No. 22-5681

In the Supreme Court of the United States

ORIGINAL

TOWAKI KOMATSU,
Petitioner,

v.

CITY OF NEW YORK, ET AL.

Respondents.

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

PETITION FOR REHEARING

Petitioner, Pro Se	**Attorney for City of New York Respondents:**	**Attorney for State of New York Respondents:**
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LIST OF PARTIES

[X] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. The City of New York
2. New York State Office of Court Administration
3. Rachel Atcheson
4. Rafael Beato
5. Andrew Berkowitz
6. Matthew Brunner
7. Ramon Dominguez
8. Raymond Gerola
9. Yu Lie
10. Anthony Manzi
11. Harold Miller
12. Ralph Nieves
13. Howard Redmond
14. Pinny Ringel

RELATED CASES

1. *Komatsu v. City of New York*, No. 18-cv-3698 (LGS)(GWG)(S.D.N.Y. Sept. 27, 2021)

2. *Komatsu v. City of New York*, No. 21-cv-2470 (2d. Cir. Mar. 30, 2022)

3. *Komatsu v. City of New York*, No. 20-cv-7046 (ER)(GWG)(S.D.N.Y.)[1]

4. *Komatsu v. City of New York*, No. 22-1996 (2d Cir.)

5. *Komatsu v. New York City Human Resources Administration*, No. 100054/2017 (Sup. Ct., NY Cty. Feb. 26, 2020)

6. *Matter of Komatsu v. New York City Human Resources Administration*, 2018 N.Y. Slip Op 63864 (App. Div. 2018)

7. All litigation that I commenced against the New York City Human Resources Administration since 2016 that has been assigned to the New York State Office of Temporary and Disability Assistance in its capacity as a New York State administrative appellate forum

8. *Komatsu v. USA*, No. 21-cv-1838 (RJD)(RLM)(S.D.N.Y.)

9. *USA v. Komatsu*, No. 18-cr-671 (VEC)(S.D.N.Y.)

10. *USA v. Komatsu*, No. 18-cr-651 (ST)(E.D.N.Y. Oct. 21, 2019)

11. *Komatsu v. City of New York*, No. 20-cv-10942 (VEC)(RWL)(S.D.N.Y. Jun. 17, 2022)

12. *People v. Komatsu*, No. 2017BX048917 (Bronx Crim. Ct. Jan. 23, 2020)

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[1] All references to this case refer to its status as a consolidated case.
Although the link to that video on page 18 in my 4/2/22 filing in K4 is no longer functional, that

13. *Komatsu v. City of New York*, No. 21-cv-11115 (LTS)(S.D.N.Y. Sept. 16, 2022)

14. *Komatsu v. City of New York*, No. 22-2025 (2d Cir.)

15. *Komatsu v. City of New York*, No. 22-cv-6627 (LTS)(S.D.N.Y. Aug. 15, 2022)

16. *Komatsu v. City of New York*, No. 22-1796 (2d Cir.)

17. *Komatsu v. NTT Data, Inc.*, No. 15-cv-7007 (LGS)(S.D.N.Y. May 17, 2016)

18. *Urban Pathways, Inc. v. Komatsu*, No. LT-304821-22/BX (Civ. Ct., Bronx Cty.)

19. *Komatsu v. Urban Pathways, Inc.*, No. 22-cv-9080 (S.D.N.Y.)

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PETITION FOR REHEARING

I, Towaki Komatsu, am the petitioner and petition for rehearing of this Court's 11/21/22 order that denied my petition for a writ of certiorari. The next 2 tables list acronyms that I will use in this petition due to this Court's requirement for me to be concise that correspond to **a)** other litigation involving me and **b)** various entities, people, and other things.

#	Acronym	Refers To
1	K1	*Komatsu v. City of New York*, No. 18-cv-3698 (LGS)(GWG)(S.D.N.Y. Sept. 27, 2021)
2	K2	*USA v. Komatsu*, No. 18-cr-651 (ST)(E.D.N.Y. Oct. 21, 2019)
3	K3	*USA v. Komatsu*, No. 18-cr-671 (VEC)(S.D.N.Y.)
4	K4	*Komatsu v. City of New York*, No. 21-cv-1838 (RJD) (RLM)(S.D.N.Y.)
5	K5	*Komatsu v. City of New York*, No. 20-cv-10942 (VEC) (RWL) (S.D.N.Y. Jun. 17, 2022)
6	K6	*People v. Komatsu*, No. 2017BX048917 (Bronx Crim. Ct. Jan. 23, 2020)
7	K7	*Komatsu v. New York City Human Resources Administration*, No. 100054/2017 (Sup. Ct., NY Cty. Feb. 26, 2020)

#	Acronym	Refers To
1	1A	The First Amendment
2	CCRB	The New York City Civilian Complaint Review Board
3	CSOs	Federal court security officers
4	The DC	The district court with respect to K1
5	DOJ	The U.S. Department of Justice
6	DPM	The Daniel Patrick Moynihan federal courthouse in Manhattan
7	FOIA	The Freedom of Information Act
8	HRA	New York City Human Resources Administration
9	LS	The "Legal Standards" section in the annexed appendix
10	My petition	The petition for a writ of certiorari that I filed for this appeal
11	My SB	The supplemental brief that I prepared and mailed to this Court's clerk's office on 11/10/22 for this appeal.
12	SDNY	The U.S. District Court for the Southern District of New York
13	TM	The Thurgood Marshall federal courthouse in Manhattan
14	USMS	U.S. Marshals Service
15	The USMS' crimes	How I defined this between pages 5 and 7 in the PDF file for my 6/2/22 filing in K4 (Dkt. 145)

1. References to the exhibits in the annexed appendix will be shown in parentheses in this petition in a manner that is similar to "(*see* App1)". References that I'll make in this petition in parentheses to findings and summaries of them in court decisions and orders that are shown in

the LS will be to the numbered rows in the table in which that information appears. This means that "(*see* LS3)" would refer to the third row of the table in the LS. Information that I incorporate by reference as though fully set forth herein and will discuss further below consists of **a)** the LS (*see* App1) and **b)** the filings that I filed in K4 on 4/2/22 (Dkt. 131), 11/30/21 (Dkt. 90), and 6/2/22 (Dkt. 145). When I state in this petition that something warrants rehearing and reversal of this Court's denial of my petition, I will simply say "warrants rehearing". Rule 44(2) of this Court prohibits me from using grounds that I previously presented to this Court for this appeal in support of this petition, but it doesn't bar me from elaborating about such grounds partly by discussing examples of them and clarifying them as long as I didn't previously do so.

2. K4 is a countersuit against CSOs and USMS personnel about the malicious prosecution that was pursued against me that corresponds to the related cases of K3 and K2 in which I prevailed on 10/21/19. That resulted from U.S. Magistrate Judge Steven Tiscione having dismissed K2 then in response to Sarah Mortazvi of the DOJ having begged him to do that in a filing that she filed in K2 on 10/16/19. She did so only after **a)** the superseding indictment in K2 revealed that a baseless charge that was filed earlier in K2 against me had been dropped and **b)** I engaged in extensive research about CSOs that enabled me to easily establish partly by video recording evidence and Internet postings by CSO Ralph Morales that he isn't credible and has a proclivity and propensity for engaging in and supporting violent behavior. The real reason why K2 was dismissed was to engage in damage-control to block me from testifying truthfully and in detail to a jury, the general public, and journalists against the DC and other federal judges who enabled and condoned the USMS' crimes, CSOs, the USMS, and the DOJ in order to defend the reputations of those against whom I sought to testify.

SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED AND INTERVENING CIRCUMSTANCES OF SUCH A NATURE THAT WARRANTS REHEARING

1. U.S. District Judge Valerie Caproni **a)** presided over both K3 and K5 and **b)** stated the following in her 8/30/21 order (Dkt. 115) in K5 about remarks that I made strictly in legal filings that I filed in K5 that confirms that my use of offensive remarks in K1 actually was permissible due to my 1A and equal rights:

> "Had the inappropriate language been the only problem with Mr. Komatsu's filings, the Court would not have imposed the filing restrictions."

2. Long before K1 was dismissed, CSOs cursed at me, called me "faggot", "bitch-boy", "dummy", "idiot", and other insults since 2/28/18 inside of DPM and TM while I conducted myself in a lawful manner. Also, page 31 in my 6/2/22 filing in K4 shows a screenshot from a USMS video inside of DPM that shows a CSO who made a death threat against me on 7/19/18 in an elevator there while I was conducting myself in an entirely lawful manner that I promptly apprised a court clerk about near the clerk's office in DPM as soon as that elevator's doors opened as he happened to be passing by. *In re Snyder*, 472 U.S. 634, 105 S. Ct. 2874, 86 L. Ed. 2d 504 (1985) confirms that all judges, CSOs, and other court officers, USMS personnel, and court clerks must continuously be courteous towards me. Page 32 in my 6/2/22 filing in K4 contains detailed information about that death threat against me. I also reported that threat to the USMS' Internal Affairs division to no avail. The CSO who called me a "bitch-boy" is shown on page 30 in that PDF file. *Sheppard v. Maxwell*, 384 U.S. 333, 86 S. Ct. 1507, 16 L. Ed. 2d 600 (1966) confirms that I'm entitled to serenity and calm inside of courthouses and that judges are required to exercise proper and diligent control over all areas inside of courthouses to avoid carnival atmospheres in them. *Ingraham v. Wright*, 430 U.S. 651, 97 S. Ct. 1401, 51 L. Ed. 2d 711 (1977) confirms that judges are required to be cooperative in response to petitions that I submit to them about a lack of "personal security". *Baldwin County Welcome Center v. Brown*,

466 U.S. 147, 104 S. Ct. 1723, 80 L. Ed. 2d 196 (1984) (*see* LS1) points out that courts "are required to be sensitive to the problems faced by *pro se* litigants and innovative in their responses to them." However, the DC and other federal judges denied requests that I made long before and after K1 was dismissed for authorization to be able to keep my cell phone with me throughout my visits to federal courthouses in New York City and to use them outside of courtrooms to record electronic recordings of my interactions with CSOs. I sought to do so to deter further instances of the USMS' crimes by being able to record and control incontrovertible evidence of the commission of such crimes. Such judges biasedly denied that even after Mr. Morales illegally recorded a video in flagrant violation of courthouse regulations that prohibit the recording of videos partly inside of DPM as he did so on 9/21/18 with an Apple iPhone Watch personal electronics device of me, other CSOs, a female visitor with no ties to me, and what appeared to be confidential security information on a wall. I received that video as discovery material in K2. The area inside of DPM where visitors retrieve their electronic devices from CSOs prior to leaving DPM is shown in the upper-right corner of the screenshot on page 27 in my 4/2/22 filing in K4. That same part of that screenshot confirms that Mr. Morales lied about me in official USMS reports that I received as discovery material in K2. He lied in them partly by claiming that **a)** he recorded the 9/21/18 video of me while I was retrieving property of mine and **b)** someone who had been waiting behind me in a line on 6/11/18 inside of DPM in an area that is shown in this upper-right part of that screenshot called me a faggot then. Page 8 in my 4/2/22 filing includes a screenshot from a USMS video that was recorded in DPM on 9/21/18 that confirms that I was dropping off electronics of mine to Mr. Morales before he lied by claiming that I was then retrieving them then. Also, since Mr. Morales was standing on 6/11/18 inside of DPM directly in front of where I'm shown in the upper-right part of the screenshot on

page 27 in my 4/2/22 filing in K4, he couldn't have seen through the wall that is there to substantiate his claim that someone behind me in the line of people shown on page 25 in that 4/2/22 filing had called me a faggot. Mr. Morales' lie about recording me on 9/21/18 with an Apple iPhone watch device is shown in the USMS report that is shown on page 208 in my 11/30/21 filing in K4. Mr. Morales' lie about someone who wasn't him having called me a faggot on 6/11/18 inside of DPM is shown in the USMS report that is shown on page 177 in that 11/30/21 filing.

3. The information in the USMS report that is shown on page 209 in my 11/30/21 filing in K4 fraudulently omits the fact that CSO Anthony Venturella illegally stalked me, shouted at me, and cursed at me on 9/21/18 inside of DPM on its first and 9th floors in the presence of Edward Friedland (he is the SDNY's District Executive) on the 9th floor while I conducted myself in a lawful manner. Mr. Venturella did so while I sought to enforce my right to be left alone and my privacy rights pursuant to **a)** *Cohen v. California,* 403 U. S. 15, 21 (1971) (containing remarks about privacy in courthouses) and **b)** *People v. Howard*, 50 N.Y.2d 583, 430 N.Y.S.2d 578, 408 N.E.2d 908 (1980) that cites *Olmstead v. United States*, 277 U.S. 438, 48 S. Ct. 564, 72 L. Ed. 944 (1928) (*see* LS8) about the right to be left alone by law-enforcement personnel. Back then, I was preparing to testify to former U.S. District Judge William Pauley in a public hearing on 9/21/18 in *USA v. New York City Housing Authority*, No. 18-cv-5213 (WHP) (S.D.N.Y. Mar. 15, 2019) on that ninth floor. This means that Mr. Venturella subjected me to witness intimidation then that Mr. Friedland condoned.

4. My discussion about *Ortega v. Moran*, No. 3: 21-cv-485 (JAM) (D. Conn. Nov. 21, 2022) in the LS (*see* LS9) reinforces the fact that CSOs had no valid grounds to initiate physical contact against me inside of courthouses while I conducted myself in a lawful manner. Despite

this, CSO Peter Kornas criminally assaulted and seized me on 6/29/21 while I was conducting myself in a lawful manner in DPM as the Covid-19 pandemic was in full swing. That occurred on its first floor after I already completed the security screening process to enter DPM and in the area where Mr. Morales illegally recorded a video of me on 9/21/18. People have gotten infected with Covid-19 while being fully vaccinated against it. The best defense against it is proper social-distancing. *Massone v. Washington*, No. 20-cv-7906 (LJL) (S.D.N.Y. July 8, 2022) was filed by a labor union that represents CSOs due to inadequate safeguards that were being taken inside of federal courthouses in New York City against Covid-19 transmission. Mr. Venturalla witnessed Mr. Kornas' assault and seizure against me on 6/29/21 and ordered him to get his hands off of me. Also, though I submitted timely FOIA demands to the USMS to be provided videos about that incident from its security cameras, it criminally hasn't complied. Although I factually reported that 6/29/21 incident on 6/29/21 to the DC (Dkt. 603) and other federal judges, all of them illegally condoned that by inaction. I also truthfully apprised the DC on 6/29/21 (Dkt. 602) that a CSO illegally dropped an electronics device of mine on the ground inside of TM on 6/29/21 as I was leaving TM. That was after a CSO did that on 2/27/18 in TM with my laptop. I also filed a filing in K4 apprised on 5/24/22 (Dkt. 140) in which I apprised U.S. District Judge Raymond Dearie that a male CSO whose last name is Larsen illegally both dropped an electronics device of mine on the ground inside of TM on 5/24/22 as I was leaving and threatened to punch me in my face when I lawfully confronted him about having dropped that. Judge Dearie illegally hasn't done anything about the USMS' crimes. Quite to the contrary, he fraudulently dismissed valid claims that I asserted in K4 partly against a Duke University and one of its students named Johnathan Hall who published an article in the Duke Law Journal in which he outrageously defamed and stigmatized me by fraudulently claiming that I was arrested

and charged in connection with K2 with having attempted to assault Mr. Morales outdoors. The allegation about that was instead that I tried to do so inside of DPM and I prevailed in K2. That article is entitled "The Gorsuch Test: Gundy v. United States, Limiting the Administrative State, and the Future of Nondelegation" (*see* pages 35-36) and Duke University illegally refused to issue a retraction about Mr. Hall's lie about me in it. New York University republished that article on it web site before it removed it after I urged it to do so while proving that Mr. Hall lied about me in it. Judge Dearie refused to issue a takedown order against Duke University about that article that potential employers of me and countless others may freely come across on the Internet while possibly becoming prejudiced against me by the lie in it that suggested that I try to assault people outdoors. The fact that report also links me to Justice Neil Gorsuch has intensified the stigmatization of me by attracting even greater attention. On 10/11/22, I attempted to electronically file a letter (*see* App2) in K4 via e-mail at 5:21 pm. However, the pro se intake office for the SDNY illegally didn't add that filing to K4's docket. I sought to inform Judge Dearie through that filing that I yet again saw an image of my face and name on that date that was easily and prejudicially viewable by the general public on a tablet computer's screen inside of TM in its security screening area on its first floor. That was to continue to illegally provoke and stigmatize me by USMS personnel and CSOs. That image was shown with others who have no ties to me and seem to be on a USMS watch list. In fact, CSOs and USMS personnel illegally violated the sealing order that was issued in K6 on 1/23/20 by illegally possessing and publicly displaying an image from K6 on tablet computers inside of TM after 1/23/20. The DC could and should have acted pursuant to 28 U.S.C. §566(a), 18 U.S.C. §401, and 18 U.S.C. §1507 to intervene on my behalf about the USMS' crimes. Findings in *Vann v. City of New York*, 72 F.3d 1040 (2d Cir. 1995) about a "*laissez-faire*" attitude affirms that the DC needed to intervene on

my behalf about the USMS' crimes and instead engaged in deliberate indifference about that as a gatekeeper and criminal accomplice about the USMS' crimes in response to my complaints about that by allowing that to persist. U.S. District Judge Lorna Schofield never explained why she didn't intervene on my behalf about the USMS' crimes. *Hucey v. Frezza*, 2021 N.Y. Slip Op 50186 (Civ. Ct. 2021) confirms that provocation may occur by a failure to perform an act. The DC and other federal judges have continuously and enormously provoked me by refusing to intervene on my behalf about the USMS' crimes and have instead scapegoated me. *Powell v. Alexander*, No. 3: 16-cv-01654 (SRU) (D. Conn. Sept. 17, 2018) (*see* LS10) confirms that **a)** a "failure to exercise independent judgment may help demonstrate involvement in" a conspiracy and **b)** a "meeting of the minds to violate constitutional rights" needn't "be overt" "and may be inferred on the basis of circumstantial evidence". *Morrow v. Bauersfeld*, No. 21-2928-cv (2d Cir. Nov. 22, 2022) (*see* LS6) **c)** uses "unjustified" as the operative word to describe adverse actions and **d)** confirms that "the temporal proximity between speech and an adverse action and" later "findings that the adverse action was unjustified" was among circumstantial evidence for a court to consider about 1A retaliation. *Morrow* also addressed an instance in which such retaliation was committed at an opportune time that was 6 months after protected conduct occurred. This reflects the 1A retaliation that the DC committed against me in K1 in response to my complaints against it and the USMS' crimes. *In Re Finding of Contempt in State v. Deleon*, Appeal No. 2012AP278 (Wis. Ct. App. Oct. 10, 2012) states that a "judge may not find a defendant guilty of contempt if judge provoked behavior". The fact that though *United States v. Lumumba*, 794 F.2d 806 (2d Cir. 1986) cites *In re Dellinger*, 461 F.2d 389 (7th Cir. 1972) while pointing out that judges are required to conduct an analysis about mitigating factors and extenuating circumstances prior to imposing sanctions against someone, the DC biasedly and

illegally didn't do that about the USMS' crimes. That was plain and prejudicial error that warrants rehearing. *In re Michael*, 326 U.S. 224, 66 S. Ct. 78, 90 L. Ed. 30 (1945) points out that when judges are thinking about imposing sanctions, they're required to use "the least possible power" that is "adequate" for the end that they seek to achieve by that. This means that the DC egregiously abused its discretion by refusing to intervene on my behalf about the USMS' crimes to eliminate one of the primary sources of my provocation. *United States v. Robinson*, 635 F.2d 981 (2d Cir. 1980) confirms that judges don't have an unlimited ability to resist provocation. This is equally true about me. *Monsky v. Moraghan*, 127 F.3d 243 (2d Cir. 1997) confirms that **a)** "hostile action toward a litigant" may occur inside of courthouses that may be "so offensive as to effectively drive the litigant out of a courthouse and thereby become the" "equivalent of a denial of access" and **b)** "the plaintiff may well have experienced the emotional distress and humiliation that she has alleged." *Matal v. Tam*, 137 S. Ct. 1744, 582 U.S., 198 L. Ed. 2d 366 (2017) confirms that giving offense is a viewpoint. *Keating v. Carey*, 706 F.2d 377 (2d Cir. 1983) cites *Glasson v. City of Louisville,* 518 F.2d 899, 912 (6th Cir. 1975) that is also cited by *Peterson v. Dean*, Civil Action No. 3: 09-cv-628 (M.D. Tenn. Dec. 14, 2010). The fact that *Peterson* points out that 42 U.S.C. §1985(3) "extended protection to that class of persons who are critical of government officials and their policies". This confirms that how I expressed myself in legal filings in K1 was acceptable for that reason. *Sevy v. Barach*, No. 17-13789 (E.D. Mich. Aug. 5, 2019) (*see* LS12) confirms that the use of profanity inside of courthouses while complaining about government actions and policies is permissible. *Sevy* was about court officers who were recorded on video that I have watched in which they illegally assaulted a visitor to a courthouse as he lawfully conducted himself. This Court denied a petition for a writ of certiorari about *Sevy*. *Barboza v. D'Agata*, 151 F. Supp. 3d 363 (S.D.N.Y. 2015) set a precedent in New

York State by establishing that it's permissible to express profanity in a legal filing that is submitted to a court while that expression is in the context of complaining about government activity. *Hill v. Colorado*, 530 U.S. 703, 120 S. Ct. 2480, 147 L. Ed. 2d 597 (2000) cites *Cohen v. California* while pointing out that it's protected 1A expression to use vulgar language to express opposition to a government policy inside of a courthouse.

5. Prohibitions against selective-enforcement and discrimination blocked all judges from penalizing me for how I have expressed in legal filings in litigation of mine because CSOs weren't punished for such expression towards me inside of federal courthouses. Such double-standards are prohibited. *Grayned v. City of Rockford*, 408 U.S. 104, 92 S. Ct. 2294, 33 L. Ed. 2d 222 (1972) affirms this by pointing out that a "vague law impermissibly delegates basic policy matters to" law-enforcement personnel that include judges, CSOs, and USMS personnel "for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application." *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 129 S. Ct. 1800, 173 L. Ed. 2d 738 (2009) confirms that agencies must act consistently.

6. I proved through information that I presented on pages 18, 36, and 45-49 in my 4/2/22 filing in K4 that USMS personnel engaged in a cover-up about the USMS' crimes by illegally withholding and destroying video recording evidence that was recorded partly on 3/13/18, 3/14/18, 6/11/18 inside of DPM while CSOs that included Mr. Morales committed the USMS' crimes against me.. That information was about the fact that while they worked for the USMs, **a)** Katherine Day confirmed to me on 8/20/18 in a voicemail message[2] that USMS personnel lied to me in a letter dated 5/30/18 that I received from the USMS in which someone claimed that the

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Although the link to that video on page 18 in my 4/2/22 filing in K4 is no longer functional, that video is also available at https://drive.google.com/file/d/14rvodJCAlYZl_7uYqUomrEAGTP9IzVN0/view?usp=sharing.

USMS sent me video recordings that were recorded on 3/13/18 and 3/14/18 inside of DPM and **b)** Angela Chappell Brooks informed me on and after 3/31/22 in e-mails that the USMS illegally deleted the majority of the information inn timely FOIA demands that I submitted to it on 6/12/18 to be provided video recordings that were recorded on 6/11/18 inside of DPM before the USMS waited until 3/31/18 to contact me about those FOIA demands while that was long after the USMS illegally didn't preserve those videos and those that were recorded on 3/13/18 and 3/14/18 inside of DPM that the USMS was required to preserve and provide to me partly due to K2 and complaints that I had been reporting to the USMS and others about the USMS' crimes. *US v. Bin Laden*, 397 F. Supp. 2d 465 (S.D.N.Y. 2005) confirms that the USMS has a long track record of illegally not preserving and sharing video recording evidence. Both compelled association and expression by government personnel are widely prohibited largely due to liberty and 1A rights that people have. Those rights entitle people to not express themselves nor associate themselves with others. I have been legally entitled to not have an image of me nor my name shown on tablet computer screens to the general public in public areas in federal courthouses outside of courtrooms partly to not be stigmatized by that while those screens also show images of other people with no ties to me. However, my image and name have consistently and prejudicially been shown on them to the general public. That contaminates the minds of potential jurors, witnesses, attorneys, and journalists who see that in regards to me by sending them a message that suggests that I'm guilty of something by being associated with the others on those screens. That display of me is illegal compelled association and expression. In fact, 40 U.S.C. §6135 prohibits the use of a device inside of this Court's building to attract attention to a party. Roseanne Dempsey worked as a court clerk in DPM on 12/6/19. My remarks on page 49 and 50 in my 6/2/22 filing in K4 are about the fact that she illegally refused to provide me public

court records then in DPM without any valid reason for roughly 45 minutes as instead was paranoid as she illegally discriminated against me as I conducted myself in an entirely lawful manner. She admitted to me then she was treating me differently from how she used to promptly provide me public court records when I asked for them there only because she had gotten used to seeing CSOs stalk me inside of DPM and no CSO was then where we were.

7. During the 12/5/22 oral arguments hearing in *303 Creative LLC v. Elenis*, No. 21-476 (U.S. 2022) that was largely about compelled speech, Justice Ketanji Brown Jackson talked about how a photographer might limit who can appear in photographs to control what he may seek to depict in it. This relates to remarks in *Regan v. Time, Inc.*, 468 U.S. 641, 104 S. Ct. 3262, 82 L. Ed. 2d 487 (1984) (*see* LS11) about a picture being worth a thousand words. The fact that this Court's personnel badly scanned my petition caused the images in it on this Court's web site to be mostly worthless by being extremely incomprehensible. That unlawfully blocked my 1A and equal rights to have clearly communicated highly probative information about this appeal to the general public before this Court denied my petition. I had a clear right for the entirety of the information in my petition to have been shown as clearly on this Court's web site as the images that are shown in the PDF files for **a)** the amicus brief of Western Urban Water Coalition that was filed on 4/18/22 in *Sackett v. Environmental Protection Agency*, 142 S. Ct. 896 (U.S. 2022) that show them in color and fine detail (*see* pages 18 thru 26[3]) and **b)** this Court's decision in *Egbert v. Boule*, 142 S. Ct. 1793, 596 U.S., 213 L. Ed. 2d 54 (2022) (*see* pages 6 and 8). The finding in *Leibovitz v. Paramount Pictures Corp.*, 137 F.3d 109 (2d Cir. 1998) (*see* LS5) that states that the "appearance of the photograph attracted widespread attention" is exactly what I sought through my use of images in my petition. The public shared my rights to be able to

[3] This numbering refers to the page numbering in the PDF instead of the pages at the bottom.

promptly, continuously, and clearly see the information in both my petition and my SB on this Court's web site before and after this Court denied my petition. The fact that my SB still isn't shown on this Court's web site on 12/5/22 confirms that this Court's personnel are still discriminating against me partly about that. The preceding discussion confirms that this Court's personnel unlawfully violated the findings from *Craig v. Harney*, 331 U.S. 367, 67 S. Ct. 1249, 91 L. Ed. 1546 (1947) (*see* LS2) by suppressing information that I submitted for this appeal. What I discussed above unduly prejudiced and blocked my efforts to have the images in my petition to be clearly shown on this Court's web site. I had hoped that that would partly lead to the filing of many amicus briefs for this appeal and offers of legal representation and press coverage for that too. Although I apprised this Court's staff before and after 10/22/22 about that scanning problem, they prejudicially didn't correct that. They also discriminated against me by keeping my SB off of this Court's web site. This Court prejudicially didn't publicly issue a notice before I mailed my petition to this Court that would indicate that images in my petition wouldn't be accurately shown on this Court's web site. Also, this Court hasn't publicly explained why it's discriminating against pro se litigants by not letting them electronically file filings to this Court. That would both **c)** cause their filings to be accurately shown on this Court's web site and **d)** cause them to be able to have their filings received and processed by this Court's clerk's office as quickly as submissions by attorneys. Attorneys must not have greater First and Fourteenth Amendment rights than pro se litigants in this regard. If I had known about this Court's deficiencies with its document scanning process before I prepared my petition, then I wouldn't have spent time to include images in my petition for obvious reasons. The fact that this Court's personnel unduly prejudiced my efforts to jointly litigate this appeal with the assistance of amicus groups confirms that estoppel applies that warrants equitable relief to be granted to me

that would enable me to prepare and submit to this Court a revised petition to replace my petition and for reconsideration about this appeal. Also, though this Court often doesn't explain why it denies petitions for writs of certiorari, my 1A rights together with *United States v. Torres*, No. 21-2511-cr (2d Cir. Nov. 21, 2022) (*see* LS13) confirm that **a)** judges are required to explain their rationale for the decisions and orders that they issue whenever that isn't readily apparent and **b)** noncompliance with that would ordinarily require remand of such orders and decisions that don't comply with this to allow for meaningful appellate review.

8. Findings *National Rifle Association of America v. Vullo*, No. 21-636-cv, August Term 2021 (2d Cir. Sept. 22, 2022) (*see* LS7) confirm that U.S. Court of Appeals for the Second Circuit prejudicially violated my First Amendment rights by abridging my speech and not addressing matters of public concern partly about the USMS' crimes and the fact that Judge Schofield subjected me to obstruction of justice in K1 partly by baselessly and biasedly suppressing material evidence and affidavits from corroborating eyewitnesses that for my 4/27/17 and 5/23/17 claims that entitled me to partial summary judgment. I submitted those affidavits in K1 on 12/14/18 (Dkt. 65) and 12/18/18 (Dkt. 69) and Judge Schofield never explained why she excluded that information from what she considered in issuing her 9/30/19 decision in K1 (Dkt. 239). She also **a)** fraudulently ignored highly incriminating e-mail evidence from the 374-page PDF file in her 9/30/19 decision and **b)** lied by claiming that my 3/26/21 filing in K1 about audio recording evidence that I received from the CCRB on 3/19/21 was untimely. Contrary to that fraud on the court by her in K1, it was only after *Uniformed Fire Officers Association v. De Blasio*, No. 20-2789-cv (L) (2d Cir. Feb. 16, 2021) was issued on 2/16/21 that the CCRB was authorized to provide me the 3/26/19 CCRB audio recordings. *James v. US*, 603 F. Supp. 2d 472 (E.D.N.Y. 2009) points out that officers of the court that partly

include judges may perpetrate fraud on the court in instances in which they act "in a manner that is "intentionally false, willfully blind to the truth, or is in reckless disregard for the truth". The protective and confidentiality orders that U.S. Magistrate Judge Gabriel Gorenstein issued on 1/15/21 in K2 were unenforceable in regards to me due to estoppel and offsetting penalties after City of New York personnel first violated my privacy rights partly by violating the sealing order in K6 and the 1/17/17 sealing order in. City of New York personnel were the custodians for the image of me that was shown on tablet computer screens inside of TM that was from K6 and City of New York personnel sent e-mails in June of 2017 about filings and activities in K7 while they were prohibited from having access to that information. My petition points out that senior HRA personnel orchestrated the scheme that gave rise to my claims in K2. The e-mail that I received on 11/18/22 at 12:58 pm from an attorney for HRA named Allison Gill Lambert at 12:58 pm (*see* App3) was about the fact that HRA personnel are continuing to illegally block me from accessing public forums and public records in them by denying me access to them inside of government buildings while choosing to discriminate against me compared to other similarly-circumstanced members of the public as a continuing violation that relates back to and amplifies my claims in K2. Her e-mail was about a public hearing on 11/22/22 about proposed contracts in which I testified. Information about that hearing was published in a public notice on 11/10/22 in a report named "The City Record" that indicated that public could visit HRA's headquarters prior to that hearing to inspect public records for that hearing. Hindsight confirms that it would be manifestly anomalous and unjust for this Court to deny me rehearing because I have indisputably provided this Court with compelling reasons to grant me that instead.

Respectfully submitted,

Date: December 7, 2022 Towaki Komatsu

CERTIFICATE OF PETITIONER

I hereby certify that this petition for rehearing is presented in good faith and not for delay and is otherwise restricted in scope to the grounds specified in Rule 44.2.

Towaki Komatsu