

Robert L. Tatum, Petitioner,

-v-

Case no. 22-7294

Earnell A. Lucas, et al., Respondent.

- Rule 44.2 Petition for Re-Hearing of Certiorari Ruling -

- Certification Verifying Rule 44 Compliance -

Tatum, petitioner-pro se, hereby seeks re-hearing on the matters presented by this case on Certiorari review, denied on 6-12-23. The reasons justifying re-hearing are as follows:

I presented undisputable facts + circumstance proving flagrant + intentional disregard of binding precedent by the lower courts on several distinct occasions, and that such was instituted as part of an unofficial scheme of discrimination against certain classes of litigation to achieve court-bureaucratic objectives at the sacrifice of Due Process + other rights secured by the US Constitution. I also presented a viable claim of unconstitutionality of 28 USC 1915(g), which I have thus far been denied full + fair review of the actual merits of. If complete denial of rights as a form of class discrimination by the lower courts doesn't constitute "departure from accepted + usual course of judicial proceedings" under the Constitution so as to warrant Supreme Court review, what does?

At minimum, this case qualifies for summary reversal, which wasn't previously presented or requested in my initial petition -- Summary reversal is appropriate in situations where the law is settled as stable, the facts are not in dispute, and the decision below is clearly in error. Schweiker v. Hansen, 450 US 785, 791 (1981) There are several matters in this case that meet this criteria, but summary reversal wasn't considered or effected. For example, on law of the case issues, wherein a 2nd judge reverses the ruling of a 1st, it is well-settled that unless reversal is based on a stated or alleged error it is not allowed. e.g. Brengettey v. Horton, 423 F3d 674, 680-81 (7th Cir. 2005) And on review of an alleged breach of law of the case, the court of appeals is to use the 1st judge's rulings as the point of reference to decide if error existed justifying reversal. id. In my case, the 7th Circuit relied on the 2nd judges rulings as point of reference, and disregarded binding precedent to justify the 2nd judge's positions, which should be reversed summarily for proper application of law. And the 2nd judge violated his own prior order in forcing me to trial on due process claims when I selected excessive force claims to go to trial, based on a clerical + filing error by e-filers OR the court itself; The judge ruled the case wouldn't proceed until I selected what claim I wanted to pursue, then without warning selected a claim itself over my objection + refused to correct the error, even threatening dismissal when I respectfully insisted on my choice of claim proceeding to trial.

This Court recently accepted + decided a case to determine the rights of a girl to engage in mean girl antics outside



of school grounds, berating or cussing out school administrators via the Internet, without reprisal by the school via suspension from cheerleading; That case, while novel, only effected a minute segment of society's rights (the few who a. want to cuss out school administrators via the Internet, b. in a manner where the school would actually get wind of it AND c. want to punish it due to perceived severity), plus only held cheerleader practice in the balance of harms. [And full disclosure, I personally side with the school, if it could show the outside activity could reasonably affect internal order of the institution, the alleged act warrants punishment + the punitive sanction isn't overly oppressive or arbitrary] I have presented a situation of proven class discrimination effected by the lower courts, wherein the full panoply of our rights from top to bottom hang in the balance; Two officers were allowed to get away with attacking me while cuffed on an elevator in retaliation of complaints I filed, resulting in serious injuries to my face + permanent damage to my left eye, and the jail allowed to get away effecting policy that killed atleast one other inmate, due to this.

If this Court will not review this case to address these matters, I ask that the Court atleast briefly state why it feels justified in that decision. Whether review is granted or denied, the Justices can append opinions in dissent or concurrence regarding the merits of the petition + issues presented, e.g. Connor v. Sellers, 136 S Ct 2440 (2016) (cert. denied with dissent comments), Shoop v. Cassano, 142 S Ct 2051 (2022) (same), Lipschultz v. Charter Advan. Serv. LLC, 140 S Ct 6 (2019) (cert. denied with concur comments), Kay v. Wise, 454 US 1103 (1980) (cert. denied, summary revers. discussed). With the substantial error + corruption implicated by this case + circumstance, I respectfully ask this Court to explain, prove the errors or situation isn't as I allege, something to justify ignoring this.

Certification

I, Robert L. Tatum hereby certify that this petition for rehearing addresses substantial grounds for relief not previously presented, and is presented in good faith + not for delay or other improper purpose.

Conclusion

This petition for rehearing should be GRANTED.

Dated this 21st day of June, 2023.

Signed: 

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