

IN THE
Supreme Court of the United States

United States of America,
Arthur Scott Prelle,
Petitioners,

v.

Chief Executive Officer of
“New Jersey, State Of”,
et al.,

Respondents.

Supreme Court, U.S.
FILED
JUN 29 2023

OFFICE OF THE CLERK

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

PETITION FOR REHEARING

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Table of Contents

PETITION FOR REHEARING	5
BACKGROUND	6
REASONS FOR REHEARING	7
1. This Petition and the Tyler Petition show that the enforcement of the U.S. Const. amend. V Takings Clause is an important question nationwide.	7
2. This Petition and the Schutte Petition show that the enforcement False Claims Act is an important question nationwide.	8
3. This Petition and the Polansky Petition question whether the government has the authority to dismiss the Petition.....	9
4. This is an appropriate case for rehearing.....	10
CONCLUSSION	11

Table of Authorities

Supreme Court Opinions

<i>Calder v. Bull</i> , 3 U.S. (3 Dall.) 386 (1798)	8, 10
<i>Goddard v. Foster</i> , 84 U.S. (17 Wall.) 123 (1872)	9
<i>Jones v. Guar. & Indem. Co.</i> , 101 U.S. 622 (1879)	7
<i>Liu v. SEC</i> , 140 S. Ct. 1936 (2020)	9
<i>Marbury v. Madison</i> , 5 U.S. (1 Cranch) 137 (1803)	8
<i>Murrill v. Neill</i> , 49 U.S. (8 How.) 414 (1850)	7, 9
<i>Slack Techs., L.L.C. v. Pirani</i> , 143 S. Ct. 1433 (2023)	6
<i>Tyler v. Hennepin Cnty.</i> , 143 S. Ct. 1369 (2023)	5, 10
<i>United States ex rel. Schutte v. SuperValu Inc.</i> , 143 S. Ct. 1391 (2023)	5
<i>Vanhorne's Lessee v. Dorrance</i> , 2 U.S. (2 Dall.) 304, 1 L. Ed. 391, (Apr. 1, 1795)	8, 10

U.S. Constitution

U.S. Const. amend. V	7
U.S. Const. amends. V, XIV, § 1	8, 10
U.S. Const. amends. III, V, XIV	8, 10

Other

Securities Act of 1933	
Sections 11 and 12(a)(2)	6
Sup. Ct. R. 14 and 34 (c)	9
Sup. Ct. R. 17	8

Sup. Ct. R. 44	5
Sup. Ct. R. 44.2.	6

PETITION FOR REHEARING

Pursuant to Sup. Ct. R. 44, Petitioner Arthur Scott Prelle (“Petitioner or “Prelle”) requests rehearing and reconsideration of the Court’s June 5, 2023 order, denying the Petition for a Writ of Certiorari, on the grounds of substantial intervening circumstances and substantial grounds not previously presented.

After this Petition was filed, another Petition raising the same substantial issue as this Petition’s first, second, third and ninth Question Presented was filed in *Tyler v. Hennepin Cnty.*, 143 S. Ct. 1369 (2023). That Petition deals with the taking of property like the property in this case and asks whether taking and selling of property to satisfy a debt to the government, and keeping the surplus value as a windfall, violates the Takings Clause; and whether the forfeiture of property worth far more than needed to satisfy a debt plus, interest, penalties, and costs, is a fine within the meaning of the Eighth Amendment. The filing of that Petition demonstrates the exceptional nationwide importance of the question presented here.

After this Petition was filed, another Petition raising the same substantial issue as this Petition’s first and third Question Presented was filed in *United States ex rel. Schutte v. SuperValu Inc.*, 143 S. Ct. 1391 (2023). That Petition deals with the equitable actions of the Respondents like this one and asks whether and when a defendant’s contemporaneous subjective understanding or beliefs about the lawfulness of its conduct are relevant to whether it “knowingly” violated the False

Claims Act. The filing of that Petition demonstrates the exceptional nationwide importance of the question presented here.

After this Petition was filed, another Petition raising the same substantial issue as this Petition's first Question Presented was filed in *Slack Techs., L.L.C. v. Pirani*, 143 S. Ct. 1433 (2023). That Petition deals with securities like this case and asks whether Sections 11 and 12(a)(2) of the Securities Act of 1933 require plaintiffs to plead and prove that they bought shares registered under the registration statement they claim is misleading. The filing of that Petition demonstrates the exceptional nationwide importance of the question presented here.

The honorable court denied the Petitioner's Petition for Writ of *Certiorari* but the court should consider the questions of the above-named Petitions and their validity with a full evidentiary record by granting this Petition. Petitioner suggests that the Court defer consideration of this Petition for Rehearing until the conference at which it considers the above-named Petitions' results and then decide whether to grant the Petition for Writ of *Certiorari*.

The aforesaid cases present intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented. Sup. Ct. R. 44.2.

BACKGROUND

Petitioner is a lay person child and brings this suit in equity regarding property delivered with intent to the Respondents. Prelle is the bona fide purchaser

of said property created by the United States of America. This matter comes before the court to resolve a controversy of conveyed property with valuable consideration and intent to create a non-statutory trust. Prelle's Property is never returned and its destruction or dissipation injures Prelle's rights regarding said Property. Third party notary service delivers said Property by USPS restricted registered mail. Said notary creates a Certificate of Dishonour after conveyance and two notices to Respondent CEO of State of New Jersey. The acts complained of are contrary to Equity, and tend to the injury of the Petitioner, and that the Petitioner has no remedy, or not a complete remedy, without the assistance of a court of Equity. The question presented is whether this constituted a taking of property without just compensation in violation of U.S. Const. amend. V.

REASONS FOR REHEARING

- 1. This Petition and the Tyler Petition show that the enforcement of the U.S. Const. amend. V Takings Clause is an important question nationwide.**

Tyler has stated a claim under the Takings Clause, which provides that “private property [shall not] be taken for public use, without just compensation.” Likewise, this petition involves private property taken by the Respondents without just compensation. This petition should be reheard on the grounds of the maxims “Equity abhors a forfeiture” *Jones v. Guar. & Indem. Co.*, 101 U.S. 622 (1879), and “Equity follows the law” *Murrill v. Neill*, 49 U.S. (8 How.) 414 (1850); and the full benefit of the Tyler decision. Given the Tyler petitioner, this Petition should be

reheard on the grounds that the Petition contains a right to execute an office, perform a service, or exercise a franchise and the Petitioner is kept out of the possession, or dispossessed of such right, and has no other specific legal remedy. The Court ought to rehear and assist by *certiorari* and *mandamus*, upon reasons of justice, as the writs express, and upon reasons of public policy, to preserve peace, order and good government. The Court ought to issue a *mandamus* writ upon all occasions where the law has established no specific remedy, and where in justice and good government there ought to be one. *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803).

This petition and the Tyler petition deal with whether the government can confiscate personal property without just compensation. *Vanhorne's Lessee v. Dorrance*, 2 U.S. (2 Dall.) 304, 310, 1 L. Ed. 391, 394, 1795 (Apr. 1, 1795). *Calder v. Bull*, 3 U.S. (3 Dall.) 386, 388 (1798). U.S. Const. amends. V, XIV, § 1.

The complaint of this case seeks redress of grievances against the Respondents. Nowhere is it written that Prelle cannot do this under U.S. Const. amends. III, V, XIV, XIV and bring his action in the Federal courts. The Court should protect the Petitioner's right to seek redress of grievances in this matter.

2. This Petition and the Schutte Petition show that the enforcement False Claims Act is an important question nationwide.

The Schutte Petition deals with the False Claims Act (“FCA”). The FCA permits private parties to bring lawsuits in the name of the United States—called *qui tam* lawsuits—against those who they believe have defrauded the Federal Government.

Likewise, this petition involves private property issued by the United States of America and taken by the Respondents without just compensation. This petition should be reheard on the grounds of the maxims “Equity imputes an intention to fulfil an obligation” *Goddard v. Foster*, 84 U.S. (17 Wall.) 123 (1872), “Equity follows the law” *Murrill*, 49 U.S. 414, and “Equity will not allow a wrongdoer to profit by a wrong” *Liu v. SEC*, 140 S. Ct. 1936 (2020). This Court should rehear with the full benefit of the Schutte decision.

3. This Petition and the Polansky Petition question whether the government has the authority to dismiss the Petition.

The courts have miscaptioned this case. The Petitioner gives exception to the Court’s miscaption of this case under Sup. Ct. R. 14 and 34 (c). This case must be reheard properly captioned under Sup. Ct. R. 14 and 34 (c). The Polansky Petition deals with whether the government has the authority to dismiss this *qui tam* suit and what standard applies if the government has that authority. The Petitioner believes the Respondents have defrauded the Federal Government in destroying or dissipating United States of America securities that are the subject matter of this suit. This petition should be reheard on the grounds of the maxims “Equity imputes an intention to fulfil an obligation” *Goddard*, 84 U.S. 123, “Equity follows the law” *Murrill*, 49 U.S. 414, and “Equity will not allow a wrongdoer to profit by a wrong” *Liu*, 140 S. Ct. 1936 and the full benefit of the Polansky decision. How can the court know if *qui tam* United States of America issued property is destroyed or dissipated if the Court doesn’t join the proper parties and investigate?

4. This is an appropriate case for rehearing.

Resolution of the issues raised in Prelle's petition and the Eighth Circuit's *Tyler* ruling cannot wait. Not just Prelle's property, but that of other citizens hang in the balance.

The Respondent's confiscation of Prelle's property strikes at the very heart of property rights jurisprudence and the U.S. Constitution. *Vanhorne's Lessee*, 2 U.S. at 310, 1 L. Ed. at 394, 1795. *Calder*, 3 U.S. at 388. U.S. Const. amends. V, XIV, § 1. This Court should reconsider its denial of Prelle's petition and either grant the petition outright or hold it for consideration with the *Tyler* ruling.

CONCLUSION

For the foregoing reasons, and those stated in the petition for writ of *certiorari*, the Court should grant rehearing, consider this Petition together with the named Petitions, grant *certiorari* in this case, and that the Petitioner have all such other further relief, as the nature of the case may require.

Respectfully submitted on this 29th day of June, 2023 A.D,



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