

23-7526

IN THE
SUPREME COURT OF THE UNITED STATES

No. 23-265

PETITION FOR REHEARING A WRIT OF CERTIORARI
TO THE UNITED STATES SUPREME COURT

Thomas Webster

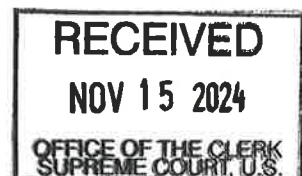
Petitioner

-against-

Natalie Haskin's et al.,

-Respondents-

Thomas Webster T-14
2100 Napa Vallejo Hwy.
Napa Ca.
94558
(707)-255-9705



PETITION FOR REHEARING

SUPREME COURT RULE 44

INTERVENING CIRCUMSTANCES OF A SUBSTANTIAL OR CONTROLLING EFFECT

GROUND FOR REHEARING

PLAIN ERROR

PLAIN ERROR

FEDERAL RULES OF EVIDENCE ; ARTICLE ONE (I)

FEDERAL RULES OF EVIDENCE

Rule 103. Ruling on Evidence

(a) PRESERVING A CLAIM OF ERROR.

A party may claim error in a ruling to admit or exclude evidence only if the error affects a substantial right of the party and:

(1) if the ruling admits evidence, a party, or on the record:

(A) timely objects or moves to strike ; and

(B) states the specific ground, unless it was apparent from the context; or

(b) NOT NEEDING TO RENEW AN OBJECTION OR OFFER OF PROOF.

Once the court rules definitively on the record-either before or at trial-a party need not renew an objection or offer of proof to preserve a claim of error for appeal..

(e) TAKING NOTICE OF PLAIN ERROR.

A court may take notice of a plain error affecting a substantial right, even if the claim of error was not properly preserved.

RULE 104 PRELIMINARY QUESTIONS

(a) IN GENERAL. The court must decide any preliminary question about whether a witness is qualified, a privilege exists, or evidence is admissible. In so deciding, the court is not bound by evidence rules, except those on privilege.

(b) RELEVANCE THAT DEPENDS ON A FACT. When the relevance of evidence depends on whether a fact exists, proof must be introduced sufficient to support a finding that the fact does exist.

FACTS OF HOW THIS REORT WAS ENTERED INTO THE RECORD

The Defendant admitted into evidence an Expert Opinion that was the controlling fact the court based their decision on, and that controlling effect is inadmissible as the Expert was never identified as required by the laws of the court.

After the District Court granted Summary Judgment (USDC Dkt. No. 91, SER pages 3-20) citing the report from Dr. David Mathis, (USDC Dkt. No.71-3,SER pages 769-889), I responded that in the record I could find no substantiation of this report.

This Expert Opinion was first introduced in a declaration by Mr. Phillip G. Allingham filed concurrently with the Motion for Summary Judgment (USDC Dkt. No. 71-4, SER pages 905-906).

I was never given a chance to ask questions about this report or depose the expert, or make any response whatsoever.

This report by PLAIN ERROR was submitted into the record.

FEDERAL RULES OF CIVIL PROCEDURE

RULE 26

Federal rule of Civil Procedure , Rule 26(2) *Disclosure of Expert Testimony. (A) In General.* In addition to the disclosures required by Rule 26(a)(1), a party must disclose to the other parties the identity of any witness it may use at trial to present evidence under Federal Rule of Evidence 702, 703, or 705.

Federal Rule of Civil Procedure Rule 26 (4) *“Trial Preparation:Experts (A) Deposition of an expert that may testify.* A party may depose any person who has been identified as an expert whose opinions may be presented at trial.”

FEDERAL RULE OF CIVIL PROCEDURE

RULE 37

Federal rule of Civil Procedure Rule 37 (b) Failure to comply with a court order, (A) *For Not Obeying a Discovery Order*. If a party or a party's officer, director, or managing agent- or a witness designated under Rule 30(b)(6) or 31(a)(4)- fails to obey an order to permit discovery, including an order under Rule 26(f), 35, or 37(a), the court where the action is pending may issue further just orders. They may include the following (iii) striking the pleadings in whole or in part; (vi) rendering a default judgment against the disobedient party;

Federal Rule of Civil Procedure; Rule 37(c)(1)...If a party fails to provide information or identify a witness as required by Rule 26(a) or (e), the party is not allowed to use that information or witness to supply evidence on a motion, at a hearing, or at a trial, unless the failure was substantially justified or harmless.

SUMMARY JUDGMENT

RULE 56(c) PROCEDURES.

Supporting Factual Positions. A party asserting that a fact cannot be or is genuinely disputed must support the assertion by: (A) citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits, declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials.

LIST OF PARTIES AND RELATED CASES

LIST OF PARTIES

[X] All parties do not appear in the caption of the Case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Thomas Webster ,

PETITIONER,

VS.

Pam Ahlin, Natalie Haskins, Rhonda Love, Dean Percy, Melody Samuelson ,

sued in his/her official capacities;

Respondent(s).

RELATED CASES

Thomas Webster

Case No. 18-01969 EJD (PR)

v

Melody Samuelson

Dismissed with leave to amend

filed on, (9/25/2018)

Dismissed on 11/28/2018 as being a duplication

OPINIONS BELOW

The opinion(s) of the United States court of Appeals for the 9th circuit is unreported and appears at Appendix A to the petition and is unpublished. (A)

The opinion(s) of the United States District Court for the Northern District of California appears at Appendix B to the petition and is unpublished. (B)

JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was November 3rd 2024.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: December 12th 2023, and a copy of the order denying rehearing appears at Appendix A.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including May 10th 2024 on January 22nd 2024 in Application No. 23A 670.

The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves Amendment XIV to the United States Constitution, which provides:

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No State shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor to deny to any person within its jurisdiction the equal protection of the laws.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The Amendment is enforced by Title 42, Section 1983, United States Code:

Every person who under the color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress, except that in any action brought without judicial counsel officer for an act or omission taken in such officer's official judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

REASONS FOR GRANTING THE PETITION

(a) a U.S. court of appeals has entered a decision in conflict with another U.S. court of appeals; has decided an important federal question in a way that conflicts with a decision by a State court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;

(b) a State court of last resort has decided an important federal question in a way that conflicts with the decision of another State court of last resort or of a U.S. court of appeals;

(c) a State court or a U.S. court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

The aforementioned rules of the court create a questions of law that only this court can decide. These rules are of great importance to justice, and is of a departure so far from the accepted and usual course of judicial proceedings, and/or has been sanctioned by a lower court, and affirmed by the court of last resort as to call for an exercise of this courts supervisory powers.

This decision if left uncorrected would be a great injustice, and could affect courts in all fifty states, the District of Columbia, and the judicial system as a whole.

The Plaintiff prays this court acknowledges the wrongs contained in this motion and the completely unfair dis-advantage that the Defendant created for the Plaintiff. I leave it to the court to decide if this was an intentional vexatious ploy to in effect purchase a favorable decision from the court by means of unlawfully introducing an Expert Witness's INADMISSABLE REPORT.

REASONS FOR GRANTING THE PETITION

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This decision if left uncorrected would be a great injustice, and could affect courts in all fifty states, the District of Columbia, and the judicial system as a whole.

The Plaintiff prays this court acknowledges the wrongs contained in this motion and the completely unfair dis-advantage that the Defendant created for the Plaintiff.

CONCLUSION

AND RELIEF SOUGHT

I believe the defendant has multiplied these proceedings by years, introducing at the last minute a totally new defense for shirking her responsibility in providing the needed care for myself that was solely her responsibility being the community program director at the time these occurrences took place.

There were specific guidelines in place that she choose to not follow. This lack of care led tyo a serious injury, which could have very easily ended Mr. Webster's life and is hardly the DE-minims injury's the defendant's representatives claimed when these proceedings began in 2018, (see the plastic surgeon's photos) (USDC Dkt.No.83, SER 232,233, and 234) I am seeking economic, and non-economic, compensatory, and punitive damages as the court sees fit, proper and just.

I Thomas Webster affirm that on October 30th 2024, I submitted this petition using the mailbox rule, and being readily familiar with the mail collection system here at Napa State Hospitals the mail deposited that day will be picked up and deposited into the U. S. Mail the next day.

Thomas Webster

A handwritten signature in black ink, appearing to read 'T. Webster', is written over a horizontal line.

2024 October 30th

CERTIFICATION OF COUNSEL
(PETITIONER IS REPRESENTING HIMSELF)

This motion for rehearing is presented in good faith and not to delay the proceedings. There are genuine intervening substantial and controlling effects not presented previously, and is restricted to the grounds specified in the rules of the Supreme Court, rule 44.

Case No. 23-265

Thomas Webster

A handwritten signature in black ink, appearing to read 'T. Webster', written over a horizontal line.

10/30/2024

PROOF OF SERVICE

Case No. 23-265

I, Thomas Webster, by my signature do swear and declare that I am the petitioner in this matter and I am over 18 years of age.

My address is: Napa State Hospital, 2100 Napa-Vallejo Hwy., Napa, CA 94558-6293

ID Number: NA-218556-9

On Oct. 30 2024, as required by Supreme Court Rule 29, I have served the enclosed:

MOTION FOR REHEARING A WRIT OF CERTIORARI ;

on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope(s) containing the above documents and all attachments in the custody of hospital employees at Napa State Hospital at the address listed above, with first class postage attached, and addressed as follows:

Clerk, Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct and this declaration was executed at Napa, California.

Dated: October 30th 2024

Thomas Webster

A handwritten signature in black ink, appearing to read 'Thomas Webster', is written over a horizontal line.