

No. 23-263

In The
Supreme Court of the United States

BARRY J. SMITH, SR.,

Petitioner,

v.

UNITED STATES CONGRESS
AND WISCONSIN LEGISLATURE,

Respondents.

**On Petition For A Writ Of Certiorari
To The United States Court Of Appeals
For The Seventh Circuit**

PETITION FOR REHEARING

BARRY J. SMITH, *pro se*
3124 W. Silver Spring Drive
Milwaukee, Wisconsin 53209
414-315-3913

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SUPREME COURT, U.S.

Case No. 19-CV-1001 is attached hereto. It was presided over by Chief Judge Pamela Pepper. The defendants were the United States Congress and the Wisconsin Legislature. There was only one cause of action which applied to both defendants equally. Judge Pepper's first finding in her order of dismissal was that her court did not have subject-matter jurisdiction. Nevertheless, Judge Pamela Pepper granted the motion of defendant, the United States Congress, to permanently bar petitioner out of federal court as a pro se complainant. In 2020, petitioner filed a civil complaint against a private corporation, Case No. 20-CV-1482. It was dismissed by Judge Joseph Staudtmueller because petitioner identified himself, as required by 42 U.S.C. sec. 1981, as non-White; specifically self identifying as a descendant of American slaves or American Negro, which was in violation of Judge Pepper's dismissal Order. By their actions, the two subject judges imposed upon petitioner recognized badges and incidents of slavery. Petitioner understands and accepts that while he was serving a judicial sentence to government slavery, pursuant to the Thirteenth Amendment, that he was subject to the badges and incidents of slavery. Petitioner was not serving a Thirteenth Amendment judicial sentence to government slavery when he filed federal Case No. 19-CV-1001 and federal Case No. 20-CV-1482. Nevertheless, federal Judges Pamela Pepper and Joseph Staudtmueller imposed two badges and incidents of slavery on him; of the four badges and incidents of slavery identified by your Court, the United States Congress, Judges Pepper and Staudtmueller, and the Seventh Circuit Court of Appeals have

CERTIFICATE OF PETITIONER

Pursuant to Rule 44, Rules of the Supreme Court, Petitioner hereby certifies that this petition for rehearing is restricted to the grounds specified in Rule 44, paragraph 2, Rules of the Supreme Court, and is being presented in good faith and not for delay.

BARRY J. SMITH, *pro se*
3124 W. Silver Spring Drive
Milwaukee, Wisconsin 53209
414-315-3913

P.R. App. 1

IN UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Barry J. Smith Sr.,
Plaintiff,
v.
The United States Congress and
The Wisconsin Legislature,
Defendant.

CIVIL RIGHTS COMPLAINT

(Filed Jul. 15, 2019)

Jurisdictional Statement: This court has original jurisdiction of this civil rights complaint wisely under the Constitution of the United States of America, and pursuant to 28 U.S.C. Section 1331.

Cause of Action: In 1990 plaintiff was convicted of "threatening the life" of federal Judge John Reynolds in the United States District Court for the Eastern District of Wisconsin. Plaintiff was sentenced pursuant to the United States Constitution's Thirteenth Amendment, which states: Section. 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. As a descendant of American slaves, plaintiff was sentenced to a definite term of slavery. As a slave, the only rights plaintiff had were those the government chose to grant him. Plaintiff was

P.R. App. 3

Relief requested: Plaintiff demands his full and unabridged United States of America Citizenship rights be immediately restored.

Demand for jury trial: Plaintiff hereby demands trial by jury.

Date: July 15, 2019 By: /s/ Barry J. Smith Sr.
Barry J. Smith Sr. pro se
3124 W. Silver Spring Drive
Milwaukee, WI 53209
414-315-3913

Certificate of Service:

Plaintiff, Barry J. Smith, hereby certifies that he has either personally served or served by United States mail, postage prepaid, a true and correct copy of the above complaint addressed to all parties required to be served:

1. Solicitor General of the United States, Room 5614
Department of Justice, 950 Pennsylvania Ave.,
N.W., Washington D.C. 20530-0001
2. United States Attorney Matthew Krueger
517 East Wisconsin Ave., Room 530
Milwaukee, WI 53202
3. Wisconsin Attorney General Josh Kaul
114 East State Capitol
Madison, WI 53702

By: /s/ Barry J. Smith Sr.
Barry J. Smith Sr. pro se



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AFFIDAVIT OF SERVICE

I, Renee Goss, of lawful age, being duly sworn, upon my oath state that I did, on the 11th day of December, 2023, send out from Omaha, NE 2 package(s) containing 3 copies of the PETITION FOR REHEARING in the above entitled case. All parties required to be served have been served by Priority Mail. Packages were plainly addressed to the following:

SEE ATTACHED

To be filed for:

BARRY J. SMITH, pro se
3124 W. Silver Spring Drive
Milwaukee, Wisconsin 53209
414-315-3913

Subscribed and sworn to before me this 11th day of December, 2023.
I am duly authorized under the laws of the State of Nebraska to administer oaths.

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SUPREME COURT, U.S.

State of Nebraska – General Notary
ANDREW COCKLE
My Commission Expires
April 9, 2026

Andrew H. Cockle
Notary Public

Renee J. Goss
Affiant

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CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rule 33.1(h), I certify that the PETITION FOR REHEARING in the above entitled case complies with the typeface requirement of Supreme Court Rule 33.1(b), being prepared in New Century Schoolbook 12 point for the text and 10 point for the footnotes, and this brief contains 704 words, excluding the parts that are exempted by Supreme Court Rule 33.1(d), as needed.

Subscribed and sworn to before me this 11th day of December, 2023.
I am duly authorized under the laws of the State of Nebraska to administer oaths.

State of Nebraska – General Notary
ANDREW COCKLE
My Commission Expires
April 9, 2026

Andrew H. Cockle
Notary Public

Renee J. Goss
Affiant