

No. 22-626

In The Supreme Court of The United States

Eman S. Hegazy and Hazem M. Hamdan
Petitioners,
vs.

Tim Walz, Keith Ellison, Joan Gabel, Keith Mays,
and Bridgett Anderson, in their official capacities,
Respondents.

On Petition for a Writ of Certiorari
to the Minnesota Supreme Court

**PETITION FOR REHEARING OF DENIAL OF
PETITION FOR WRIT OF CERTIORARI**

Eman S. Hegazy	Hazem M. Hamdan
553 Charles Avenue	553 Charles Avenue
Saint Paul, MN 55103	Saint Paul, MN 55103
dr.eman82@outlook.com	hamd0008@umn.edu
651-227-5720	651-227-5720

Pro Se Petitioners

TABLE OF CONTENTS

TABLE OF CONTENTS	i
PETITION FOR REHEARING.....	1
REASONS FOR GRANTING REHEARING.....	1
ARGUMENT.....	1
CONCLUSION.....	2
CERTIFICATE OF RULE 44.2 COMPLIANCE	3

PETITION FOR REHEARING

We, Eman Hegazy and Hazem Hamdan, petition for rehearing of this Court’s March 6, 2023, order denying our petition for a writ of certiorari.

REASONS FOR GRANTING REHEARING

This Court’s Rule 44.2 authorizes a petition for rehearing based on “...to other substantial grounds not previously presented.” *Id.* We were not aware of the argued case before this Court, *Health and Hospital Corporation of Marion County v. Talevski*, (No. 21-806), to be decided by this Court this term. Notably, the lower Courts in our case did not address the enforceability of the administrative remedy in the Medicaid Act (42 CFR § 482.13), notwithstanding being unequivocally argued in our memorandum to the District Court, and our briefs to the MN Appeals Courts, including our petition to MN Supreme Court.

ARGUMENT

What is the ***difference*** between our case, (No. 22-626), and *Talevski*, (No. 21-806)? In our case, we asked for *an implied-private-cause* of action to enforce the administrative remedy (cf. *patients’ rights* as in No. 21-806) in the Medicaid Act (42 CFR § 482.13). None of the lower Courts analyzed our request. In *Talevski*, the US Solicitor General’s *amicus curiae* endorsed that Congress created a comprehensive scheme of administrative enforcement mechanisms that it deemed appropriate and sufficient to protect Medicaid beneficiaries’ rights, which were not only unenforced but also encroached by the State of Minnesota in our case. Factually, we cited—in vain— before all Courts more

than a dozen of *certain* violations of plain statutory requirements—including that of 42 CFR § 482.13—by the State of Minnesota and its University.

This Court should have treated (No 22-626) like (No. 21-806), especially both are in the same judicial term. In *Talevski*, Petitioner (the provider) asks for *unenforceability* of those rights under section 1983. In *Hegazy*, we (the patient) ask for *enforceability* of those rights through the administrative remedy in the Medicaid Act. If this Court holds unenforceability of those rights under section 1983, whilst denying our petition, then the provider, like the School of Dentistry, shall be granted impunity for its violation of those rights. **And those rights are without remedy, at least to Hegazy.** In the momentous 1803 case *Marbury v. Madison*, Chief Justice Marshall warned that a government cannot be called a “government of laws, and not of men . . . if the laws furnish no remedy for the violation of a vested legal right.” *Id.* Thus, this Court’s affirmation of denial of our petition would be the ultimate derogation of the Court’s duty to provide equal justice under law.

CONCLUSION

Expressly, our case is on the enforceability of *Patients’ Rights*—in the Federal and State Statutes—as that of *Talevski*. Thus, this Court should grant rehearing, suspend the denial and grant the petition for writ of certiorari like *Talevski*.

Cordially Submitted, Dated: 3/24/2023.

Egypt Hegazy

Wesley Hamlin

CERTIFICATE OF RULE 44.2 COMPLIANCE

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

Respectfully Submitted, Dated: 3/24/2023.

Lydia Hegarty Nelly Hamill

No. 22-626

RULE 44.2 GOOD FAITH CERTIFICATION

Eman S. Hegazy and Hazem M. Hamdan,

vs.

Tim Walz, Keith Ellison, Joan Gabel, Keith Mays, and Bridgett Anderson, all in their official capacities,

The undersigned, Eman Hegazy and Hazem Hamdan, pursuant to Supreme Court Rule 44.2 hereby certify that the forgoing attached Petition for Rehearing and Request for Suspension of Denial of Petition for Writ of Certiorari is limited to other substantial grounds not previously considered and is made in good faith and not for delay. Specifically, the grounds not specifically previously considered include the *argued* petition raising an identical issue under Medicaid Act: *Talevski*, (No. 21-806). This Court should consider the amicus brief by the US Solicitor General to *Talevski* in support of our case, since “The United States has a strong interest in ensuring that rights established by Congress are appropriately and effectively protected.” *Id.* And it would be superfluous to submit another lengthy petition to be added to our original petition, and those of *Talevski* which were prepared by experienced lawyers.

Respectfully Submitted, Dated March 24, 2023.

Fayn Hegarty.

Wren Hanlon