monday, November 14, 2022. More chilling still, the Solicitor General submitted the sham waiver impermissibly misled the Supreme Court to issue the constitutionally defective premature Order. Typical D.O.J. maneuver; The judicial proceeding mirror Deep-seated favoritism toward pro se litigation; 28 U.S.C. § 455(a), *Aetna Life*

*Ins. Co. v. Lavoie*, 475 U.S. 813 (1986); It is abundantly clear Respondents admit the well pleaded facts and its legal sufficiency of the petitioner's Petition for Writ of Certiorari, citation omitted; Accordingly, There is no legitimate procedural escape hatch to avoid providing Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, remedy; its office Bars all overt acts of chicanery cloak with deep-seated bias, and policy fair in form and intent but discriminatory in practice; *McDonnell Douglas Corp. v Green*, 411 U.S. 792 (1973); Moreover, the Supreme Court made clear, holding in *Sampson v. Murray*, 415 U.S. 61 (1970), the granting or denial of preliminary injunction there must be fining of fact an conclusion of law.

Judicial Notice, Each factual assertion made in this case is well documented and accompany with this Rehearing under Supreme Court Rule 44 for example: (1) Docket entry December 22, 2022 Denied *Charles Simon v Department of Justice, et al.* (2) Pursuant Rule 15.3, due date November 14, 2022 for a brief opposition; (3) the Solicitor General waiver November 14, 2022; (4) said "MOTION/PETITION TO EXPEDITE ISSUANCE DECLARATORY JUDGMENT & PRELIMINARY INJUNCTION UPON RESPONDENTS FAILURE TO FILE RESPONSIVE PLEADINGS ORDERED BY THE COURT BY 11/14/2022. Failure to comply with Supreme Court Rule 15.3 and submit brief in opposition on Monday, November 14, 2022, Dated November 21, 2022. Said documents is accompanied with U.S. postal receipts; Therefore, upon the facts delineated herein, the Supreme Court should reverse its November 12, 2022 Order and issue the Declaratory Judgment and Preliminary Injunction should issue forthwith enjoining disparate treatment under 28 C.F.R. Part

301, and disparate impact pursuant 28 C.F.R. § 301.314 *et seq.*, (IACP) Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e violations; Hence, the judicial proceeding tantamount to evidence that Respondents' waiver concede this case, and The Supreme Court should issue an Order ruling the same.

Respectfully submitted,

CHARLES SIMON  
*PETITIONER PRO SE*  
3410 DEREIMER AVENUE, APT. 7  
BRONX, NY 10475  
(917) 318-4771  
LITIGATORCHARLES@GMAIL.COM

JANUARY 5, 2023

**REHEARING APPENDIX  
TABLE OF CONTENTS**

Notice of Supreme Court of the United States Pursuant to Supreme Court Rule 12.3 (October 14, 2022) .....	1a
United States Government Waiver Rights Claim.....	3a
Motion/Petition to Expedite Issuance Declaratory Judgment and Preliminary Injunction Upon Respondents Failure to File Responsive Pleadings Ordered by the Court by 11/14/2022 (November 21, 2022).....	4a
Postal Receipts .....	6a

Reh.App.1a

**NOTICE OF SUPREME COURT OF THE  
UNITED STATES PURSUANT TO  
SUPREME COURT RULE 12.3  
(OCTOBER 14, 2022)**

---

**SUPREME COURT OF THE UNITED STATES**

---

**CHARLES SIMON,**

*Petitioner,*

v.

**DEPARTMENT OF JUSTICE, ET AL.,**

*Respondent.*

---

**No. 22-351**

---

To \_\_\_\_\_ Counsel of Respondent:

NOTICE IS HEREBY GIVEN pursuant to rule 12.3 that a petition for a writ of certiorari in the above-entitled case was filed in the Supreme Court of United States on October 7, 2022, and placed on the docket October 14, 2022. Pursuant to Rule 15.3, the due date for a brief in opposition is Monday, November 14, 2022. If the due date is a Saturday, Sunday, or federal legal holiday, the brief is due on the next day that is not a Saturday, Sunday or federal legal holiday.

Beginning November 13, 2017, parties represented by counsel must submit filings through the Supreme Court's electronic filing system. Paper remains the

Reh.App.2a

official form of filing, and electronic filing is in addition to the existing paper submission requirement. Attorneys must register for the system in advance, and the registration process may take several days. Further information about the system can be found at <https://www.supremecourt.gov/filingandrules/electronicfiling.aspx>.

Unless the Solicitor General of the United States represents the respondent, a waiver form is enclosed and should be sent to the clerk only in the event you do not intend to file a response to the petition.

Only counsel of record will receive notification of the Court's action in this case. Counsel of record must be a member of the Bar of this Court.

Mr. Charles Simon  
3410 DeReimer Avenue, Apt. #7  
Bronx, NY 10475  
(917) 318-4771

Note: This notice is for notification purposes only, and neither the original a copy should be filed in the Supreme Court.

Reh.App.3a

**UNITED STATES GOVERNMENT  
WAIVER RIGHTS CLAIM**

---

**IN THE  
SUPREME COURT OF THE UNITED STATES**

---

**CHARLES SIMON,**

*Petitioner,*

**v.**

**DEPARTMENT OF JUSTICE, ET AL.,**

*Respondent.*

---

**No. 22-0351**

---

The Government hereby waives its right to file a response to the petition in this case, unless requested to do so by the court

---

**Elizabeth B. Prelogar  
Solicitor General  
Counsel of Record**

**November 14, 2022**

**Cc: Charles Simon  
3410 DeReimer Avenue  
Apartment #7  
Bronx, NY 10475**

**MOTION/PETITION TO EXPEDITE  
ISSUANCE DECLARATORY JUDGMENT AND  
PRELIMINARY INJUNCTION UPON  
RESPONDENTS FAILURE TO FILE  
RESPONSIVE PLEADINGS ORDERED  
BY THE COURT BY 11/14/2022  
(NOVEMBER 21, 2022)**

---

SUPREME COURT OF THE UNITED STATES

---

CHARLES SIMON,

*Petitioner,*

v.

DEPARTMENT OF JUSTICE, ET AL.,

*Respondent.*

---

No. 22-351

---

This Motion/Petition is advanced to expedite issuance Declaratory Judgment and Preliminary Injunction upon Respondents failure to Comply with Supreme Court Rule 15.3 and submit brief in opposition on Monday, November 14, 2022. Accordingly, Respondents intentional waver admit the well pleaded facts and legal sufficiency; Therefore, the Declaratory Judgment and Judgment and Preliminary Injunction Should issue forthwith enjoining disparate treatment and disparate impact Title VII of the Civil Rights Act

Reh.App.5a

of 1964, 42 U.S.C. section 2000e violations, hence where Respondents concede this case.

Respectfully submitted,

/s/ Charles Simon  
Pro Se Petitioner

Dated: November 21, 2022

**CERTIFICATE OF SERVICE**

A COPY OF THIS MOTION/PETITION TO EXPEDITE ISSUANCE DECLARATORY JUDGMENT & PRELIMINARY INJUNCTION UPON RESPONDENTS FAILURE TO FILE RESPONSIVE PLEADINGS ORDERED BY THE COURT BY 11/14/2022: WAS MAILED TO Honorable, Elizabeth B. Prelogar, Solicitor General of United States, Department of Justice (Room 5616) 950 Pennsylvania Avenue N.W. Washington DC 20530-0001, was mailed United States Postal service overnight express on 11/21/2022.

/s/ Charles Simon

Reh.App.6a

## POSTAL RECEIPTS

**POSTAL RECEIPT 1 AND 2**

Reh.App.7a

**POSTAL RECEIPT 3**

Product	Qty	Unit	Price
DM Express 1-Day First Rate Env.	1		\$27.90
Postbox, MA 02115			
Flat Rate			
Signature Notary			
Scheduled Delivery Date			
Sat 10/29/2022 06:00 AM			
Money Back Guarantee			
Tracking #:			
9576 1159 6482 2301 6442 89			
Insurance			\$0.00
Up to \$100.00 Mail Value			
<b>Total:</b>			<b>\$27.90</b>
<b>Grand Total:</b>			<b>\$27.90</b>
<b>Bill Card Receipt:</b>			<b>\$27.90</b>
Card Name: VISA			
Account #: XXXXX XXXXX 3262			
Approval #: 014710			
Transaction #: 050			
Receipt #: 050803			
Debit Card Purchaser: \$27.90			
ABN: Account#00980840			
Alt. US Debit			
PIN: Verified			
Save this receipt as evidence of insurance. For information on filing an insurance claim go to <a href="https://www.usps.com/help/claims.htm">https://www.usps.com/help/claims.htm</a> or call 1-800-222-1811.			
Text your tracking number to 237737 (USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit <a href="https://www.usps.com/tracking/">usps.com/tracking/</a> or call 1-800-222-1811.			
<a href="#">Preview Your Mail</a> <a href="#">Track Your Packages</a> <a href="#">Sign Up for FREE!</a> <a href="https://inform.usps.com">https://inform.usps.com</a>			
All sales final on postage and postage refunds for guaranteed packages only. Thank you for your business.			
Tell us about your experience at <a href="https://postalexperience.usps.com">https://postalexperience.usps.com</a> . You can also scan this code with your mobile device.			



Reh.App.8a

**POSTAL RECEIPT 4**

Product	Qty	Unit Price	Price
PM Express 1-Day Flat Rate Env. Washington, DC 20543	1	\$27.90	
Signature Waiver			
Scheduled Delivery Date			
Tue 11/22/2022 06:00 PM			
Money Back Guarantee			
Tracking #			
9570 1150 6443 2325 4056 39			
Insurance		\$0.00	
Up to \$100.00 included			
<b>Total</b>		\$27.90	
PM Express 1-Day Flat Rate Env. Washington, DC 20530	1	\$27.90	
Signature Waiver			
Scheduled Delivery Date			
Tue 11/22/2022 06:00 PM			
Money Back Guarantee			
Tracking #			
9570 1150 6443 2325 4056 46			
Insurance		\$0.00	
Up to \$100.00 included			
<b>Total</b>		\$27.90	
<b>Grand Total:</b>		<b>\$55.80</b>	
Debit Card Remit		\$55.80	
Card Name: VISA			
Account #: XXXXXXXXXX3262			
Approval #: 035510			
Transaction #: 113			
Receipt #: 032907			
Debit Card Purchase: \$55.80			
AID: A0000000960840			
AL: US DEBIT			
PIN: Verified			
Save this receipt as evidence of insurance. For information on filing an insurance claim go to <a href="https://www.usps.com/help/claims.htm">https://www.usps.com/help/claims.htm</a> or call 1-800-222-1811.			
Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit <a href="http://www.usps.com">www.usps.com</a> USPS Tracking or call 1-800-222-1811.			
Preview your Mail Track your Packages Sign up for FREE @ <a href="https://InformedDelivery.usps.com">https://InformedDelivery.usps.com</a>			
All sales final on status and postage.			