

No. 22-667

In The
Supreme Court of the United States

CHEN BING

Petitioners,

vs.

JOSEPH R. BIDEN, JR

Respondents.

**On Petition For A Writ of Certiorari To
The United States Court of Appeals for
The Fourth Circuit**

PETITION FOR REHEARING

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**No Truth ,Justice and Equality,
No Tranquility, Liberty and Future !**

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Petition for Hearing

In accordance with Supreme Court Rule 44.1, the petitioner, Bing Chen, respectfully requests a rehearing of the Court’s denial of the writ of certiorari, which was denied on March 20, 2023. The petitioner requests that this Court grant the petition for rehearing on the merits of the case or vacate the decision of the Fourth Circuit Court and remand. The petitioner will briefly and distinctly state the grounds and serve the petition as required by Rule 29.

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Reasons for Rehearing

The so-called accusations of genocide, crimes against humanity, and forced labor in Xinjiang is a scam of the century and international farce fabricated and disseminated by the respondents, Xinjiang separatists, Uyghur’s Mr.Ilshat Hassan Kokbore, Mr.Nury Turkel, Ms.Gulchehra Hoja, Ms. Rushan Abbas, and Mr. Adrian Zenz, a German. **They cheated and fooled the American people with their money and impunity.**These accusations have been used by US military-industrial interest groups as a tool of geopolitical competition tool in US-China relations . The lies about China’s Xinjiang have become the foreign policy and laws. This is a shame to the United States and an insult to the American people! It have seriously damaged the reputation of Chinese Americans, including the petitioner, as well as the institutions of freedom, rule of law, and national security and interests of United States. **“No one is above the law” , but, they can do anything, including manipulating legislation, has irreparably**

damaged our country.

Therefore, this has led to this defamation lawsuit, **it is the legal and moral responsibility of judges to try according to law and find out the truth.** But ,the US Federal courts of Maryland have refused to try the case according to the law, and the Federal Fourth Circuit Court rejected the appeal. So, I came to the Supreme Court advocating **“Equal Justice Under law” and “Justice The Guardian of Liberty ”, petition DENIED.**

On the same day, the US State Department, 2022 Country Reports on Human Rights Practices: China (Includes Hong Kong, Macau, and Tibet): “Genocide and crimes against humanity occurred during the year against predominantly Muslim Uyghur’s and members of other ethnic and religious minority groups in Xinjiang. These crimes were continuing and included: the arbitrary imprisonment or other severe deprivation of physical liberty of more than one million civilians; forced sterilization, coerced abortions, and more restrictive application of the country’s birth control policies; rape and other forms of sexual and gender-based violence; torture of a large number of those arbitrarily detained; and persecution including forced labor and draconian restrictions on freedom of religion or belief, freedom of expression, and freedom of movement.”

On March 23, 2023, the House Select Committee on the Strategic Competition between

the United States and the Chinese Communist Party held a hearing: “The Chinese Communist Party’s Ongoing Uyghur Genocide.” Respondents Mr. Nury Turkel, Ms. Gulchehra Hoja, and Mr. Adrian Zenz once again gave false testimony, along with two “victims” from “Vocational Education and Training Center”. Ms. Gulbahar Haitiwaji was criminally detained in Xinjiang on January 29, 2017, on suspicion of involvement in violent terrorist crimes but was released without being charged. She left China on August 21, 2019, yet falsely claimed during the hearing that she was sentenced to seven years in prison. If this were true, she should be in a Chinese prison now, not at a hearing in the U.S. Congress. Mr. Qelbinur Sidiq is a retired elementary school teacher who did not work at “Vocational Education and Training Center”(VETC), yet claimed during the hearing that she was sterilized at age 50 and implied that Uyghur were subject to organ harvesting. The two people witnessing “rape”, “torture” in VETC, praised by members of Congress for their courage . But these written testimonies have not been made public, which violates legal provisions. Making them public would also violate laws on the evidence of criminal and civil matters. Representative Shontel M. Brown stated: “We must work against xenophobia, anti-Asian stereotyping, and efforts to raise suspicions against Chinese Americans who bear no responsibility for the actions of the Chinese Communist Party.”

Unfortunately, the criminal offense of perjury under 18 U.S. Code § 1621 has become a shield for false testimony, revealing the tragedy and decadence of the rule of law in the United States. The court cannot escape responsibility for this.

On March 28, The Heritage Foundation's research report: Winning the New Cold War: A Plan for Countering China. Chen Bing's report: The Hot War It Is Not Far Away. Please don't forget the 36,500 young Americans who died in the Korean War!

1. There is no doubt that the petitioners not only have individual standing, but also have standing to preserve a public interest. Unlawfully deprive us of the right to apply for judicial review.

“Standing” is a requirement under Article III of the US Constitution, which grants judicial powers. We have a real issue and a valid legal right as we were injured as a result of the respondent's false statement and 28 U.S.C§ 4101(1). Our injuries are “concrete and particularized”, which is a precedent established by the Supreme Court. The court held that “the law is elementary that a libel need not be on a particular person, but may be upon a family, or a class of persons,” and in *Fairchild v. Hughes*, 258 U.S. 126 (1922), any US person was allowed to sue to preserve a public interest. Article III of the US Constitution requires that federal courts adjudicate “actual, ongoing cases or controversies.” (*Lewis v. Continental*

Bank Corp., 494 U.S. 472, 477 (1990). The injury to the petitioners in this case is “concrete and particularized.”

The Secretary of State who made the determination of genocide and crimes against humanity in Xinjiang, based on false information, is responsible for The Uyghur Human Rights Policy Act and Uyghur Forced Labor Prevention Act, which has caused significant harm to the petitioners and others. As per *Marbury v. Madison*, 5 U.S. 137 (1803), and 5 U.S. Code § 702 - right of review, “A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review.” It is the constitutional right of the petitioners under Article III, Amendment V, and Amendment XIV. It is the duty of judges to uphold the Constitution in a fair trial.

2. Illegal replacement of judges, unfair trial proceedings, and violation of the Constitution.

We have modified the complaint as per the judge’s request, No.CBD-22-25 and the Maryland federal court lacked legal basis to dismiss the case by switching judges, which constitutes procedural illegality and unfairness under 28 U.S. Code § 455 and Amendments Fifth and Amendments Fourteenth. Moreover, the reason for the dismissal was based on false information and erroneous grounds, resulting in the

unconstitutional deprivation of the petitioners' rights.

3. “The Complaint IS DISMISSED” is not simply a matter of prejudice, it is unlawful and unconstitutional —Amendment V, Amendment XIV, At the same time, the reasons and basis are false and cannot be established.

Defamation is a statement that harms the reputation of a third party, and it can be either in the form of libel (written statements) or slander (spoken statements). To establish a prima facie case of defamation, the plaintiff must demonstrate four elements: 1) a false statement of fact; 2) publication or communication of that statement to a third party; 3) fault amounting to at least negligence; and 4) damages, or some harm caused to the person or entity who is the subject of the statement.

On March 9, 2022, No.PX-22-25 ORDER “Although the Complaint is replete with facts alleging all manner of mistreatment of Chinese nationals, none of the allegations involve Bing. The Complaint is devoid of any alleged harm that he has suffered as a result of the claimed wrongdoing. As to the remaining standing requirements, traceability or redressability, Bing expressly seeks relief not for himself but for injured third parties. Viewing the Complaint facts most favorably to him, Bing lacks standing to pursue this matter. The Complaint must therefore be dismissed.”

(1). Defamation as a tort does not require proof of special damage, It is a decline in social reputation and emotional/mental harm. Therefore, the ORDER “The Complaint is devoid of any alleged harm that he has suffered as a result of the claimed wrongdoing,” is incorrect.

(2). ORDER “Bing expressly seeks relief not for himself but for injured third parties,” is false. According to the revised complaint filed on January 10, 2022, in Civil Action No. CBD-22-25 ORDER, page 31, “Defrauding the American people harming the interests of the American people, especially the interests of Chinese/Asian Americans, damaging the plaintiff’s reputation, Emotional Distress, and increasing the risk of racial hatred, discrimination, and harm. At the same time, it undermined the normal international relations between the United States and China, created divisions in the international community, and endangered international peace.” We are filing this lawsuit not only for ourselves but also for all American people who have been defamed and deceived, especially Chinese Americans.

(3) .ORDER, “Viewing the Complaint facts most favorably to him,” is false. Our lawsuit requests are not aimed directly at benefiting Bing Chen, including seeking compensation from the defendant, but are instead aimed at establishing a public interest fund. Bing Chen’s interests lie in combating defamation, exposing crimes, open the truth , advocating for social justice, and promote peace ,which is a social responsibility. Our goal

is to turn research on Xinjiang into action, contribute to the United States, and maintain world peace.

(4) ORDER, “Bing lacks standing to pursue this matter. The Complaint must therefore be dismissed,” is patently wrong .

4. The circuit court’s abdication of responsibility was not simply a matter of prejudice, it is unlawful and unconstitutional.

After appealing to the Fourth Circuit Court of Appeals, the defendants failed to respond to the notice, No.22-1424 ORDER: “We dispense with oral argument because the facts and legal contention are adequately presented in the materials before this court and argument would not aid the decisional process.” “We have reviewed the record and found no reversible error. Accordingly, we affirm the district court’s order, as modified to reflect that the dismissal of the amended complaint is without prejudice. See *Ali v. Hogan*, 26 F,4th 587, 600 (4th Cir. 2022) (explaining that dismissals for lack of jurisdiction must be without prejudice).” There was no explanation given for our grounds of appeal. The failure to respond not only resulted in prejudice but also **violated the petitioner’s constitutional rights under 42 U.S.C§ 1983-Civil action for deprivation of rights.**

5. All the defendants did not respond in the first and second trials, some defendants are suspected of criminal offenses. The case

are related to federal laws and constitutional major issues and should be tried according to law.

In the Petition for a Writ of Certiorari to The United States Court, and Solicitor General “The Government hereby waives its right to file a response to the petition in this case,” None of the other defendants did not respond or waive, That is sufficient to demonstrate that the defendant’s statement lacks factual and legal basis .We sent letters to nine Supreme Court justices, but only four were received and five were returned, strange.

This case involves significant facts and legal issues related to the interests and national security of the United States. Several respondents are suspected of criminal offenses, including 18 U.S. Code § 1621 - Perjury and 18 .U.S.C§371 - Conspiracy to commit offense or to defraud United States. To sue the defendant for defamation and request judicial review, but the defendant does not respond in accordance with the law, and the court is not impartial, which protects the defendants, including those suspected of criminal offenses. This is not constitutionalism, rule of law, justice, and freedom but the shaking and destruction of the cornerstone of the United States!

6. The case is related to the major interests and security of the United States and the justice of the international community, should a writ of certiorari.

Pursuant to Rule 10 of The Supreme Court of the United States- Considerations Governing Review on Certiorari, we petition for a writ of certiorari have to be granted for compelling reasons, and Justices will create a precedent to determine whether the Secretary of State has the constitutional authority to formulate foreign policies and whether there are factual and legal grounds to determine that China's actions in Xinjiang constitute genocide and crimes against humanity and Safeguard the justice of the United States and the international community, Promote social civilization and progress.

7. Genocide, crimes against humanity, and forced labor in Xinjiang are the hoax of the century and international farce. If the case is not tried, where is the social justice in the United States and the balance in the constitutional mechanism?

(1). "Genocide," "anti-humanity crime," and "forced labor" all constitute crimes under Chinese criminal law. China's Xinjiang policy cannot violate the Chinese Constitution and criminal law.

(2).All witnesses to human rights crimes in Xinjiang are overseas, and all witness testimonies and related accusations have been proven to be blatantly false.

(3).In all news reports, research reports, and witness testimonies accusing Xinjiang of human rights violations, there is no information about the perpetrators that can be verified. Without

perpetrators, where do the crimes come from? Where does the “genocide” and “anti-humanity crime” come from? This is a matter of common sense. China has its own human rights issues like any other country, which is a completely different concept from human rights violations.

(4). The actual situation in China is that the majority of ethnic groups have preferential policies over the Han people, such as going to college, the original one-child policy is mainly for the Han people, Uyghur can have 2-3 children, etc.

(5). This is a matter of great significance involving the US Constitution, laws, international law, and world peace. The Federal Courts have the power and responsibility to judicially review administrative decisions and laws, *Marbury v. Madison*, 5 U.S. 137 (1803), Judges should have this courage and responsibility to the American people and history.

We welcome the defendant to provide evidence to the court. If the court finds that genocide and crimes against humanity exist in Xinjiang according to law, we will support and condemn human rights violations.

8. Refusing to try the case violates constitutional responsibility and moral conscience and is a historic disgrace.

This is a major case involving simple issues of fact and law. The defendant’s actions are not only an offense and defamation against the plaintiff and Chinese Americans, but also a degradation,

slander, and demonization of all Chinese people worldwide. The actual situation is that hate crimes against Asians have significantly increased. Moreover, the defendant's actions have deceived or misled the American people, damaged the freedom, democracy, and rule of law system of the United States, harmed the national interests and security of the United States, and violated the Constitution and laws, which have also harmed the interests of American consumers.

The unwarranted accusation by the U.S. government of genocide and crimes against humanity against China is akin to a declaration of war, This is a very serious and dangerous issue. threatening world peace!

Refusing to try this case in accordance is tantamount to covering up lies, tolerating deception and crimes against the U.S.A, and causing serious harm to the interests and national security of the American people. This would be a historic shame for the judges.

9. The Supreme Court denied certiorari, leaving Bing completely hopeless .With my sincerest request that the Supreme Court justices review this case again. Whether to support a writ of certiorari is the power of the justices. **Bing has the right to use his blood and life to protest against injustice, uphold human dignity and freedom, and defend constitutional rights ,it is also a contribution to Stop the United**

**States and China from slipping into war !
This case will undoubtedly have historical
significance and impact on the world.**

Conclusion

Respectfully, in view of the foregoing,
Honorable Enbanc Supreme Court should grant
the petition for rehearing and the petition of writ
of certiorari, vacate the decision of the Fourth
Circuit Court and remand.

Respectfully submitted April 4.

Bing Chen



Certificate of a Party Unrepresented

I, Bing Chen, an unrepresented party, hereby certify that this petition for rehearing is made in good faith and not for delay, and is based solely on the grounds specified in Supreme Court Rule 44.1.

Signed by Bing Chen 

Dated April 4.

