

IN THE
Supreme Court of the United States

FAYE RENNELL HOBSON,

Petitioner

v.

GENERAL LLOYD AUSTIN, Secretary,
U.S. DEPARTMENT OF DEFENSE,

Respondent

ON PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

PETITION FOR REHEARING

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Pro Se Litigant

MARCH 2023

No. 22-5122

IN THE
SUPREME COURT OF THE UNITED STATES

Faye Rennell Hobson,
Petitioner,

v.

General Lloyd Austin, Secretary,
U.S. Department of Defense
Respondent.

RULE 44.2 CERTIFICATE

Pursuant to Rule 44.2, the undersigned hereby certifies that the attached petition for rehearing of an order denying writ of certiorari is restricted to the grounds specified in Rule 44.2: it is limited to *intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented*. Petitioner further certifies that the attached petition is presented in good faith and not for delay.

By: 

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PETITION FOR REHEARING

Pursuant to Rule 44.2 of the Rules of the United States Supreme Court, Petitioner respectfully petitions for rehearing of this Court's October 3, 2022 Order denying the petition for a writ of certiorari.

REASON FOR GRANTING THE PETITION FOR REHEARING

Constitutional Challenge to Administrative MSPB Judges

Rule 44.2 of the Rules of the Supreme Court of the United States allows petitioners to file petitions for rehearing of the denial of a petition for writ of certiorari and permits rehearing on the basis of "*intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.*"

Here, a substantial ground not previously presented warrants a rehearing. Briefly and distinctly, the instant case presents this question: Where does an employee seek judicial review when the MSPB dis-misses her civil-service case alleging whistleblower retaliation and discrimination neither on the merits nor on a procedural ground, but for lack of jurisdiction?

The "Initial Decision" of the Administrative Judge (MSPB) on December 10, 2020 states "The Appellant has requested a hearing, but it is apparent from the documentary record that the Board lacks jurisdiction over this appeal. Accordingly, the appeal is DISMISSED for lack of jurisdiction."

The judgment of the United States Court of Appeals for the Federal Circuit is unreported, per curiam, and without opinion. On March 21, 2022 the Federal Circuit entered its "Notice of Entry of Judgment without Opinion." the Clerk of Court stated "This cause having been considered, it

is ORDERED AND ADJUDGED AFFIRMED.” The Administrative Judge erroneously misinterpreted the Petitioners current case before him, with a previously adjudicated case that was not before him at any given time. He totally ignored the Petitioners cry for Reconsideration that totally laid out the Administrative Judges’ miscarriage of justice. The Administrative Judge confused the Petitioners 2016 MSPB Hearing with her 2021 current case before him. The Federal Circuit refused to address the matter and denied the Petitioners request to remand the case back to MSPB for a Hearing.

The Federal Circuit record, as well as, the Boards record should reflect, though instant Petitioners timely and correctly raised this very same Constitutional challenge with the Federal Circuit under “Reasons for Allowance of the Writ pages 6-9 and Conclusion pages 10-11 of her Petition for Writ of Certiorari, the Petitioner was nevertheless incorrectly and unjustly denied a hearing or relief.

The Fifth Amendment guarantees that “no person shall....be deprived of life, liberty, or property, without due process of law.” U. S. Const. amend. v. “Procedural due process imposes constraints on governmental decisions which deprive individuals of ‘liberty’ or ‘property’ interests...{The Supreme Court} consistently has held that some form of hearing is required before an individual is finally deprived of a property interest....The fundamental requirement of due process is the opportunity to be heard at a meaningful manner. Procedural due process thus determines both whether the litigant has a protected property interest and, if so, what process is due. And the process due is DUE PROCESS.

Thus, Certiorari is warranted to resolve the due process issue of the Federal Circuit as well as the Board not providing the Appellant/Petitioner a due process hearing in which she is entitled and

the affirmance of the Board by the Federal Circuit. Courts have ruled against trickery.

Administrative Judges are not empowered to decide the Constitutionality of Bureaucratic actions

because Administrative Judges are themselves employed in the executive branch of government.

No judge, attorney or person is above the law of this land.

Attached

Exhibit A: The Petition for a Writ of Certiorari is denied

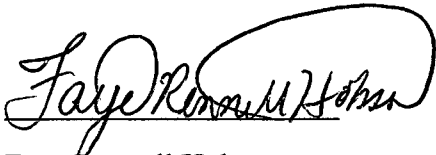
Exhibit B: Motion for Reconsideration to the Supreme Court

Exhibit C: Notice of Noncompliance

Rehearing is accordingly warranted.

Which rehearing is respectfully requested this 7th day of March, 2023.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Faye Rennell Hobson", written over a horizontal line.

Faye Rennell Hobson

Pro Se Litigant