

NO. 23-6782

IN THE

SUPREME COURT OF THE UNITED STATES

R.R.,

Petitioner,

v.

**West Virginia Department of Health and Human Resources,
Child Protective Services, et al.,**

Respondents.

**On Petition for a Writ of Certiorari to
The Supreme Court of Appeals of West Virginia**

PETITION FOR REHEARING

**Richard Allen Robb
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PETITION FOR REHEARING ORDER DENYING CERTIORARI

INTRODUCTION

Pursuant to Rule 44.2 of the Rules of the Supreme Court of the United States, petitioner R.R. requests Rehearing of the Order entered April 15, 2024 denying her petition for a writ of certiorari; petition to proceed *in forma pauperis* having previously been granted. She brings this petition because there is now confirmation her grandson was adopted while she was litigating this same matter before state courts notwithstanding multiple applications to stay (prevent) adoption by others from occurring. This confirmation of adoption constitutes an intervening and substantial matter petitioner had been previously unable to present adequately to this Court.

GROUND FOR REHEARING

A flurry of activity occurred while the petition for a writ of certiorari was pending adjudication. The state trial court once more denied petitioner visitation with her only grandchild, now going on five years-old and whom she has never met. Seeing no other alternative after years of fruitless efforts, the petitioner filed motions to disqualify the trial judge, who has never afforded her any manner of relief in this matter. Petitioner sought disqualification on grounds of bias (age, race, and disability), evidence obtained through “ex parte” communications, delay, and inappropriate personal conduct.¹ Responding to these motions to the state appellate court chief justice, responsible for adjudicating such motions under the applicable rules, the trial court judge confirmed petitioner’s grandchild had been adopted April 29, 2022. This established child’s adoption had occurred while petitioner was litigating this same matter before state trial and appellate courts.²

1. Only “ex parte” communications were included in petition for writ of certiorari. Bias included indifference to race and disability exhibited by trial judge’s unsolicited bench comments concerning petitioner’s use of a cane. A “party” of 150 to 200 high school students at judge’s residence while she and her husband were present causing neighbors to call the police represented to petitioner the judge was unsuited under the rules governing judicial conduct to render decisions concerning petitioner’s ability to care for a child. (emphasis supplied)
2. Record here shows state trial court and state appellate court had denied petitioner’s multiple applications to stay adoption before and after date the child was adopted. [Ref. Supp. Apps. G/H, pp. 30-35 (under seal)]

While the petition for writ of certiorari addressed multiple violations of petitioner's rights under the Fourteenth Amendment, this discussion adds violations under the Thirteenth Amendment as well. The adoption occurred while petitioner was seeking to adopt the child herself and she had filed numerous applications to stay adoption while she was doing this. Most were denied, and the rest ignored.

This Court while generally refraining to attribute proscribed conduct to "badges of servitude" or laws for enforcement, has nevertheless recognized such conduct may exist and be subject to prohibition. See, Jones v. Alfred E. Mayer Co., 392 US 409, 439 (1968), Palmer v. Thompson, 403 US 217, 226-227 (1971), and City of Memphis v. Greene, 451 US 106, 125-126 (1981) Here state action, by courts no less, ignored rules appropriate for pausing to allow for adjudication. Instead an arbitrary separation of family occurred no different than an ante-bellum slave market's treatment of persons under involuntary servitude.

CONCLUSION

Petitioner asks this matter be remanded to the appropriate state court(s) with instructions to recognize basic and fundamental constitutional laws.

Respectfully submitted

/s _____
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April 25, 2024

CERTIFICATE OF COUNSEL

I, Richard Allen Robb, counsel for petitioner, R.R., certify this Petition for Rehearing is presented in good faith and not for delay, and it is restricted to the grounds specified in Supreme Court Rule 44.2

s/ Richard Allen Robb/
Richard Allen Robb

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PROOF OF SERVICE

I, Richard Allen Robb, counsel for petitioner, declare this day of April 25, 2024 as required by Supreme Court Rules 29 and 44.2, I have served a copy of the enclosed Petition for Rehearing by US Mail to Michael Ray Williams, counsel of record for respondents, at the Office of the West Virginia Attorney General, State Capitol Complex, Bldg. 1, Rm. E-26, 1900 Kanawha Blvd., E, Charleston, WV 25305.

Richard Allen Robb

