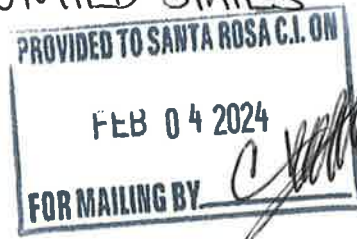


SUPREME COURT OF THE UNITED STATES

CHRISTOPHER TAKHVAR
PETITIONER



V

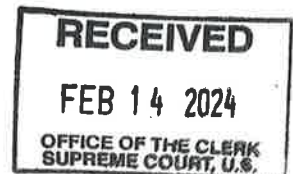
CASE NO: 23-6071

WARNER BROS. DISCOVERY INC., et al
RESPONDANTS

PETITION FOR REHEARING

Comes Now the petitioner CHRISTOPHER TAKHVAR Pro-Se in the above styled cause. Petitions this Honorable court for a "Rehearing" of the order denying the Petition for Writ of Certiorari Pursuant to the rules of the Supreme Court of the United STATES, Rule 44.2 With the following facts to support:

- The petitioner presents two substantial grounds not previously presented.
- 28 USC § 2403(a) may apply



Questions Presented

Is the federal statute "28 USC 1915A" valid, wherein the federal provision violates the first amendment right "to petition the government for redress of grievances" and the Seventh amendment "in suits at common law, the right of trial by jury shall be preserved" US Constitution, and when the nature of the federal provision is aimed at an evasion of a prisoners constitutional rights, and does the US District Courts Screening Process pursuant to "Prison Litigation Reform Act (PLRA)" and "under 28 USC 1915A" admit for an unconstitutional discretionary dismissal?

Is federal Rules of Appellate Procedure Rule 24(a)(3) valid, and is a Pro-Se Plaintiff who has previously been ordered to proceed in the US District Court action "In forma Pauperis" required to "seek further Authorization" or "pay a docketing fee" to file an appeal in the US Court of Appeals, and would dismissal in the US Court of Appeals [of an Appeal] by Clerks Order be valid and appropriate, when the ground for dismissal states:

Dismissed for want of prosecution because the appellant CHRISTOPHER L TAKHVAR failed to pay the filing and docketing fees (or file a motion in the [US] District Court for relief from the obligation to pay in advance the full fee) to the district court within the time fixed by the rules."?

STATEMENT OF THE CASE

- In Nov. 2022 the petitioner filed civil suit in the US District Court Case No: 5:22-cv-576-PGB-PRL
- In Dec. 2022 the petitioner filed an amended civil complaint to correct grammatical errors.
- On March 1 2023 the US District Court granted the plaintiffs "Motion to Proceed In Forma Pauperis" in the civil action in US District Court.
- On May 22, 2023 the petitioner filed a "Motion for Service of Process"
- On June 1, 2023 the US District Court issued an Order dismissing the case with 30 days to correct and denying the "Motion for Service of Process" as "moot."
- On June 25, 2023 the petitioner filed a second amended civil complaint in US District Court.
- On Aug 17, 2023 the US District Court issued an order dismissing the second amended civil complaint "under 28 USC 1915A failure to state a claim."
- On Aug 18, 2023 an Order of Judgment was issued in US District Court citing "failure to state a claim."
- On Aug 28, 2023 the petitioner timely filed a notice of Appeal in the US District Court (for appeal in Eleventh Circuit)
- On Sept 28, 2023 the clerk of Court for the US Court of Appeals issued an order dismissing the appeal Case No: 23-12809-G

- On Oct 5, 2023 the petitioner filed a Motion to Reconsider Vacate or Modify" regarding the erroneous clerks order.
- On Nov 1, 2023 the petitioner filed petition for Writ of Certiorari in the Supreme Court of the United States Pursuant to 28 USC 2101(e) "Emergency appellate jurisdiction".
- On Jan 22, 2024 the Supreme Court of the United States issued an Order denying "Certiorari".
- No Court has certified pursuant to 28 USC 2403(a) the fact an act of Congress was drawn into question.

Pursuant to Rules of the Supreme Court Rule 29.6 a "CIP" was filed with "Petition for Writ of Certiorari".

Additional Reasons for Granting Petition

The United States Constitution is the supreme law of the land. and the constitution provides that:

1ST Amendment

"Congress shall make No Law ... abridging the right of the people... to petition the government for redress of grievances"

7TH Amendment

"In suits at common law where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved,"

In 1996 Congress Passed the "PLRA"
(Prison Litigation Reform Act)

Federal Statute 28 USC 1915A "a product of PLRA"
is in violation of the Constitution
Marbury v Madison 5 US 137 (1803)

The United STATES District Courts are arbitrarily applying the provisions in "28 USC 1915A" to evade the constitutional rights of a citizen (prisoner) resulting in dispositive prejudice of Due Process and equal protection of the law.

McCulloch v Maryland 17 US 316 (1819)
Affirmed the Constitutional doctrine of Congress' "Implied Powers"

The Supreme Court of the United States is the ultimate authority in interpreting the constitution.
Martin v Hunters Lessee 14 US 304 (1816)

RELIEF

The Petitioner CHRISTOPHER TAKHVAR requests that the Supreme Court of the United States grant "Certiorari" and reverse and vacate the Clerks Order in the US Court of Appeals and allow the petitioner to proceed with the appeal in Case No: 28-12809-G (11th circuit) and any other relief that this court deem appropriate.*1

Respectfully Submitted,


CHRISTOPHER TAKHVAR PRO SE
DC # FB0391
Santarosa Correctional
Institution Annex
5850 East Milton Road
Milton, FL 32583

*1 To include, reverse and vacate the US District Court dismissal of the Second Amended civil complaint
Case No: 5:22-cv-576-PGB-PRL

SUPREME COURT OF THE UNITED STATES
CERTIFICATE

I HEREBY CERTIFY that the foregoing document
"Petition for Rehearing" is presented in Good faith
and Restricted to substantial grounds not
previously presented, and Not for Delay.

Executed on 4TH Day of February 2024


CHRISTOPHER TAKHAR PRO:SE
DC # F60391
Santarosa Correctional
Institution Annex
5850 East Milton Road
Milton, FL 32583

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

CHRISTOPHER L TAKHVAR,

Plaintiff,

v.

Case No: 5:22-cv-576-PGB-PRL

WARNER BROS. DISCOVERY INC.,
et al.,

Defendants.

ORDER

Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 4) is **GRANTED** to the extent that the case may proceed without the prepayment of the entire filing fee. Plaintiff shall pay an initial partial filing fee of \$0.00 as provided in 28 U.S.C. § 1915(b)(1)(A). Plaintiff is assessed the total \$350.00 filing fee.¹

As funds become available in Plaintiff's prison account, he shall be required to make monthly payments of twenty percent of the preceding month's income (that is, all funds deposited into the account) credited to the account. Upon receipt of this Order, the agency having custody of Plaintiff shall forward payments from Plaintiff's account on a monthly basis to the Clerk of Court each time the amount in the account exceeds \$10.00. These payments shall continue until the filing fee of \$350.00 is paid in full. The following information shall either be included on the face of the check from the penal institution, cashier's check, or money order or attached thereto: (1) the full name of the prisoner; (2) the prisoner's inmate

¹ See also *Wilson v. Sargent*, 313 F.3d 1315, 1318 (11th Cir. 2002).

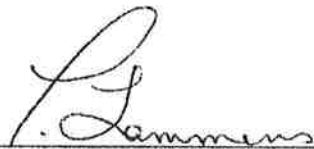
number; and (3) Middle District of Florida Case Number. Checks or money orders which do not have this information will be subject to return.

Plaintiff is warned that he is ultimately responsible for payment of the filing fee if the agency having custody over him lapses in its duty to make payments on his behalf. Thus, in case of transfer, Plaintiff should ensure that any new institution is advised of this lawsuit and Plaintiff's payment obligations. Plaintiff should retain a copy of this Order for that purpose.

The Clerk is directed to send a copy of this Order to the Supervisor, Inmate Trust Funds at Plaintiff's current place of incarceration.

IT IS SO ORDERED.

DONE AND ORDERED at Ocala, Florida, this 1st day of March 2023.



PHILIP R. LAMMENS
United States Magistrate Judge

c: *pro se* Plaintiff

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 23-12809-G

CHRISTOPHER L. TAKHVAR,

Plaintiff - Appellant,

versus

WARNER BROS. DISCOVERY INC.,
INVESTIGATION DISCOVERY CHANNEL,
APPLE, INC.,
AMAZON INC.,
MICROSOFT INC, et al.,

Defendants - Appellees.

Appeal from the United States District Court
for the Middle District of Florida

ORDER: Pursuant to the 11th Cir. R. 42-1(b), this appeal is DISMISSED for want of prosecution because the Appellant Christopher L. Takhvar failed to pay the filing and docketing fees (or file a motion in the district court for relief from the obligation to pay in advance the full fee) to the district court within the time fixed by the rules.

Effective September 28, 2023.

DAVID J. SMITH
Clerk of Court of the United States Court
of Appeals for the Eleventh Circuit

FOR THE COURT - BY DIRECTION