

ORIGINAL

No. 23-6450

IN THE  
**Supreme Court of the United States**



*8/15*

ALFRED CORREA DIZON,

*Petitioner,*

*v.*

VECTRUS SYSTEMS CORPORATION,

*Respondent.*

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**ON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT**

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**PETITION FOR REHEARING**

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## PETITION FOR REHEARING

Dear Clerk of the Supreme Court,

I, Alfred C. Dizon, (Pro-Se Litigant), seeks rehearing of the lower court's findings, recommendation, and final decision regarding above case, where legal basis of appeal is due to "*judicial error*". 1st Lower court's ruling was erroneous, because the judge did not apply the law in my case, due to the fact that the lower court did not allow *pro-se litigant*, to present important legal/admissible evidence (that should have been allowed/presented during trial) which is inherently prejudicial—resulting in adverse judgment or opinion formed beforehand (on court's part) without basing merits on the facts, and not knowing full knowledge of the facts. 2nd legal grounds for objection is violation of Appellant's "*legal rights*" as "*fundamental error*" (a violation under the U.S. Constitution/Amendments and Bill of Rights). Since error is "*clear and obvious*" in lower courts part, the Federal Appellate Court can/should apply "*plain error rule*" (only if error is clear and obvious), and said "*exclusion*" and "*denial*" on the part of the lower court clearly affected appellant's substantial rights, because judicial ruling is considered to have affected litigant's substantial rights its impact is/was inherently prejudicial, and that said anomalies (*error of law, major law/facts/ evidences that were left out, plus, an important argument that was not included*) plus suppression and disregarding of evidences greatly influenced the unwanted outcome/result of the judges final decision.

requested “*officially requested in writing*” by Pro-Se Litigant but to no avail . . . Defense party never complied or produced requested documents at all. Which is a **violation of “FRCP-Rule 26”**—“*Duty to Disclose*”, and also a **violation of “FRCP-Rule 37”**—“*Failure to participate in the Discovery Process*”. Taking advantage of Pro-Se Litigant’s little knowledge of the law and its procedural processes.

Furthermore, and due to lower court inhibiting Appellant from presenting proffered evidence/s in any type of court setting which is also a clear violation of Appellant’s 14th Amendment Right under “***due process clause***”- which is Appellant’s right to a fair, impartial, arbitrary, and unbiased trial/hearing.

2. “**Exclusion of Evidence**” and “**Prohibition**”— wherein lower court prevented Appellant from presenting his “**collected evidences**” which is a violation of Appellant’s Constitutional Rights from being used in a Court. My question to ask here under “*Substantive Due Process*” is:

“Whether Government’s deprivation of Appellant’s evidence/ exhibits is justified by a sufficient purpose?”

3. “**Judge’s Abuse of Discretion/Power**”—Another anomaly of said court was Magistrate Judge’s ruling was “*Arbitrary*” based on individual discretion, rather than a fair application of the law. Because under procedural “*due process*” which refers to constitutional requirement, that when the government acts in a manner that “*denies*” a citizen of : Life, Liberty, or Property Interest . . . The person must be given **3-requirements under due process**:

## FURTHER CLARIFICATIONS OF COURT'S STATUTE/PROVISIONAL ERROR/S

Due to "Exclusion of Evidence" ("Evid. Code § 354") enacted by Stats. 1965, Chapter 299.

"Reversal (of Decision) for Erroneous Exclusion of Evidence" states:

A verdict or finding shall not be set aside, nor shall the judgment or decision based thereon be reversed, by reason of the erroneous exclusion of evidence/s unless the court which passes upon the effect of the error/s complained of resulted in a miscarriage of justice and it appears of record that:

- a.) The substance, purpose, and relevance of the excluded evidence was made known to the court by the questions asked, an offer of proof, or by any other means.
- b.) The ruling of the court made compliance with subdivision (a) futile; or
- c.) The evidence was sought by questions asked  
...

When a trial court excludes evidence, the party who offered the evidence must make an "*offer of proof*" to avoid waiving the right to a new trial or an appeal based on the erroneous exclusion of that evidence/s [Evid. Code § 354 (a)].

In addition, **according to Rule 9. 180(f)(2)** states that a Party may direct that the record include such evidence if the evidence was proffered and one of the exclusion/s of the evidence is one of the issues on appeal. And this is an issue that Appellant had brought-up to said lower court, as well as to the Appellate Court, and now also bringing it up again to the attention to this high court.

**Under “Rule of Law”:**

“A principle under which, all persons, institutions, and entities are accountable to laws that are: Publicly Promulgated, Equally Enforced, and Independently Adjudicated and Consistent with International Human Rights Principle”.

Wherein under “Rule 5 of Law” that:

- 1.) No one is above the Law.
- 2.) Everyone is treated equally/justly under the law.
- 3.) Everyone is held accountable to the same laws.
- 4.) There are clear and fair processes for enforcing laws.
- 5.) There is an Independent Judiciary and Human Rights are guaranteed for all.

of said evidences were allowed, this would also “divulge/expose” Defense party’s wrongful utilization of “pretext” in unlawfully and illegally terminating me (Appellant) from gainful employment.

C.) Furthermore, the process of “preponderance of evidence” would have also been met and satisfied, if an actual court (“voir dire”) hearing or any type of court discussion (with all court participants present) had been granted Appellant.

As far as Appellant is concerned, my proffered evidences/exhibits were “*never included*” or “*given any attention*” in the review, assessment, and adjudication process (of said magistrate judge’s findings), due to the fact that “no one attested/witnessed” (i.e. no judge, jury, or litigants, attested or witnessed Magistrate judge’s reviewal or assessment), and that no “*meeting of the minds*” never occurred, to review, discuss or debate said case. How magistrate judge conjured/arrived to his own conclusion? Is a question I should ask, or request an explanation for because “*by law*” “Denial of a Federal Hearing” is a direct violation of Appellant’s Right under *the U.S. Constitution*, cause 7th Amendment states:

In suits at common law, where the value in controversy shall exceed twenty dollars, The “right of trial by jury shall be preserved”, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of common law.

And the Seventh Amendment “requires” “*civil jury trials only in federal courts*”. (in which “*by law*”

world. Thus, the numerous grounds stated/provided above should be ample reasons for this honorable high court to consider my petition for rehearing.

And last but not least, for this high court to consider, and contemplate why the “Appellate Court of New Orleans”, “remanded” case back to said lower court for “Want/Lack of Jurisdiction” leaving my case “undecided” and in “limbo”?

I, Alfred C. Dizon (Pro-Se Litigant) humbly ask this honorable court to:

- 1.) “GRANT”—for high court agreeing to hear appeal
- 2.) “VACATE”—to cancel/void Order/Judgment of Lower Court.
- 3.) “REMAND”—send back case to lower court for further action.

In lieu of denying appeal, any of the above Supreme Court practices mentioned above would be highly appreciated and would be a sigh of relief to Appellant.

NOTE:

If a “*Writ of Mandamus*” is required to be filed by Appellant, in order for the Lower Court to legally perform/carry-out their official duties, in order for them to “*to proceed and provide closure*” regarding this undecided case of mine, just inform me and it would be gladly and wholeheartedly filed/turned-in by Litigant.

**CERTIFICATE OF GOOD FAITH**

Pursuant to Rule 44.2, Counsel for the Petitioner certifies that the Petition is restricted to the grounds specified in the Rule with substantial grounds not previously presented. Counsel further certifies that this Petition is presented in good faith and not for delay.

Respectfully submitted,

Alfred Dizon

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SUPREME COURT OF THE UNITED STATES

No. 23-6450

-----X

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*v.*

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*Respondent.*

-----X

**CERTIFICATE OF COMPLIANCE**

As required by Supreme Court Rule 33.1(h), I certify that the document contains 2,494 words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 7th day of November, 2024.



\_\_\_\_\_  
Mathew Planalp

Sworn to and subscribed before me  
on this 7th day of November, 2024.



**MARIANA BRAYLOVSKIY**  
Notary Public State of New York  
No. 01BR6004935  
Qualified in Richmond County  
Commission Expires March 30, 2026

**AFFIDAVIT OF SERVICE**

SUPREME COURT OF THE UNITED STATES

No. 23-6450

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-----X

STATE OF NEW YORK )

COUNTY OF NEW YORK )

I, Mathew Planalp, being duly sworn according to law and being over the age of 18, upon my oath depose and say that:

I am retained by the Petitioner.

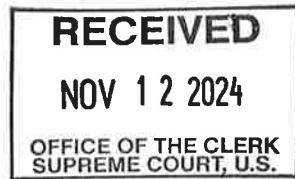
That on the 7th day of November, 2024, I served the within *Petition for Rehearing* in the above-captioned matter upon:

LITTLER MENDELSON  
2001 Ross Avenue, Suite 1500  
Lock Box 16  
Dallas, TX 75201-2931  
Telephone: (214) 880-8100

c/o

SANDY TRAVERS (LEAD DEFENSE COUNSEL)  
stravers@littler.com

ROSS G. REYES (ASSISTANT DEFENSE COUNSEL)  
rgreyes@littler.com



by sending three copies of same, addressed to each individual respectively, through the United States Postal Service, by Priority Mail.

That on the same date as above, I sent to this Court forty copies of the within *Petition for Rehearing* and two hundred dollar filing fee check through the Overnight Next Day Federal Express, postage prepaid.

All parties required to be served have been served.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 7th day of November, 2024.



---

Mathew Planalp

Sworn to and subscribed before me  
this 7th day of November, 2024.



**MARIANA BRAYLOVSKIY**  
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