

NO. 23-7368

IN THE SUPREME COURT OF THE UNITED STATES

DENISE JOAN JOHNSON,

Petitioner

Vs.

MARK WITCHER,

Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES OF APPEALS FOR THE EIGHTH
CIRCUIT

PETITION FOR REHEARING

DENISE JOAN JOHNSON
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SUPREME COURT, U.S.

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APPEALS FOR THE EIGHTH CIRCUIT

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To the Honorable Justices of the Supreme Court of the United States:

Petitioner respectfully submits this Petition for Rehearing pursuant to Rule 44 of the Rules of this Court, based on errors of law and constitutional violations overlooked in the Court's decision. This petition addresses ongoing violations of the First and Fourteenth Amendments of the United States Constitution in the context of religious discrimination.

GROUND FOR REHEARING

1. Violation of First Amendment Rights

The Court's decision fails to adequately safeguard a Petitioner's constitutional right to the free exercise of religion under the First Amendment.

Petitioner was subjected to discrimination based on religious beliefs, which led to adverse treatment by the Respondent. The decision overlooks key evidence demonstrating how Respondent's actions burdened Petitioner's religious practices without a compelling governmental interest or narrow tailoring as required by this Court's precedent in *Sherbert v. Verner*, 374 U.S. 398 (1963).

Specifically, the Respondent's termination of employment represents a direct violation of the Free Exercise Clause. This Court has held that even neutral laws of general applicability can violate the Free Exercise Clause when they impose substantial burdens on religious practices, as in *Church of the Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520 (1993).

2. Violation of the Fourteenth Amendment

The decision also fails to address the violation of the Petitioner's rights to equal protection and due process under the Fourteenth Amendment. The petitioner has been treated unequally compared to individuals of other religious beliefs or no religious affiliation without a rational basis or legitimate justification.

Moreover, procedural due process violations occur when a meaningful opportunity to present evidence is denied. The petitioner has not had the chance to stand before a judge and give testimony, which constitutes a deprivation of the Petitioner's rights as recognized in *Mathews v. Eldridge*, 424 U.S. 319 (1976).

INTERVENING CIRCUMSTANCES

No additional evidence demonstrating the systemic nature of the religious discrimination at issue has come to light since the court's decision.

CONCLUSION

Petitioner respectfully requests that this Honorable Court grant this Petition for Rehearing, vacate its prior decision, and remand the case for further proceedings consistent with the constitutional protections afforded under the First and Fourteenth Amendments.

Respectfully submitted,
Denise Joan Johnson
8619 South 32nd Street
Fort Smith, AR
479-651-3032

Date: November 18, 2024

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CERTIFICATE OF COUNSEL

I, Denise Joan Johnson, the pro se petitioner in this case, certify the following pursuant to Rule 44.2 of the Rules of the Supreme Court of the United States:

1. This petition for rehearing is presented in good faith and not for purposes of delay.
2. I believe that the grounds set forth in the Petition for Rehearing are substantial and warrant consideration by the Court, as they address errors of law and constitutional violations that were overlooked or misapprehended in the Court's decision.
3. This petition complies with the requirements of Rule 44, including being limited to intervening circumstances of substantial or controlling effect, errors of law, or factual matters that were overlooked or misapprehended by the Court.

Respectfully submitted,


Denise Joan Johnson
Pro Se Petitioner

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November 18, 2024