

No. 22-6539

IN THE
SUPREME COURT OF THE UNITED STATES

ISRAEL ROMERO – Petitioner

vs.

ALLWELL From Absolute Total Care;
UPSTATE CAROLINA RADIOLOGY, PA;
RECEIVABLE MANAGEMENT GROUP, INC.;
THOMAS STEPHENS - Respondents.

ON PETITION FOR REHEARING OF PETITION FOR A
WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE FOURTH CIRCUIT – USAP4 No. 21-2056

ISRAEL ROMERO
Petitioner *Pro Se*
937-B South Liberty Street
Spartanburg, SC 29306
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MICHAEL J. BENTLEY, ESQ.
Bradley Arant Boult Cummings LLP
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(Attorney for Respondent ALLWELL)

The Petitioner asks this Court for a rehearing to review two points: (1) The Respondents did not answer even one filing at all, and Respondent ALLWELL from Absolute Total Care filed an *express waiver*, giving up rights and assuming all responsibilities and liabilities from the complaint; (2) That this case brings three new issues deserving attention because have been never argued and decided for this Court. Therefore, the decision should be in favor of Petitioner.

Attached is the certificate of grounds for rehearing and of good faith and not for delay.

Respectfully submitted,

Date: April 12, 2023



ISRAEL ROMERO, *Pro Se*
Petitioner

CERTIFICATE OF GROUNDS IN SUPPORT OF PETITION FOR REHEARING

The Petitioner, ISRAEL ROMERO, asks this Court for a rehearing to review the Denial of the Petition for a Writ of Certiorari, entered on March 20, 2023 as per communication from the Clerk attached to this as Appendix A.

The Petitioner makes this Petition for Rehearing as per cited in Rule 16.3, and pursuant to Rules 21 and 22 of this Court, in compliance with Rule 44 of this Court, on grounds that are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented, to wit:

FIRST. Last phrase of U.S. Supreme Court Rule 12.6 states that, “Parties who file no document [in response] will not qualify for any relief from this Court.” The Rule from Coll. Sav., 527 U.S. 666 (1999) is that a WAIVER IN WRITING is the classic description of an effective waiver of a constitutional right and is the intentional relinquishment or abandonment of a known right or privilege. Rule from Johnson v. Zerbst, 304 U.S. 458 (1938): “A valid waiver [express] is the intentional relinquishment or abandonment of a known right or privilege.” WAIVER: “The intentional or voluntary relinquishment of a known right. The renunciation, repudiation, abandonment or surrender of some claim, right, privilege, or of the opportunity to take advantage of some defect, irregularity or wrong. A doctrine resting upon an equitable principle, which courts of law will recognize.” Atlas Life Ins. Co. V. Schrimsher, 179 Okl. 643, 66 P.2d 944.

SECOND. The Defendant ALL WELL from Absolute Total Care, through its counsel, the Attorney Michael J. Bentley, on February 22, 2023 filed with this Court a written

WAIVER stating that he DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari in this case. The other three Respondents did not appear through legal counsel or else, and the renunciation of rights is evident, and FRCP Rule 12 (Waiving Defenses) applies. (See APPENDIX B attached to this motion). The four Respondents followed the pattern of ignoring deadlines and calls from the District Court and from this Court to answer or respond, failing to appear in person or through legal counsel. If respondent ALLWELL admits to everything in favor of Petitioner, why this Court rules against Petitioner? The other three respondents agree too. This is a substantial ground for review that was not previously presented, now provoked by the express waiver from respondent ALLWELL from Absolute Total Care.

THIRD. That the issues presented in the Petition for a Writ of Certiorari deserve this Court attention because is the first time are brought before this Honorable Tribunal, when especially defendant/respondent ALLWELL filed an express waiver –as opposed to tacit/implied, constituting acceptance of the claim from petitioner, as well as admission of the facts, evidence (76 pages of evidence), laws and rules applied and cited in the complaint and in the Petition for Certiorari. Denial of the Petition for a Writ of Certiorari is plain error, because Respondents also admitted jurisdiction of the Court. The issue of “denial of a motion for summary judgment as premature” is not only the wrong interpretation of FRCP Rule 56 as per 2009 Amendment but also is necessary that this Court may rule on it to provide clarity for future litigation. The other two issues presented are in the same category as well.

FOURTH. Petitioner also CERTIFY that this petition for rehearing is presented *in good faith* pursuant to the applicable law and only seeking for justice. This petition is not presented for *delay*. This petition *per se* will not *delay* anything at all.

FIFTH. When Petitioner filed the original complaint at the District Court of South Carolina, Petitioner had the hope that an honest federal judge or justice could report the criminal activity complained off to the law enforcement community. I, the Petitioner still have that hope along with the hope for justice and redress.

WHEREFORE: For the reasons stated above, I believe the rules of this Court are worth and binding, and this Court has the opportunity to correct its own error, review the Petition, grant certiorari and reverse the lower court's decision without further proceedings.

I **CERTIFY** under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Date: April 12, 2023



Israel Romero, Petitioner *Pro Se*
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APPENDIX A

NOTICE FROM THE COURT DATED MARCH 20, 2023 REPORTING THAT THE
PETITION FOR A WRIT OF CERTIORARI IS DENIED

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

March 20, 2023

Mr. Israel Romero
937-B South Liberty St.
Spartanburg, SC 29306

Re: Israel Romero
v. Allwell from Absolute Total Care, et al.
No. 22-6539

Dear Mr. Romero:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



Scott S. Harris, Clerk

APPENDIX B

WAIVER SIGNED BY MICHAEL J. BENTLEY, ATTORNEY FOR ALLWELL
FROM ABSOLUTE TOTAL CARE, DIGITALLY SIGNED AND FILED ON 2/22/23,
STATING THAT HE DID NOT INTEND TO FILE A RESPONSE TO THE PETITION
FOR A WRIT OF CERTIORARI

W A I V E R

SUPREME COURT OF THE UNITED STATES

No. 22-6539

Israel Romero

(Petitioner)

AllWell from Absolute Total Care, et al.

v.

(Respondent)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check the appropriate box:

- I am filing this waiver on behalf of all respondents.
- I only represent some respondents. I am filing this waiver on behalf of the following respondent(s):

AllWell from Absolute Total Care

Please check the appropriate box:

- I am a member of the Bar of the Supreme Court of the United States. (Filing Instructions: File a signed Waiver in the Supreme Court Electronic Filing System. The system will prompt you to enter your appearance first.)
- I am not presently a member of the Bar of this Court. Should a response be requested, the response will be filed by a Bar member. (Filing Instructions: Mail the original signed form to: Supreme Court, Attn: Clerk's Office, 1 First Street, NE, Washington, D.C. 20543).

Signature: Michael Bentley Digitally signed by Michael Bentley
Date: 2023.02.22 15:32:29 -06'00'

Date: 2/22/23

(Type or print) Name Michael J. Bentley

Mr. Ms. Mrs. Miss

Firm Bradley Arant Boult Cummings LLP

Address 188 E. Capitol Street, Suite 1000 One Jackson Place

City & State Jackson, MS Zip 39201

Phone 601.592.9935 Email mbentley@bradley.com

A copy of this form must be sent to petitioner's counsel or to petitioner if *pro se*. Please indicate below the name(s) of the recipient(s) of a copy of this form. No additional certificate of service or cover letter is required.

cc: Israel Romero