

23-1027

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In The  
SUPREME COURT OF THE UNITED  
STATES

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IN RE: PALANI KARUPAIYAN, Petitioner

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On Petition for Writ of Mandamus,  
Prohibition or alternative to  
United States Court of Appeals  
for the Third Circuit (Dkt 23-3044)

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PETITION FOR REHEARING

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

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### 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-C**)

### V. Reasons For Granting Rehearing

On Mar 19, 2024, this Petition for Writ of Mandamus or Prohibition was filed under

*Hobby Lobby Stores, Inc. v. Sebelius*, 568 US 1401 - Supreme Court 2012@ 643

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

and under 28 U. S. C. § 1254(1),

When this Petition is under **subjudice** of this Court, on May 20, 2024, USCA3 entered final order granting petitioners forma pauperis for appeal under parallel appeal docket 23-2424. **Appendix-A** .

*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)

When the petition is under subjudice with this court, before this court decide the Petition for mandamus, on May 20 2024 USCA3 entered order become Final, which substitute the final order requirement of granting writ under Hobby/568.US.1401@643.

Under this USCA3’s Final order dated May 20 2024, **Appendix-A** 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 Final order dated May 20 2024, **Appendix-A***

*and grant the Petition for Rehearing.*

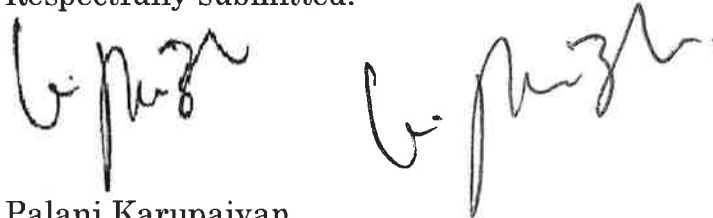
## VI. Rehearing granting standard

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.

Respectfully submitted.



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

Appendix – A: USCA3’s Final order granting  
forma pauperis for appeal May 20, 2024.

CLD-125

**UNITED STATES COURT OF APPEALS FOR  
THE THIRD CIRCUIT**

C.A. No. **23-2424**

PALANI KARUPAIYAN; ET AL., Appellants  
VS.

WIPRO LTD.; ET AL.

(D.N.J. Civ. No. 3-23-cv-02005)

**Present: FREEMAN, Circuit Judge**

Submitted are:

(1) Appellant’s motion for leave to appeal in  
forma pauperis and affidavit in support  
thereof, pursuant to Rule 24, Federal Rules of  
Appellate Procedure; and

(2) Appellant’s response to the Clerk’s Osei  
order, in which appellant requests  
appointment of counsel and other forms of  
relief

in the above-captioned case.

Respectfully,  
Clerk

----- ORDER -----

Appellant’s application for leave to proceed in  
forma pauperis is granted. We reject appellant’s  
argument that he need not show indigence to proceed  
IFP because his suit is in the “best interest of the  
nation.” See 28 U.S.C. § 1915(a)(1). We conclude,  
however, that appellant has made a sufficient  
showing of indigence in order to proceed IFP. In so  
concluding, we express no opinion on the merits of the

District Court's order denying appellant's separate IFP application in that court. We deny appellant's request for appointment of counsel and the other requests contained in his response to the Clerk's Osei order. As appellant knows, we have denied those same requests in at least 10 of his other cases. See *In re Karupaiyan*, No. 23-1288, 2023 WL 3002743, at \*1 n.1 (3d Cir. Apr. 19, 2023) (referencing C.A. Nos. 23-1304 & 23-1303); see also C.A. Nos. 23-1788, 23-1948, 23-1255, 23-1153, 22-2949, 21-3339 & 21-2560.

By the Court,  
s/Arianna J. Freeman  
Circuit Judge

Dated: May 20, 2024  
CJG/cc: Palani Karupaiyan

**Appendix – B Unlisted – Clerk’s Order  
for Briefing Schedule.**

UNITED STATES COURT OF APPEALS FOR THE  
THIRD CIRCUIT

C.A. No. 23-2424

Palani Karupaiyan, et al v. Wipro Ltd, et al.  
(D. N.J. Civ. No. 3-23-cv-02005)

**O R D E R**

Upon further review, it appears that it would not be appropriate to submit this appeal to a panel of the Court for possible dismissal for lack of jurisdiction or for possible dismissal under 28 U.S.C. § 1915(e)(2) or summary action at this time. This Order does not represent a finding of jurisdiction in this case. As in all cases, the panel of this Court that reviews the case on its merits will make a final determination of jurisdiction.

A briefing schedule will issue. It is noted that the District Court dismissed appellant’s claim under the Age Discrimination in Employment Act on the ground that his pleading of the claim did not satisfy Fed. R. Civ. P. 8. If appellant wishes to challenge the dismissal of that claim and his other claims of discrimination, then appellant is directed to address (in addition to such other issues as he might wish to raise) whether and how his complaint raises a plausible inference that Wipro Ltd. discriminated against him.

For the Court,  
s/ Patricia S. Dodszuweit

Clerk

Dated: May 23, 2024

mw/cc: Palani Karupaiyan

**Appendix – C – 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-23-1027**

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