

NO. 22-7107

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IN THE  
SUPREME COURT OF THE UNITED STATES

ESTATE of P.D. & VANELIA W. JOHNSON, et al

Petitioners,

v.

STATE OF MISSOURI, et al,

Respondents,

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ON PETITION FOR WRIT OF MANDAMUS TO  
THE MISSOURI SUPREME COURT

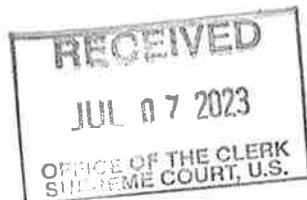
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PETITION FOR REHEARING RULE 44.2  
INTERVENING MATTER(S)

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## **CORPORATE DISCLOSURE STATEMENT**

The Corporate Disclosure Statement in the petition remain unchanged.

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## PETITION FOR REHEARING

Petitioner, Estate of P.D. & Vandelia W. Johnson, et al No. 22-7107 FILED March 9, 2023, petition for rehearing of this Court's Order/Letter denying petitioner mandamus relief on May 30, 2023. On Due Process grounds is void judgment in federal rights cause because there was no written opinion citing grounds for denying mandamus relief, with concurring and/or dissenting opinions.

## GROUND INTERVENING MATTERS

May 30, 2023, this Court entered its order denying petitioner mandamus relief, pre and post denial of petitioner's mandamus relief in a federal rights appeal, this Court entered orders germane to petitioner's petition under the constitution, laws enacted by the Congress and treaties of the United States.

### DISCUSSION

Petitioner systematically and prejudicially have been denied their federal rights in a scheme and artifice orchestrated by the United States Supreme Court since 1991, petitioner *inter alia* have been denied their rights First, Fourth, Fifth, Seventh and Fourteenth Amendments.

This Court avoided the constitutional question, did the ratification of the Fourteenth Amendment on the constitutional federal question "adequately" addressed the question of "citizenship" for all persons; the Fourteenth Amendment "repealed" this Court's decision in Dred Scott that slaves and their descendants "can never be citizens" of the United States. If, this Court answered that question, plaintiff Vandelia W. Johnson born in 1921 post ratification of the Fourteenth Amendment, her "exclusive right" as a "citizen" to an estate was to be adjudicated in the probate division with jury trial demand e.g. estate complaint stamped FILED March 18, 2020 copy attached hereto EXHIBIT 1.

The Missouri Supreme Court in an appeal from the Missouri court of appeals relevant to federal rights, the court denied mandamus relief absent a written opinion citing "adequate, independent grounds" for said denial based upon state law. State did not act in good faith or in accordance with the constitution and statutory mandates.

This Court did not act in good faith under its ministerial duty 1866 Civil Rights Acts, 14 stat. 27-30. sec. 10, the last court of resort for the vindication of civil rights, denying mandamus relief in an appeal from the State's Highest Court involving federal rights, this Court failed to enter a written opinion to "adequately" state the grounds for the denial.

This Court allowed to come before it in re: Estate of P.D. & Vandelia W. Johnson, et al, FILED March 9, 2023, an appeal from the State's Highest Court of the State of Missouri, on the question of federal rights, and written opinion requirement in federal rights cases.[1].

This Court holding in cause of action involving federal rights there must be a written opinion setting-forth the grounds under state law, or federal law allowing for the denial of federal rights for purpose of denying mandamus relief. In addition, this Court in *Skillings v. United States*, 561 U.S. 358 the Court held that as a showing of intangible honest services fraud 18 U.S.C. S 1341, there must have been a clearly defined "fiduciary duty" to be performed, and the intent or failure to perform such duty by the public officer.[1].

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"The Judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the constitution." "We cannot pass it by because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it. If it be brought before it, we have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given, one or the other would be treason to the constitution." [19 U.S. (6 Wheat.) 264, 404 (1821)].

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## SUMMARY OF THE ARGUMENT

United States Constitution, Article III, sec. 2, "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority to all cases affecting ambassadors, other public ministers, and counsels...to controversies to which the United States shall be a party – to controversy between two or more states. – between citizens of a different state; - between citizens of the same State."

### I. INTERVENTING MATTER NO. 1 – US and TRIBES TREATY & CONGRESSIONAL LAW

June 15, 2023, this Court entered its constitutional precedent in *Haaland v. Brackeen*, No. 21-376, in a majority 7-2 decision with Justices Thomas and Alito dissenting, this Court written opinion addressed federal rights under the Federal Constitution, relevant to tribal rights under a law passed by Congress in 1987 e.g. Indian Child Welfare Act, (ICWA), and an actual case and controversy involving state rights adoption laws of Texas. This Court affirming the constitutional authority of Congress to enact ICWA.

Justice Amy Coney Barrett, writing for the majority, said Congress did not exceed its authority in passing the law. “In a long line of cases we have characterized “power to legislate with respect to the Indian Tribes as plenary and exclusive.”

Justice Neil Gorsuch concurring, “Often, Native American Tribes have come to this Court seeking justice only to leave with bowed heads and empty hands...But that is not because this Court has no justice to offer them.”

“Our Constitution reserve for the Tribes a place-an enduring place in the structure of American Life.” “In adopting the Indian child Welfare Act, Congress exercised that lawful authority to secure the right of Indian parents.”

Justice Clarence Thomas dissent, “When Congress has clearly intruded upon a longstanding domain of exclusive state powers, we must ask not whether a constitutional provision prohibits that intrusion, but whether a constitutional provision authorized it.”

Justice Samuel Alito dissent, relevant to child custody, foster care and adoption proceedings are “core state functions.”

This Court absent a written opinion did not address the “core state function” whether the several State court e.g. probate division have “exclusive jurisdiction” over personal and property right interest within their respective jurisdiction. *Pennoyer v. Neff*, 95 U.S. 714 (1878) This Court intentionally denied petitioner mandamus relief to avoid addressing the jury trial demand under common law Seventh Amendment. In an unrelated matter, Justice Thomas cited Davidson writing for the majority court in pertinent part: ‘...subject matter involving “personal and property right interest” a jury determine the law and fact.’ *Davidson*, 96 U.S. 97, 102.

This Court absent a written opinion avoided addressing controlling state law or constitution allowed the federal right to a jury trial. A “citizen’s” federal right to a jury trial under common law” reserved inviolate Mo. Const., Bill of Rights, Art. I, sec. 12

#### **SUBSECTION 1: INTERVENING MATTER NO. I – Petitioner’s Argument. Supra.**

This Court denied mandamus relief without expressing in a written opinion “adequate, independent grounds” authorizing denial [87 U.S. (20 Wall.) 590, those reasons the petitioner was not due mandamus relief, under binding authority

pronouncement, also under a law passed by the Congress 1866 Civil Rights granting “equal rights” to all persons codified in the Fourteenth Amendment, under like circumstance in Haaland, where this Court addressed a law passed by Congress e.g. Indian Child Welfare Act, (ICWA), and whether there was a constitutional right to relief.

## II. INTERVEING MATTER NO. 2 - US and UNITED NATIONS TREATY

June 22, 2023, Arizona v. Navajo Nation NO. 21-1484 the question involved water rights under a treaty with the United States Government and the Navajo Nation, this Court affirming for petitioner; ‘To the victor goes the spoils of war e.g. water rights.’

Justice Brett Kavanaugh writing for a majority 5-4 Court stated” “And it is not the Judiciary role to rewrite and update this 155-year-old treaty.”

“It is not surprising that the Supreme Court, a colonial court, will side with the colonial government.” The power is stacked against Tribes in the scenario.” Andrew Curley, Navajo Member, Professor at the University of Arizona.

### SUBSECTION 2: INTERVENING MATTER NO. II – Petitioner’s Argument. Id.

This Court in re Estate of P.D & Vandelia W. Johnson, et al No. 7107 purportedly filed on March 9, 2023, but was withheld from conference this Court did not merely rewrite its own promulgated rules 77 for the filing of any papers, and this Court rewrote that portion of the Judiciary Act of 1789, sec. 35, a substantive federal right of an estate to prosecute and manage its own cause of action, by this Court altering petitioner’s original filing, this Court purportedly during conference reviewed its own case Jeffrey L.G. Johnson, et al NO. 7107. “The power is stacked against descendants of slaves in the instant case,” involving civil rights deprivation joining Title III injury.

The United States, after long delays, has ratified only three of the nine core treaties: The 1966 UN Convention on civil and political rights, and the 1966 Convention on the elimination of racial discrimination and the Convention against torture, both ratified in 1994.

This Court absent a written opinion did not address whether petitioners were entitled to federal rights under the United States Constitution, and those civil rights laws prohibiting discrimination by this Court based upon racial animus discrimination, political influence and the Federal judiciary’ complicity in the concealments of conduct by the

State of Missouri and the United States, and adjudication based upon judicial “conflict of Interest,” and bad faith, and delay, and tangible honest services fraud. This Court in denying mandamus relief sought to abate and quash a civil rights case joining Title III injury in fact. Private litigants having to enforce constitutional laws that rightly should have been the State of Missouri’s to enforce.

### III. INTERVENING MATTER NO: 3 – US CONSTITUTION – EQUAL PROTECTION of LAW, FOURTEENTH AMENDMENT

June 29, 2023, this Court entered its written opinion on the question of affirmative action on race based admissions in *Students for Fair Admissions v. University of North Carolina*, 600 US \_\_\_\_\_ 2023 and *Students for Fair Admission, Inc. v. Harvard* NO. 20-1199, the Court ruled that both programs violate the Equal Protection Clause of the Constitution and are therefore unlawful. 6-3 majority in the University of North Carolina case, and 6-2 majority in the Harvard case, with Justice Jackson recusing.[2].

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Notwithstanding Justice Jackson having recused because she served on the Board at Harvard University, Justice Jackson should not have recused, when Justices are not recusing in cases involving the Justices’ friends, or family member acting as lobbyist, or friends that have provided Justices gifts, tangible and intangible accommodations.

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Both policies “fly in the face of our colorblind constitution and our nation equality idea.” Justice Thomas.

#### SUBSECTION 3: INTERVENING MATTER No. III – Petitioner’s Argument. Id.

June 24, 2022, this Court in *Dobbs v. Jackson Women’s Health Organization*, 19-1392, this Court held there was no constitutional or peripheral right to an abortion. This Court did not address the federal question whether a woman had the First Amendment free speech right to consult with a physician concerning a medical procedure addressing reproductive right. And whether the Equal Protection of Law Clause applied to both men and women when consulting a physician, on the question of reproductive rights i.e. Viagra (Sildenafil) for men or Mifepristone for women.

Under like circumstance in NO. 22-7107 this Court in Letter executed by Clerk of Court Scott S. Harris by and through Case Manager Lisa Nesbit, this Court seeks to

strip an estate of the First Amendment free speech right to ‘counsel’ of their choice because estate’s counsel is not a member of the bar of this Court..[3]. Promulgated Rule 77 Fed. R. Civ. P. the clerk to “immediately” instruct litigants on dropped parties, or removed parties based upon orders enter by the Federal court.

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Clerk’s Letter dated June 2, 2023 in pertinent part: “Therefore, Mr. Joseph Johnson **must** be removed as counsel for this matter. A First Amendment unconstitutional gagging letter. Citing Justice Thomas the First Amendment deprivations in Dobbs and estate of P.D. & Vandelia W. Johnson, “fly in the face of our colorblind constitution and our nation equality idea.”

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Judiciary Act of 1789, sec. 35, does not define the word **counsel**, therefore its ordinary dictionary meaning applies. Webster Dictionary defines the word **counsel** - advice, opinion or instruction given especially as the result of consultation. Advice; opinion or instructions in directing the judgment or conduct of another given; estate Proxy by Counsel noun, any person who gives advice; but properly one who is authorized by natural relationship, or by birth...to advise another in regard to his future conduct and measures.

In addition, sec. 35, cites in the text but does not define the word or, therefore its ordinary dictionary meaning applies. Webster Dictionary defines the word **or** - used a as function word to indicate an alternative, such as coffee or tea.

In addition, sec. 35, cites in the text but does not define the word lawyer, therefore its ordinary dictionary meaning applies. Webster Dictionary defines the word **lawyer** – a person who practices or studies law, an attorney or a counselor.

The constitution is only a document it is not capable of speaking or seeing, but the Justices in the instant case NO. 22-7107 were not colorblind, nor adjudicated the estate subject matter under this nation’s purported “equality idea.” This estate subject matter has been kicked around between the state and federal courts from its onset in 1987 before the probate division, Twenty Second Judicial Circuit for the city of St. Louis, with two-descendants of slaves Justice Marshall and Justice Thomas being assigned as the circuit Justice(s) over the Eighth Circuit in 1991. Lady Justice is depicted as being blind holding the scales of justice, but man, he peeks and sees color and the scale of justice slants towards bad faith and delay in the instant case.

#### IV. INTERVENING MATTER No. 4 – STATE LAW S 473.117 CONTROLS

This Court acknowledged in EXHIBIT 2 this Court filed an original writ of mandamus in re: Estate of P.D. & Vandelia W. Johnson, et al, NO. 22-7107, affirmed this Court's order entered June 30, 2023 in re: Jeffrey L. G. Johnson, et al, No 22-7107 unlawfully altered an estate subject matter a deprivation of the Due Process Clause and Equal Protection of Law Clause, Fifth Amendment.

In an appeal from the State's Highest Court of the State of Missouri, in a federal rights case state law was controlling in NO. 22-7107, because this Court's written opinion would have had to address, any state law the Missouri Supreme Court cited in a written opinion stating "adequate, independent ground" under state law as grounds for the Missouri Supreme Court denying mandamus relief. But, in the absence of the State's Highest Court not entering a written opinion, the ministerial duty of this Court was to address the constitutional and federal questions presented in the estate's filing in re: Estate of P.D & Vandelia W. Johnson, et al, No. 22-7107 FILED by this Court on March 9, 2023 according to EXHIBIT 2.

State law binding authority Probate Code, ch 473.117 controlling an estate deemed to be a person under S 1983 is due a representative First Amendment e.g. counsel e.g. Judiciary Act of 1789, sec. 35.

#### SUBSECTION 4: QUID PRO QUO – State Highest Court and US Supreme Court

The Missouri Court of Appeals by and through Appeals Judge Angela T. Quigless, in No. ED111087, established in her order dated October 25, 2022, an appeal for mandamus relief by representatives for in re: Estate of P.D. & Vandelia W. Johnson, et al, Jerry Johnson. Jeffrey L.G. Johnson and Joseph Johnson, realtors, acting proxy-by-counsel authorized in the Judiciary Act of 1789, sec. 35. Supra.

Each state in the US is sovereign in the since that they have their own constitutions and generally create their own laws. Under the Missouri Constitution Article V, the Missouri Supreme Court is the last court of resort e.g. arbiter of the laws of the State of Missouri, and review of federal rights, and federal court precedent.**[4]**.

The intermediate court of appeals in NO. ED111087, Judge Quigless, established those proceeding e.g. germane to estate verified complaint that was not filed by the state circuit court, and the estate by and through its representatives filed for relief to compel the performance of a purely “ministerial duty” authorized by the Missouri Rules of Civil Procedures.

The estate subject matter NO. ED111087 sought to compel the filings by the circuit clerk, Thomas L. Kloeppinger, if the court of appeals, Judge Quigless ordered the filing under in an order e.g. summary order to remand. The Justices of the United States Supreme Court cited as respondents in re: Estate of P.D. & Vandelia W. Johnson, et al v. United States, et al, NO. 2022-cc00594, not filed, the court of appeals ordering the filing, the Justices listed a parties would have been remanded back down as defendants. See, e.g. partial list of defendants e.g. Justices in NO. 2022-cc00594 attached hereto EXHIBIT 3.

The State's Highest Court, en banc at appeal altered in re: Estate of P.D. & Vandelia W. Johnson, et al - to - Jeffrey L.G. Johnson, et al, NO. SC99892, and denied realtor mandamus relief, the court en banc avoiding ruling on the Fourth Amendment federal right deprivation by the State of Missouri and the United States; relations back to the current Justices denying certiorari review in those related case citing an estate subject matter, proffered under 6-unsigned waiver by the Department of Justice.

This Court at appeal in NO. 22-7107 continued the altering made by the State's Highest Court – from – in re: Estate of P.D. & Vandelia W. Johnson, et al – to – Jeffrey L.G. Johnson, et al, this Court under like circumstance of the State's Highest Court, this Court also denied petitioner mandamus, with this Court avoiding having to rule on the question of federal rights not addressed by the Missouri Supreme Court absent a written opinion mandated under this Court's constitutional precedent in. **Meeting of Minds, Quid Pro Quo.**

Citing the Coke's decision this Court in its order established at conference, this Court de novo sat to review its own scheme under Jeffrey L.G. Johnson, et al NO. 22-7107. Citing Wong Yang Sung v. McGrath, 339 U.S. 33 (1950) the Court held that when the U.S. Constitution requires a hearing it must be fair and held before a tribunal that meets current standards of impartiality, also held that a hearing in front of a tribunal that doesn't meet the impartiality standards of APA might violate due process.

## V. INTERVENTING MATTER NO. 5 - CONGRESSIONAL LAW

18 U.S.C. S 1505 – “Whoever, with intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any civil investigative demand duly and properly made under the Anti Civil Process Act, willfully withholds, misrepresents, removes from any place, conceals, cover up, destroys, mutilates, alters, or by other means, falsifies any documentary material...”

The intermediate court of appeals, Eastern District, city of St. Louis in realtor's petition for mandamus relief captioned realtor's appeal in re: Estate of P.D. & Vandelia W. Johnson, et al, No. ED111087 FILED December 6, 2022. The State's Highest Court, en banc “**altered**” the lower court of appeals estate subject matter to Jeffrey L.G. Johnson, et al No. SC99892.

May 30, 2023, this Court entered its order denying petitioner mandamus relief In Re: Jeffrey L.G. Johnson, et al No. 22-7107 can be attacked directly and collaterally on due process grounds Fifth Amendment void judgment, and absent a written opinion in federal right case. This Court's order denying mandamus relief non res judicata final decision. In addition, this Court failed to provide due process not ‘making an order for summary remand the action to state court,’ because Jeffrey L.G. Johnson, et al No. 7107 does not exist, but purportedly Jeffrey L.G. Johnson, et al No. 7107 was submitted to conference on May 10, 2023.

This Court by and through respondent Scott S. Harris, Clerk, stamped FILED on March 9, 2023 re: Estate of P.D. & Vandelia W. Johnson, NO. 22-7107, and stamped that filing **ORIGINAL**. Therefore Jeffrey L.G. Johnson, et al NO. 22-7107 cannot be the petitioner's petition for mandamus relief. See, e.g. Caption page of Petitioner's Writ attached hereto EXHIBIT 1.

Webster Dictionary defines **original** – adj. present or existing from the beginning, first or earliest, created directly, and personally by a particular artist, not a copy or imitation. Not dependent on other people idea.

Case manager Lisa Nesbit in the letter dated May 19, 2023, acknowledged this Court by and through the clerk's office in violation of 18 U.S.C. S 1505 obstructed justice or administration of justice by ‘**altering**’ petitioner's **original**’ writ captioned re: Estate of P.D & Vandelia W. Johnson stamped FILED March 9, 2023.[5].

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Estate subject matter altered to Jeffrey L.G. Johnson, et al case No. 22-7107.

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This Court systematically has obstructed petitioner's right to prosecute their own cause of action "by counsel or lawyer" under petitioner's **original** filing re: Estate of P.D. & Vandelia W. Johnson, et al No. 22-7107, and that constitutional right is codified in the Judiciary Act of 1789, sec. 35, and binding authority 28 U.S.C. 1654.

In Boy Scouts of America v. Dale, 530 U.S 640 (2000) another federal right case, then-Associate Judge Paul Stevens in a memorandum circulated to the court during its conference. Justice Stevens, addressed this Court's bias against "homosexuals," and also referenced this Court's decision in Dred Scott legitimizing "slavery" in 1857, but the Justice intentionally omitted any reference to Dred Scott in his dissent; in this Court's 5-4 majority opinion in the Boy Scouts of America case, majority opinion written by then-Chief Justice Rehnquist.[6].

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Excerpts Memorandum of Justice Stevens in pertinent part: "...analytical flaw that majority's thinking about homosexuals" and "It is critical for the dissent to unmask that reality.." and Dred Scott decision "of 1857 opinion that endorsed slavery in 1857." Nov 17, 2000. Quote, unquote.

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## VI. INTERVENING MATTER NO. 6 – CONGRESSIONAL LAW S1915

Case manager Lisa Nesbit noted in NO. 22-7017 that the petitioners Jeffrey L.G. Johnson and Joseph Johnson filed in forma pauperis application(s). With the original writ of mandamus in re: Estate of P.D. & Vandelia W. Johnson, et al, NO. 22-7107. But case manager Nesbit did not issue a notification that this Court had granted petitioner's application for in forma pauperis.

That notification was not made by case manager Nesbit because the respondents listed in EXHIBITS 6-7, were already dropped parties from the public record in EXHIBITS 4-5. In addition, case manager Lisa Nesbit under promulgated Rule 4(c)(3) would have to issue service upon the respondents listed by the court in EXHIBITS 6-7 when this Court granted in forma pauperis under 28 U.S.C. S 1915.

Petitioner's writ of mandamus challenged statutory pronouncement enacted by the Missouri General Assembly, requiring and effectuated service of process upon Counsel of Record Andrew Bailey, Attorney General, petition captioned re: estate of P.D. & Vandelia W. Johnson, et al NO. 22-7107. But, Counsel of Record Attorney General Bailey did not file a responsive pleading, or brief in opposition, or waiver, more-probable-than-not-doctrine Counsel of Record Bailey knew this Court's intent was to "alter" the petition Counsel of Record Bailey received by US Mail from the petitioner; and under altered Jeffrey L.G. Johnson, et al NO. 22-7107 the docket doesn't list who the respondents are under like circumstances in Haaland NO. 21-367, and Arizona NO. 21-1484, and Boy Scouts of America, 530 U.S. 640, and Dobbs NO. 19-1392.

In addition, in EXHIBIT 6 in re: Estate of P.D. & Vandelia W. Johnson, et al NO. 22-7107 the docket listed the House of Representatives, respondent Cori Bush, the congressional representative of the estate and its members, but the failure to notify of the granting of in forma pauperis by case manager Lisa Nesbit, representative Cori Bush wouldn't receive service of any writ in re: Jeffrey L.G. Johnson, et al NO. 22-7107 by this court e.g. Clerk of Court.

Representative Cori Bush and Solicitor General Elizabeth Prelogar were effectuated service by US Mail of in re: Estate of P.D. & Vandelia W. Johnson, et al by petitioners, but representative Bush and Solicitor General Prelogar more-probable-than-not doctrine, also knew of this Court's intent to alter the proceedings to in re: Jeffrey L.G. Johnson, et al NO 22-7107, because they did not file a responsive pleading, or brief in opposition, or waiver.

Members of Congress can file amicus briefs in cases filed with the United States Supreme Court whether in re: Estate of P.D. & Vandelia W. Johnson, et al under service by US Mail effectuated by the petitioners, or file an amicus brief contesting deprivation of federal rights constructed by this Court in re: Jeffrey L.G. Johnson, et al NO. 22-7107.[7].

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253 liberal members of Congress, and a liberal organization the NAACP Legal Defense and Educational Fund on April 14, 2023, filed amicus briefs with the United States Supreme Court in re: Alliance for Hippocratic Medicine, et al, v. FDA, et al, docket NO. 22A902 to secure the rights of women to access to the 'morning after pill' Mifepristone. But, were complicit in lieu of silence on the question of federal rights in the instant case.

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In addition, this Court by and through case manager Lisa Nesbit committed a second altering of the public record 18 U.S.C. S 1505.

In EXHIBIT 4 attached hereto it references the following in re: Jeffrey L.G. Johnson, et al, Petitioners, NO. 22-7107 – docketed on March 24, 2023 listed Jeffrey L.G. Johnson. Counsel of Record e.g. non-member of the bar of this Court.

In EXHIBIT 5 attached hereto it references in re: Jeffrey L.G. Johnson, et al, Petitioners, NO. 22-7107 by Jeffrey L.G. Johnson was deleted as Counsel of Record from the docket text.

The listing of respondents were omitted from EXHIBITS 4-5 in re: Jeffrey L.G. Johnson, et al NO. 22-7107, but a search within NO. 22-7107 relevant to in re: Estate of P.D. Johnson, et al, the court's entries disclosed who the respondents were in EXHIBITS 6-7 attached hereto.

In addition, EXHIBIT 8 attached hereto disclosed on May 10, 2023 this Court by and through the Clerk of Court distributed to conference in re: Jeffrey L.G. Johnson, et al NO. 22-7107, reviewing de novo in re: Jeffrey L.G. Johnson, et al, then on May 30, 2023 entered an order denying its own scheme in re: Jeffrey L.G. Johnson, et al, as if denying petitioner's original writ of mandamus filed on March 9, 2023 in re: Estate of P.D. & Vandelia W. Johnson, et al, NO 22-7107. Then, this Court during conferencing noted in EXHIBIT 8 list lone party Jeffrey Johnson, et al, Petitioner, represented by Jeffrey L.G. Johnson.

But, according to case manager Lisa Nesbit's letter "newly discovered evidence" dated June 22, 2023 a non-members of the bar of this Court e.g. Jeffrey Johnson cannot represent et al parties. See, e.g. Case Manager Nesbit's Letter attached hereto EXHIBIT 9.

## SUMMARY

A search within NO. 22-7107 disclosed this Court knew the original writ captioned in re: Estate of P.D & Vandelia W. Johnson, et al was filed on March 9, 2023, and not in re: Jeffrey L.G. Johnson, et al NO. 22-7107 affirming this Court commission of a tort having altered a pending proceeding violating 18 U.S.C. S 1505. See, e.g. EXHIBIT 2 attached hereto.

June 22, 2023, Clerk Scott S. Harris by and though case manager Lisa Nesbit served petitioner a letter in pertinent part: "A pro se individual may not file on behalf of an individual or corporation. To file a document in a representative capacity, an individual must be a member of bar of this Court. Rule 9.1. But, this Court initially listed a non-member of this court's bar as Counsel of Record Jeffrey L.G. Johnson in a representative capacity.

Case Manager Lisa Nesbit further states in the letter dated June 22, 2023 "Therefore Mr. Joseph Johnson must be removed as counsel for this matter." An estate designating a person e.g. estate member Joseph Johnson as counsel is by proxy no requirement that that person be a lawyer, see, e.g. Judiciary Act of 1789, sec. 35 referencing "counsel or alternative lawyer." THEREFORE, what is the remedy, if an estate cannot counsel among its members?

If. Joseph Johnson having prosecuted the estate subject matter when this Court was denying certiorari review in a collection of cases, and acted as counsel when this Court entered it mandate dismissing the estate subject matter, this Court seeks to remove the estate's free speech First Amendment an unconstitutional gagging letter not construed as an order. Is this action by this Court supposed to be a sanction under Rule 7 because counsel for the estate e.g. Joseph Johnson cannot be disbarred.

## VII. INTERVENING MATTER NO. 7 – Judicial Fiat Constitution To Be Amended By "Appropriate Legislation" Enacted By Congress

On December 15, 1791 three-fourths of the existing states ratified the First Amendment codifying Free Speech and Religious Freedom, and unlawful "search and seizure" prohibition Fourth Amendment, codified provisions of the supreme law, Federal Constitution.

Justice Kavanaugh citing Arizona v. Navajo Nation: "and it is not the Judiciary role to rewrite and update this 155-year-old-treaty, but this Court has rewritten the intent of the First Amendment.

The Supreme Court in Texas v. Johnson. 491, US 397 (1989) the Court holding that non-verbal Flag burning prohibited under Texas law S 42.11, Johnson's right to burning the Flag was a "symbolic right" protected free speech First Amendment. The federal right free speech right preempted State law.

In Dodds this Court side-stepped the federal right free speech First Amendment question on verbal communications between a health care provider and a woman, and moved directly to the State law of Mississippi on abortion Law S 41-41-45 stating there is no constitutional right to an abortion. In Dobbs this Court placed the abortion law as preempting the federal right, reversing the order in Johnson. Supra.

In Estate of P.D. & Vandelia W. Johnson NO. 22-7107 absent a written opinion this Court side-stepped whether the Title III ongoing surveillance and interception program by the United States, State of Missouri and city of St. Louis violated petitioner's federal right under the Fourth Amendment, in a political sensitive case involving the conduct of the Federal judiciary.

This Court's rule concerning members of the bar of this court e.g. lawyer contradict the supreme law Judiciary Act of 1789, sec. 35, whereby this Court seeks to limit the word "counsel" to a strict interpretation lawyer in the letter addressed by case manager Lisa Nesbit in EXHIBIT, but the text of sec. 35 notes "counsel or lawyer."

#### VIII. REASON FOR GRANTING REHEARING IS APPROPRIATE ON DUE PROCESS GROUNDS

Petitioner inter alia were denied federal rights under the First, Fourth, Fifth, Seventh and Fourteenth Amendments by the State Highest Court of Missouri and United States Supreme Court, petitioner was denied due process and equal protection of law that the courts of competent jurisdiction failed to perform their ministerial and fiduciary duty requirement to enter written opinions in federal rights appeals.

WHEREFORE, this Court under its docketing of cases system e.g. In forma Pauperis Docket, Pay Docket, and Ghost Docket, in the interest of justice, petitioner in order to address their injury in fact to petition for redress of grievance, shouldn't have to provided Justices with trips or lavish gifts, or buy a relative's home, or provide tuition for the Justices' children to attend private schools with armed security, or purchase secondary homes, or associate with a Justice family member who is a lobbyist in order to have access to the Supreme Court of the United States and its machinery.

THEREFORE, this Court should move and review its own order denying petitioner mandamus relief, and vacate and set-aside the order on due process grounds as void judgment, and enter this Court written opinion.

## CERTIFICATION OF "GOOD FAITH"

I certify, that this petition for rehearing is not submitted for filing for the intent to delay or obstruct and prior rights of the respondents, since there are no respondents in the fraudulent Jeffrey L.G. Johnson, et al NO 22-7107 distributed to conference. Counsel(s) of Records State Attorney General Andrew Bailey and Solicitor General Elizabeth Prelogar were effectuated service of process of in re: Estate of P.D. & Vandelia W. Johnson, et al, which this Court in EXHIBIT 2 acknowledged was filed on March 9, 2023. And, The Court Supreme Court of the United States since 1991 has intentionally delayed adjudicating the estate subject matter based upon tangible honest services fraud, removal scheme, judicial officers having used e-mails, unsigned waivers, lone qualified Justice scheme, fraudulent mandate, denial of cert, altering court filings, and denial of mandamus relief. And, this petition is submitted in "good faith" because this Court apparently forgot its own constitutional precedent in federal rights cases require a written opinion in "good faith" based upon the constitutional, laws of the United States, and laws of the State of Missouri, and United States international treaty obligations relevant to civil rights.

## CONCLUSION

This Court should move and grant Petitioner any and further relief the Court deems just and proper forthwith and without delay.

## PROXY – BY – COUNSEL

FOR:

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&

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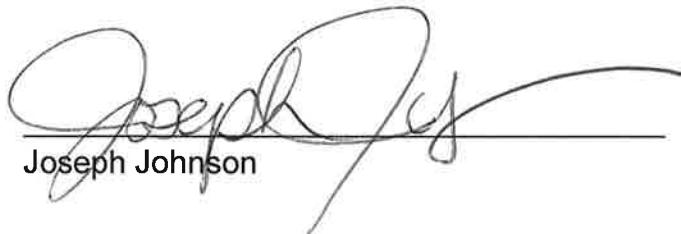
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**Additional material  
from this filing is  
available in the  
Clerk's Office.**

## CERTIFICATE OF SERVICE

I certify that a true and accurate corrected 2<sup>nd</sup>-pleading of petitioner's Motion for Rehearing en banc and attached 9-EXHIBITS on the 5<sup>th</sup> day of July, 2023 by commercial carrier FedEx with 1-copy for Return Service with accompanying postage prepaid envelope was mailed as following.

United States Supreme Court  
1 First Street, NE  
Washington, DC 20543  
ATTN;  
Clerk of Court



Joseph Johnson