

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 23-3044)**

PETITION FOR REHEARING

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

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II. TABLE OF AUTHORITIES

Cases

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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 U.S. 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.

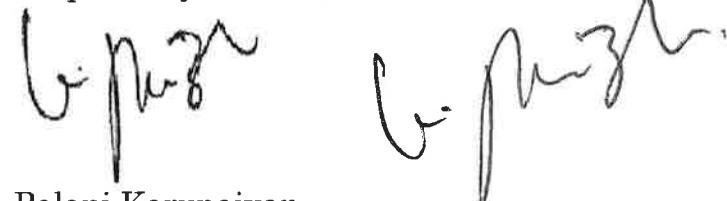
VI. Rehearing granting standard

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