

23-1026

In The
SUPREME COURT OF THE UNITED
STATES

IN RE: PALANI KARUPAIYAN, Petitioner

On Petition for **Writ of Mandamus,**
Prohibition or alternative to
United States Court of Appeals
for the Third Circuit (Dkt 23-2878)

PETITION FOR REHEARING

Palani Karupaiyan.
Pro se, Petitioner,
1326 W William St.
Philadelphia, PA 19132
212-470-2048(M)

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docket 23-1026 In Re: Palani Karupaiyan.

II. TABLE OF AUTHORITIES

Cases

<i>. United States v. Hamburg- Amerikanische Packetfahrt-Actien Gesellschaft, 239 U.S. 466, 475, 478</i>	2
<i>Berry v. Davis, 242 U.S. 468</i>	2
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<u>Estelle v. Gamble</u> , 429 U.S. 97, 106, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976)	1
<u>Federal Exp. Corp. v. Holowecki</u> , 552 US 389 - Supreme Court 2008	1
<u>Hobby Lobby Stores, Inc. v. Sebelius</u> , 568 US 1401 - Supreme Court 2012	2
<i>Jones v. Montague, 194 U.S. 147</i>	3
<i>Mills v. Green, 159 U.S. 651</i>	3
<u>Nonnette v. Small, 316 F. 3d 872 - Court of Appeals, 9th Circuit 2002</u>	3

<i>The Schooner Rachel v. United States, 6</i>	
<i>Cranch, 329</i>	3
<i>United States v. The Schooner Peggy, 1</i>	
<i>Cranch, 103, 109-110</i>	3
<u>Watts, Watts & Co. v. Unione Austriaca</u>	
<u>di Navigazione, 248 US 9 - Supreme</u>	
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<i>28 U. S. C. § 1651</i>	2
<u><i>All Writs Act</i></u>	2

III. Pro se Standards

Because of Petitioner is pro se, Petitioner prays this Court for his pleadings are to be "*liberally construed*". ***Federal Exp. Corp. v. Holowecki***, 552 US 389 - Supreme Court 2008 at 1158, pro se litigants are held to a lesser pleading standard than other parties. See ***Estelle v. Gamble***, 429 U.S. 97, 106, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976) (Pro se pleadings are to be "liberally construed")

Erickson v. Pardus, 551 US 89 - Supreme Court 2007 @ 2200

A **document** filed pro se is "to be liberally construed," ***Estelle***, 429 U.S., at 106, 97 S.Ct. 285, and "a pro se complaint, however *inartfully* pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.

IV. Petition for Rehearing

Pursuant to **Rule 44.2**, Petitioner(s) Palani Karupaiyan respectfully Petition for Rehearing of the Court's order denying Petition for Mandamus or Prohibition. The PETITION FOR A WRIT OF MANDAMUS OR PROHIBITION is denied on May 28 2024. (**Appendix-B**)

V. Reasons For Granting Rehearing

This Petition mailed on Jan 14 2024 and docketed on Mar 19 2024,

When this Petition is under **subjudice** of this Court, on Jan 19 2024, USCA3 denied the SUR PETITION

FOR REHEARING. **Appendix-A.** This order become final order of the docket.

Hobby Lobby Stores, Inc. v. Sebelius,
568.US.1401 – S.Ct 2012@643

The only source of authority for this Court to issue an injunction is the All Writs Act, 28 USC §1651(a) and Following a final judgment, they [Petitioner] may, if necessary, file a petition for a writ of certiorari in this Court.

In Hohn v. United States, 524.US.236–S.Ct 1998@264(“We can issue a common-law writ of certiorari under the All Writs Act, 28 USC§1651)

Jan 19 2024, denying SUR PETITION FOR REHEARING in the USCA3, become requirement of granting writ under Hobby/568.US.1401@643 is fulfilled, Petitioner pray this court for this Petition for rehearing to be granted.

See in Watts, Watts & Co. v. Unione Austriaca di Navigazione, 248 US 9 - Supreme Court 1918@21

This court, in the exercise of its appellate jurisdiction, has power not only to correct error in the judgment entered below, but to make such disposition of the case as justice may at this time require. Butler v. Eaton, 141 U.S. 240; Gulf, Colorado & Santa Fe Ry. Co. v. Dennis, 224 U.S. 503, 506 . And in determining what justice now requires the court must consider the changes in fact and in law which have supervened since the decree was entered below. United States v. Hamburg-Amerikanische Packetfahrt-Actien Gesellschaft, 239 U.S. 466, 475, 478 ; Berry v. Davis, 242 U.S. 468 ; Crozier v. Krupp, 224 U.S. 290, 302 ; Jones v. Montague, 194 U.S.

147; Dinsmore v. Southern Express Co., 183 U.S. 115, 120; Mills v. Green, 159 U.S. 651; The Schooner Rachel v. United States, 6 Cranch, 329; United States v. The Schooner Peggy, 1 Cranch, 103, 109-110.

In Nonnette v. Small, 316 F. 3d 872 - Court of Appeals, 9th Circuit 2002

We have frequently held that in the exercise of our appellate jurisdiction we have power not only to correct error in the judgment under review but to make such disposition on the case as justice requires. And in determining what justice does require, the Court is bound to consider any change, either in fact or in law, which has supervened since the judgment was entered.

quoting Patterson v. Alabama, 294 U. S. 600, 607 (1935)

By the Nonnetten and Patterson ruling , this Court should absorb the USCA3's Jan 19 2024, order denying SUR PETITION FOR REHEARING and grant the Petition for Rehearing.

VI. Rehearing granting standard

In Conner v. Simler, 367 US 486. Sup. Ct (1961), Certiorari was originally denied, 365 US 844 (1961), in which on rehearing, that order was vacated and Certiorari granted; the case was then decided on the merits. Same in Boumediene v. Bush, 551 US 1160 - Supreme Court 2007.

VII. CONCLUSION

For the reasons set forth in this Petition, Palani Karupaiyan respectfully requests this Honorable Court grant rehearing and his Petition for

a Writ of Mandamus or Prohibition. Vacate the denial order May 28 2024.

Also, the Court should hold the parallel petition for Writ of Mandamus or Prohibition (23-1070 – In Re Palani Karupaiyan and its rehearing, then consider both petitions together.

Respectfully submitted.



Palani Karupaiyan
1326 W. William St
Philadelphia, PA 19132
212-470-2048(m)

Appendix – A: USCA3's order denying SUR
PETITION FOR REHEARING Jan 19 2024.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 23-2878

In re: PALANI KARUPAIYAN, Petitioner

(2-23-cv-00844)

SUR PETITION FOR REHEARING

Present: CHAGARES, Chief Judge, JORDAN,
HARDIMAN, SHWARTZ, KRAUSE,
RESTREPO, BIBAS, PORTER, MATEY,
PHIPPS, FREEMAN, MONTGOMERY-
REEVES, CHUNG, and SCIRICA, Circuit
Judges

The petition for rehearing filed by Appellant Palani Karupaiyan in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,
s/ Cheryl Ann Krause
Circuit Judge

Dated: January 19, 2024
Sb/cc: Palani Karupaiyan

**Appendix – B – Order denying Writ of
Mandamus or Prohibition.**

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

May 28, 2024

Mr. Palani Karupaiyan
1326 W. Williams St,
Philadelphia, PA 19132

Re: in Re Palani Karupaiyan

No-23-1026

Dear Mr. Karupaiyan

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

The Petition for a writ of Mandamus
and/or Prohibition is denied.

Sincerely
/s/ Scott S. Harris
Scott S. Harris, Clerk