

Petition for Rehearing

Petitioner
Pro Se

October 15th, 2023

Joseph Counts

VS

Case No. 23-5142

State of
Maine

Factual Background

Petitioner Counts filed a notice of removal in August 2022. The district court of Maine then ordered the case summary remanded because Counts did not provide any "facts that would support removal". Counts then filed an appeal because the statute did not ask, or require, (28 USC 1455) any facts, but the first circuit denied the

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appeal / affirmed the district court order
because Johnson v Mississippi 1975 determined
the statute (42 USC 1981) was to combat
racism only. Counts then petitioned the
Supreme Court to resolve the ambiguities in
28 USC 1455 and to overturn Johnson v
Mississippi, but the court denied the petition.
Now comes this petition for rehearing on the
petition for Writ of Certiorari.

Grounds

1. Substantial Grounds Not Previously Presented
 - A. Strike down 42 USC 1981's racism only provision - In Counts' petition for Writ

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of Certiorari he asked the Court to overturn Johnson v Mississippi 1975, but the question should be "Will the Court strike down the racism only provision of 42 USC 1981 noted in Johnson v Mississippi to accomodate other forms of discrimination for removal from state court?"

B. Pro Se filings are to be liberally construed - Counts, ~~also~~ in his original petition for writ of Certiorari, asked the court to resolve the ambiguities in 28 USC 1455, but perhaps it's best the Supreme Court remind the lower courts that pro se filings should be liberally

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construed, especially in the wake of a statute dealing with discrimination whole also ambiguous (ambiguities of course are construed against the government). The failure to do so, when you're on my end of the spectrum, is an abuse of power.

C. Government Oversight / Abuse - Imagine being a victim of childhood sexual abuse, substantial both in duration and extent, who has driven under the influence (the underlying charge for removal) of one substance or another probably 10,000 times. Then imagine after your ~~second~~ time being

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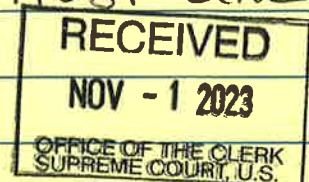
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charged with driving under the influence (0.11 and 0.13 bac respectively), while always feeling fine, you learn the standard to convict was 0.15 bac for 40-50 years.

Imagine further, you learn that alcohol related accidents cost \$230B annually and vehicular ~~accidents~~ overall cost Americans close to \$1T.

Then lastly, you estimate it would cost \$4B for 200 driving simulators per state (0.4% - 2% of accident cost) which could give real accurate information about impairment (i.e. reaction

time, reaction accuracy, reaction quality) ^{leading to better education / less accidents} versus the government demanding trust and



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obedience out of a victim of childhood sexual abuse or any other American who feels so capable. The math doesn't add up in the government's favor, or for what our forefather's envisioned for this nation, so you file a notice of removal after circumstances change and while feeling discriminated against only to have the judiciary slam the door in your face. This is not justice and I leave you with a quote:

"We are now apprised, however, of intervening circumstances of substantial effect justifying application of the established doctrine that the interest in

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finality of litigation must yield where the interest of justice would make unfair the strict application of our rules."

Gondeck v Pan American World Airways, Inc (1965) quoting United States v Ohio Power Company (1957).

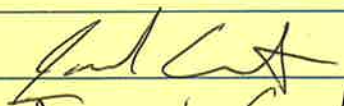
Relief Sought

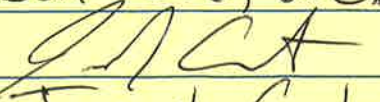
1. Grant the petition for rehearing and the petition for Writ of Certiorari.

Certification of Service:

I, Joseph Counts, ~~certify~~ a copy has been sent to Donald Macomber, AAG of Maine at 6 State House Station, Augusta ME 04333 via mail, and the

solicitor general at Room 5606, D.O.J., 950 Pennsylvania Ave NW Washington, DC 20530.


Joseph Counts
Jefferson County Jail
911 Casey Ave
Mt. Vernon, IL 62864
10/15/23


Joseph Counts
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Certification of Good Faith

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The enclosed petition for rehearing is presented in good faith and under penalty of perjury under all applicable laws of the United States, I, Joseph Counts, swear the petition is not intended to delay or otherwise distort justice.


Joseph Counts
10/15/23