

No. 23-1101

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IN THE  
Supreme Court of the United States



JACOB N. FERGUSON,  
*Petitioner,*

*v.*

ROBBIN M. OWEN,  
*Respondent.*

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*On Petition for a Writ of Certiorari  
to the United States Court of Appeals  
for the District of Columbia Circuit*

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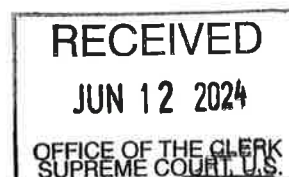
**Petition for a Rehearing**

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JACOB N. FERGUSON  
2020 Pennsylvania Avenue NW, #469  
Washington, D.C. 20006  
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(202) 840-5696

*Pro Se Petitioner*

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## PETITION FOR A REHEARING

The Religious Freedom Restoration Act (“RFRA”) was a bipartisan bill passed by Congress in 1993, and unanimously amended by the Religious Land Use and Institutionalized Persons Act (“RLUIPA”) in 2000 to protect any exercise of religion, whether or not mandatory or central to a system of religious belief. A few months later, a three-judge panel of the D.C. Circuit (which included today’s current U.S. Attorney General, Merrick B. Garland) set an erroneous precedent that said religious exercise had to be mandatory or central to religious belief, because it was unaware of the RLUIPA amendment.

Petitioner is a nobody — an average citizen who moved to Washington, D.C., during the presidency of Donald J. Trump, and applied for a permit to demonstrate at the seat of government in free exercise of religion. The chief of the permit office *faked* the existence of other applicants applying first in order to deny that permit, which she later blamed on a mistake. Petitioner then brought suit under RFRA, and the district court dismissed it because Petitioner had not pleaded that demonstrating at a *specific location* in Washington, D.C., was a mandatory or central doctrine of Christianity. The appellate court affirmed, and stated that this erroneous precedent it set decades prior was still lawful under RLUIPA-amended RFRA.

Petitioner filed a petition for a writ of certiorari with this Court on April 8, 2024 — days after an unrelated petition was filed on behalf of a January 6th protestor, for which the Court requested a response from the government. As fate would have it,

Petitioner actually lived in Capitol Hill up until the very morning of January 6, 2021, and moved out that day to prepare for his own demonstrations, which he conducted months later. The speech<sup>1</sup> that Petitioner gave was about the Roman Senate's threat to take away Julius Caesar's immunity from prosecution and place him on trial, which prompted the crossing of the Rubicon and Caesar's march on Rome.

Fate is not without a sense of irony, for at each and every stage of this litigation, Petitioner's case has been eclipsed by all of the January 6th litigation, and the question of presidential immunity that has overpowered the courts' dockets. Indeed, in 2021 when Petitioner first brought this case, it was overshadowed by all of the J6 cases being newly filed at that time, whereafter the district court made a clear mistake. On appeal, the judgment was affirmed in the shortest RFRA opinion ever issued in the history of the D.C. Circuit, by the exact same three-judge panel that had just heard oral arguments on the question of presidential immunity in *USA v. Trump* only two days prior. And now, at the same moment Petitioner's case was distributed before this Court, it too was enthralled with the historic question of presidential immunity, hearing oral arguments in *USA v. Trump* just one week later.

Petitioner believes that the above is an intervening circumstance of substantial effect, and that *this* case involving the basic right of all citizens to demonstrate at the seat of government in free exercise of religion, and the D.C. Circuit's clear, erroneous precedent plainly violating RLUIPA-amended RFRA,

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<sup>1</sup> [Thegods.org/AmericaIsRome](https://thegods.org/AmericaIsRome)

would be of great interest to the Court if it was not eclipsed by the events of that dark day, January 6, 2021, instead.

The Court should not overlook the true protestors who demonstrated lawfully at the seat of government in 2021, and warned of the very crisis that is now befalling this nation.

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### CONCLUSION

The petition for a rehearing should be granted.

June 7, 2024

Respectfully submitted,

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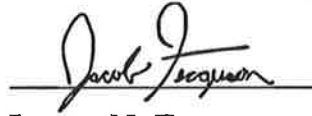
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*Pro Se Petitioner*

### **RULE 44.2 CERTIFICATE**

I certify that this petition for rehearing is presented in good faith, not for delay, and is restricted to the grounds specified in Rule 44.2.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

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Pursuant to Supreme Court Rule 33.1(h), I certify that this Petition for Rehearing contains 606 words, excluding all parts exempted by Supreme Court Rule 33.1(d). I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on June 7, 2024.

  
\_\_\_\_\_  
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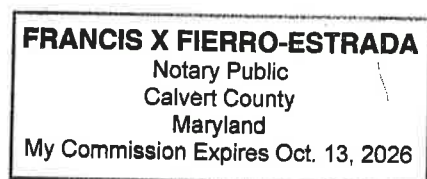
**Acknowledgment Notary Certificate (Only for use in AR, AZ, CO, CT, DC, DE, GA, ID, IA, IL, KS, KY, MA, MD, ME, MN, MO, MT, NH, NJ, NM, NY, NV, NC, OH, OK, OR, PA, RI, SC, TX, UT, VA, WA)**

**Document Name:** Certificate of Compliance

**STATE OF** Maryland  
**COUNTY OF** Calvert  
(County where notarization occurred)

This record was acknowledged before me on 7 day of June, 2024, by Jacob N Ferguson (name(s) of signer(s)), who personally appeared before me and (is personally known to me or whose identity was proved on the basis of satisfactory evidence) to be the person whose name is subscribed to in this document.

  
(Signature of notary public)



Francis X Fierro - Estrada  
(Name of notary public)

**My commission expires:** 10/13/2026

**Official Seal**

Personally known \_\_\_\_\_ OR

Produced identification X Type of identification produced: District of Columbia Driver's License

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—•—  
CERTIFICATE OF SERVICE

I certify that on June 7, 2024, I electronically served and mailed three copies of this Petition for Rehearing, at least as expeditious as first-class, postage prepaid, upon all parties required, and one copy upon the Solicitor General, below:

Steven H. Hazel  
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Department of Justice, Room 7217  
950 Pennsylvania Avenue NW  
Washington, D.C. 20530-0001  
Steven.H.Hazel@usdoj.gov

*Counsel for Respondent*

Elizabeth Prelogar  
Solicitor General of the United States  
Department of Justice, Room 5616  
950 Pennsylvania Avenue NW  
Washington, D.C. 20530-0001  
SupremeCtBriefs@usdoj.gov

*Counsel for Respondent*

I also mailed forty copies to the Court. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on June 7, 2024.

  
JACOB N. FERGUSON

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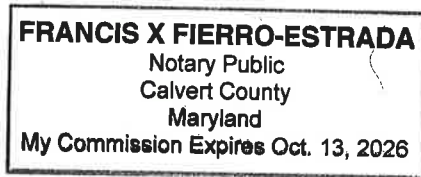


**Acknowledgment Notary Certificate (Only for use in AR, AZ, CO, CT, DC, DE, GA, ID, IA, IL, KS, KY, MA, MD, ME, MN, MO, MT, NH, NJ, NM, NY, NV, NC, OH, OK, OR, PA, RI, SC, TX, UT, VA, WA)**

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[Signature]  
(Signature of notary public)

Francis X Fierro-Estrada  
(Name of notary public)

**My commission expires:** 10/13/2026

**Official Seal**

Personally known \_\_\_\_\_ OR

Produced identification X Type of identification produced: District of Columbia Driver's License