

IN THE
SUPREME COURT OF THE UNITED STATES

*

ABUSSAMAA RASUL RAMZIDDIN,

Petitioner,

v.

ANGELO J. ONOFRI, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS
MERCER COUNTY PROSECUTOR, et al.

Respondents,

*

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES SUPREME COURT FROM
UNITED STATES COURTS OF APPEALS FOR THE
FOR THE THIRD CIRCUIT

*

PETITION FOR REHEARING

*

ABUSSAMAA RASUL RAMZIDDIN
207 HERITAGE COURT
PENNINGTON, NEW JERSEY 08534-5285
609.477.2184
abussamaaramziddin@gmail.com

COUNSEL PRO-SE, FOR THE PETITIONER

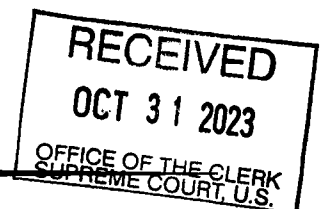


TABLE OF CONTENTS

TABLE OF AUTHORITIES	Page 3
PETITION FOR REHEARING	Page 4
REASONS FOR GRANTING REHEARING	Page 4
I. "The United States Third Circuit Court of Appeals decision deepens the injury to the Petitioner's Constitutional Rights, which constitute a violation of my fundamental rights to freedom of expression and protection[s] of Amendment[s] I.*, IV., V., VIII, XIV.***. As enshrined in the Constitution."	
II. The Third Circuit's ruling of strict scrutiny does not dovetail and is "Incongruous" with the longstanding precedents set by the United States Supreme Court, which has consistently held actions violating the United States Constitution to be prohibited.	
III. The Third Circuit's decision vividly illustrates the difficulty in effectively enforcing the unworkability of holding authorities accountable for gross negligence in their actions for abuse of the badge of authority, and abuse of position and power. See <i>United States v. Bagley</i> , 473 U.S. 667 (1985) See <i>Strickland v. Washington</i> , 466 U.S. 668 (1984) See <i>United States v. Chronic</i> , 466 U.S. 648 (1984) See <i>Kimmelman v. Morrison</i> , 477 U.S. 365 (1986)	
	Page 11
CONCLUSION	Page 12
Certificate of Counsel	Page 13

TABLE OF AUTHORITIES

Cases

<i>Boyd v. United States</i> , 116 U.S. 616 (1886)	Page 4
<i>Mervilus v. Union County</i> , U.S. Court of Appeals for the 3rd Circuit No. 21-3185 June 13 th , 2023,	Page 5
<i>Monell v. Dep't of Soc. Servs.</i> , 436 U.S. 658, 98 S. Ct. 2018, L.Ed.2d 611 (1978)	Page 5
<i>Thompson v. Clark</i> , No. 20-659 Supreme Court of the United States, Argued October 12, 2021-Decided April 4, 2022,	Page 6
<i>Yick Wo v. Hopkins</i> , 118, U.S. 536 (1886)	Page 6
<i>Heck v. Humphrey</i> , No. 20-659 Supreme Court of the United States Decided April 4 th , 2022,	Page 6
<i>Van de Kamp</i> , 555, U.S. 335, (2009)	Page 7
<i>Manuel v. City of Joliet</i> , No.14-9496 Supreme Court of The United States, Decided March 21, 2017,	Page 8
<i>Gerstein v. Pugh</i> , No. 73-477 Supreme Court of The United States Argued March 25, 1974, Reargued October 21, 1974, Decided February 18, 1975,	Page 9
<i>Imbler v. Pachtman</i> , No. 74-5435 Supreme Court of The United States, Argued November 3, 1975, Decided March 2, 1976,	Page 9
<i>Matthews V. Eldrige</i> , 424 U.S. 319 (1976) "CITING" The Balancing test "Highlighting sufficient Due Process & Procedural Due Process protections	Page 10
<i>McDonough v. Smith</i> , 139 S. Ct. 2149 (2019)	Page 10

Statutes

42 U.S.C. § 1983 Citing Civil Action for Depravations of Rights	
42 U.S.C. § 1981 Citing Equal Protection of the Law	"Passim."

Rules

Supreme Court Rule 44	Page 4
Other Authorities: U.S. Constitutional Amendment[s] I* IV V VIII XIV	"Passim"

PETITION FOR REHEARING

Petitioner, Abussamaa Rasul Ramziddin, petitions for rehearing, Pursuant to this Courts Rule 44.2. Of this Court's October 16th, 2023, Order denying Petitioners Writ of Certiorari.

REASONS FOR GRANTING REHEARING

This Court's Rule 44.2 authorizes a Petition for rehearing based on grounds of "substantial intervening" & circumstances and substantial grounds not previously presented. The Third Circuit's decision is legally indefensible. The central issue is interpretation of the lower court's decision "patently wrong" with "no basis in law" to justify "egregious bias." The Third Circuit's decision warrants this Court's rehearing and either a grant or hold of Abussamaa Rasul Ramziddin, petition for certiorari.

- I. POINT I. "The United States Third Circuit Court of Appeals decision deepens the injury Constitutional Rights, which constitute a violation of fundamental rights to freedom of expression and protection[s] of Amendment[s] I.*, IV., V., VIII, XIV.***. As enshrined in the Constitution."

ARGUMENTS

The Third Circuit rejected claims of violations of 42 U.S.C.§ 1983, 1985, 1986, and here The Petitioner adds 42 U.S.C.§ 1981, for the Supreme's Court's review and review of the arguments of violations to fundamental rights to freedom of expression and protection[s] of Amendment[s] I.*, IV., V., VIII, XIV.***. As enshrined in the Constitution."

Petitioners request a succinct overview. The Petitioner argued that the subsequent proceedings followed by arrest and charges that ensued were unconstitutional,

unequivocally erroneous and devoid of legal merit. In Boyd v. United States, 116 U.S. 616 (1886) this Court emphasized that the Fourth Amendment protects against unreasonable searches and seizures. And that the Fifth Amendment protects individuals from being compelled to be a witness against themselves.

II. Point II The Third Circuit's ruling of strict scrutiny does not dovetail and is "Incongruous" with the longstanding precedents set by the United States Supreme Court, which has consistently held actions violating the United States Constitution to be prohibited.

ARGUMENTS

"Petitioner asserted the identical substantive concerns." In the brief and appendix to the 3rd Circuit, C.O.A. October 25th, 2022. In Mervilus v. Union County, U.S.C.O.A. for the 3rd Circuit decided two principal questions.[the "following is a condensed rendition" (1) did Mervilus introduce sufficient evidence (2) Is his Monell v. Dep't of Soc. Servs., 436. U.S. 658, 98 S. Ct. 2018, L.Ed.2d 611 (1978) the 3rd Circuit found that a reasonable jury could find *Kaminskas* fabricated.

The 3rd Circuit, also elucidated for the District Court's benefit on remand "we clear up additional points of confusion."

"The evidence presented In Ramziddin v. Onofri, et al. stands uncontroverted, unchallenged, and undisputed, providing an overwhelming basis in support of [the relevant matter]." The 3rd Circuit's intervening decision comes down decisively In Mervilus v. Union County, which was necessary to prevent an intractable split. To protect the integrity of process and the integrity of the law, which compels us all under

the United States Constitution of America, and to ensure the integrity of the system.

In Thompson v. Clark, 142 S. Ct. 1332 (2022) No. 20-659 decided April 4th, 2022, Larry THOMPSON, petitioner was charged and detained in State criminal proceedings, this situation of Thompson, exhibits comparable similarities that are overwhelmingly close or exact, Justice KAVANAUGH delivered the opinion of the Court; To maintain that a Fourth Amendment claim under 42 U.S.C. § 1983, a plaintiff such as Thompson must demonstrate, among other things, that he obtained a *favorable termination* of the underlying criminal prosecution. *Cf. Heck v. Humphrey*, 512, U.S. 477 (1994) Mr. THOMPSON, charges were dismissed before trial without any explanation by the prosecutor or judge. After the dismissal, Mr. THOMPSON, alleged that the police officers who initiated the criminal proceedings had "maliciously prosecuted" him without probable cause. THOMPSON sued and sought money damages from those officers in Federal Court. As relevant here in Ramziddin, supra, The Petitioner advanced a fourth Amendment Claim under 42 U.S.C. § 1983 for malicious prosecution.

Please refer to earlier references in the Brief and appendix, and the Petition for Writ of Certiorari Petitioner Ramziddin supra, No. 23-5333,

"THE UNITED STATES CONSTITUTION IS NOT JUST A LAW FOR CASUAL OR LACKADAISICAL COMPLIANCE, BUT RATHER A FOUNDATIONAL DOCUMENT THAT SUPERSEDES ALL OTHER LAWS AND PERSONAL OPINIONS FORMED OUTSIDE OF THE MAIN ARTERY THAT IS "CORNERSTONE" THIS ENSURES THAT THE PROTECTIONS OF BOTH CITIZENS AND NON-CITIZENS ARE ENFORCED TO THE FULLEST EXTENT; THE LETTER OF THE LAW IN ORDER FOR ALL INDIVIDUALS TO FULLY BENEFIT FROM AND EXPERIENCE THE EFFECTS OF CONSTITUTIONAL PROVISIONS." see Yick Wo v. Hopkins, 118 U.S. 356, (1886).

Petitioner argues the Third Circuit not only misused inherent biases of "The critical evidence of 'Procedural Due Process' and 'Due Process' also failed to 'expound' which also includes the Due Process protections of the Fifth Amendment, that were overlooked, and neglected by the Third Circuit Court of Appeals, undermining the validity of arguments presented in Ramziddin v. Onofri No. 23-5333, on appeal from 22-2798 seeking Certiorari.

Previous precedents clarified deliberate indifference requires a showing of purposeful, intentional conduct rather than mere negligence or inadvertence.

The Third Circuit's failure to establish proper precedent's amounted to the support of deliberate indifference from the respondents', which is subject The Petitioner to the respondents' liability, which created a custom or practice that violated The Petitioners' constitutional protections see Van de Kamp v. Goldstein, 555 U.S. 335 (2009) thus fore validating the Petitioners' claims under 42 U.S.C. § 1983 deprivations of Civil Rights and 42 U.S.C. § 1981 denial of equal protections of the law.

Once notified of injury and harm suffered the affliction must be cured. It is imperative that the affliction be promptly remedied with the utmost urgency, surpassing the speed of light to ensure the implementation of guaranteed protections and adherence to the legal guidelines that bind us all. The Petitioner advised his counsel that The Petitioner was being "duly deprived" of established laws, procedures, or Constitutional Protections.' The Petitioner argued to the Third Circuit that plausible conspiracy is relevant to the proceedings from factual statements made from The Petitioners'

counselor. The Petitioner asserts that once the notification was in fact given immediate corrective protective actions should have been taken to enforce the law because "The Constitution" has been breached and the case has been tainted and must be cured. The Petitioner also submitted a Motion to Dismiss the Indictment with Prejudice which was granted this evidence was submitted to the Third Circuit Court of appeals.

Lionelli v. Hamilton Township et al. 3:18-cv-00637 Mr. Lionelli who was arrested on January 17th, 2016, spent 25 months to get the charges against him dismissed was represented by counsel, who filed under 42 U.S.C. § 1983 for his client Michael Lionelli, while the charges were in criminal proceedings; pending in Superior Court. Mr. Lionelli, Michael, & Mallon, Thomas filed in United States District Court for the District of New Jersey, on Tuesday January 16th, 2018, {receipt number 0312-8399271} as result of civil action under 42 U.S.C. the State criminal charges were dropped and dismissed and settlement was reached and agreed to pay Mr. Lionelli a sum of 950,000 dollars. This egregious act contravenes the precedent set in Cf. Heck, supra 512 U.S. at 484-485, 114 S. Ct. 2364; it prevents civil suits from being improperly used as collateral attacks on criminal proceedings. With it appearing the charges were dropped as result or part of monetary settlement because of the 42 1983.

Point III.

The Third Circuit's decision vividly illustrates the difficulty in effectively enforcing the unworkability of holding authorities accountable for gross negligence in their actions for abuse of the badge of authority, and abuse of position and power.

Ensuring integrity of the judicial process right to be free from unreasonable seizures extends beyond the start of legal process, such as the initiation of a criminal prosecution. See *Manuel v. Joliet*, 137 S. Ct. 911. (2017)

A Balancing Test by the Third Circuit should have been implemented determining "Deprivations of Rights", and denial of equal protection of the laws should have been considered contemplating violations of the Due Process Clause of the Fifth & Fourteenth Amendment[s], to ensure that The Petitioner had received fair assessment to; (1) Determine the existence of a fundamental right, (2) Assess the legitimacy of government interest. such evaluation would have assured protection to the Petitioner, and safeguarded the public from contumacious behavior that contradicts *Gerstein v. Pugh*, 420 U.S. 103 (1975) the precedents set in *Gerstein, supra*, are key principles required in adjudicating: (1) Probable Cause Determinations, (2) Timing of the Determination, (3) Judicial Review. The Petitioner asserts the Third Circuit failure to properly enforce the judicial review which constitute violations of mandates that ensure rights are upheld pursuant to Cornerstones.'

In *Imbler v. Pachtman*, 424 U.S. 409 (1976) This Court acknowledged the harm caused by prosecutorial misconduct. The pursuit of Justice requires seeking truth. Prosecutors are in the best position to cure wrongs. The Petitioner has previously detailed in the Writ of Certiorari, and the Brief and Appendix to the Third Circuit, the respondents are co-workers and have

developed a close working relationship as friends and colleagues. Van De Kamp, supra, he alleged that prosecutors knew, yet failed to tell defendants attorney, valuable impeachment information. Now reverse the Petitioners counselor who is a recently former employee of the Mercer County Prosecutors Office. Now an Attorney for a premier law firm. Former Prosecutor that missed critical Constitutional violations and guaranteed "Cornerstones." Imbler, supra, although defendant here challenged administrative procedures, they are still procedures that are linked with the trail's conduct are therefore protected.

The Third Circuit disregarded the inherent threat and harm, and failed to uphold the absolute violations of depravations of rights highlighting the failures to protect The Petitioners' equal protections of the laws that are afforded to the Petitioner. Mathews v. Eldridge, 424. U.S. 319 (1976). The Court established a three-part test to assess the Constitutionality of procedures. Although the Petitioner received a favorable outcome through the complete dismissal of their indictment with prejudice. "Ad hoc" Mathews, supra, the Mercer County Superior Court, failed to provide the Petitioner with some sort of evidentiary hearing to clarify the erroneous errors by the responsible parties, which violates the spirit of Mathews, supra, this Court consistently has held that some form of hearing is required before an individual is finally deprived of property interest life and liberty, The "Right to be heard before being condemned to suffer grievous loss of any kind, even though it may not involve the stigma and hardship's of a criminal conviction is a principle basic to our society." The fundamental requirement of due process is the opportunity to be heard "at a meaningful time and in a meaningful manner."

"In spite of the Petitioner's diligent efforts to raise awareness about the numerous illegalities and

unaddressed errors in this case, the Petitioners concerns were completely ignored and grossly disregarded by Petitioner's counsel, and the prosecution. These actions directly contravene established legal principles, as highlighted in several Landmark cases by this Court such as McDonough v. Smith, 139 S. Ct. 2149 (2019). The Petitioner risks tipping his hand to his defense strategy, undermining his privilege against self-incrimination, and taking on discovery obligations not required in the criminal context. The Petitioner routinely spoke with his hired counsel, with information provided to counsel appearing to work against the Petitioner. See United States v. Bagley, 473 U.S. 667 (1985) This Court addressed the issue of the prosecution's duty to disclose favorable evidence to the defense, also known as the BRADY DISCLOSURE Rule. & enforcing applicability of Strickland v. Washington, 466 U.S. 668 (1984). Also see United States v. Chronic, 466 U.S. 648 (1984) The Supreme Court recognized that there are circumstances where the right to effective assistance of counsel may be violated, even without showing a specific errors or omissions by counsel. This Court held that if the circumstances are such that counsel is unable to provide meaningful assistance or if there is a complete denial of counsel, then prejudice is presumed. Kimmelman v. Morrison, 477 U.S. 365 (1986). This Court held that the same two-pronged test established in Strickland, supra, should be applied to claims of ineffective assistance of Appellate counsel, such as The Petitioners as The Third Circuit blatantly disregarded The Petitioners' "Cornerstones." This Court explained that there are situations where the adversarial process itself is undermined, rendering the assistance of counsel ineffective. This could occur, for example, in cases where the defense attorney is completely unprepared or unable to function as an advocate.

CONCLUSION

For the foregoing reasons, and those stated in the petition for writ of certiorari, the Court should grant rehearing, and grant the petition for writ for certiorari.

ABUSSAMAA RASUL RAMZIDDIN
207 HERITAGE COURT
PENNINGTON, NEW JERSEY 08534-5285
609.477.2184
abussamaaramziddin@gmail.com

COUNSEL PRO-SE, FOR THE PETITIONER

October 27th, 2023.