

No. 24-1008

IN THE
Supreme Court of the United States

JUSTICIA RIZZO,
Petitioner,
vs.
DOUG COLLINS
DEPARTMENT OF VETERAN AFFAIRS
Respondent,

ON WRIT OF CERTIORARI
FROM THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

PETITION FOR REHEARING

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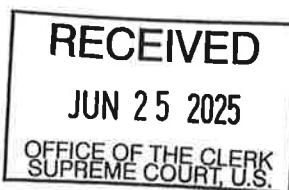


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PETITION FOR REHEARING

Petitioner JUSTICIA RIZZO, respectfully petitions for
rehearing of Denied Writ of Certiorari on May 27, 2025

REASONS FOR GRANTING REHEARING

Pursuant to Rule 44.2 authorizes a petition for rehearing based on “intervening circumstances of a substantial . . . effect.” Petitioner JUSTICIA RIZZO seeks to explain why the Supreme Court’s review was warranted in the first instance—namely, the Petitioner claims her due process rights established by the Civil Service Reform Act are being usurp by the Eastern District Court’s ruling and the Federal Court System is essentially abolishing any right to an EEOC civil remedy of her mixed case claim, after being

wrongfully terminated in **October 2014**. The Petitioner claims the entire case against her is one big fat lie, as a result of the lies, the Department of Veteran Affairs, stole more than 10 years of her life, disrupted her livelihood, and damaged her reputation. The Petitioner, who is subject to Administrative Process Administrative Procedure Act (APA), 5 U.S.C. 553. suffered extended litigation as a result of fraud committed by the Agency, that lead to her case being delayed and the MSPB 5 year lack of quorum, she has traveled a long road of despair only to be met with her due process rights being abolished because Petitioner **mistakenly** indicated on **AO form 440 Proof of Service** “she” made service , the Petitioner clearly established service was made via USPS certified mail, for all intents and purposes, service was made by an independent third party of the civil action . See **(APP C PGS 95-102) Docket # 31-32.**

INTERVENING CIRCUMSTANCES

The Petitioner has been in litigation for more than 10 years, her due process is being usurp based on erroneous case law submitted by the Eastern District Court .The Petitioner claims the verbiage on a service document is stripping the Petitioner of proper remedy . The Petitioner claims, the Eastern District Court and The Sixth Circuit Court of Appeals have promoted the rights progressive liberal

LGBTQ ideologies, such as making a county clerk pay an excessive amount of damages for upholding her religious beliefs SEE **Ermold v. Davis, No. 24-5524 (6th Cir. 2025)**, in another case the Sixth Circuit Court of Appeals reversed the Federal Courts Decision resulting in \$250,000 damages over retaliation tied to a twerking video SEE **Diei v. Boyd, No. 23-5771 (6th Cir. 2024)**. The Plaintiff in contrary, reported Patient Neglect of Geriatric patients, and was subject to 5 or more felonies at the hands of federal employees, but is being denied remedy because of a frivolous technicality . The Petitioner claims the District Court Judge Bunning has inflicted injustice by citing *improper* case law , which does not apply to her case. SEE WRIT APP B PG 65b where the it states in pertinent part

*Rule 4(c)(2) provides that service may be made by “[a]ny person who is at least 18 years old and not a party.” Fed. R. Civ. P. 4(c)(2) (emphasis added). Thus, because Rizzo is a party to the proceeding, she may not serve summons herself. Id.; Lee v. George, 2012 WL 1833389, at *3 (W.D. Ky. May 18, 2012) (“Since Lee is a party to the action, his attempt to serve process upon Judge George renders the service improper.”)*

The Petitioner did not personally show up in Washington DC to serve the Defendant, the case law, the judge quoted

is judicially incorrect. Additionally, Judge Bunning, quoted other case law implying the courts give latitude toward *pro se* litigants, though the Petitioner claims Judge Bunning offered no latitude to her. See Writ (APP B PG 73B) where the Judge Bunning's Order stated the following.

Certainly, the Court must afford additional latitude to parties untrained in the law, Haines v. Kerner, 404 U.S. 519, 596 (1972), as their misguided actions may be the consequence of inexperience or lack of specialized knowledge rather than borne of a desire to harass or delay. However, “[w]hile pro se litigants are afforded significant leeway . . . , those who proceed without counsel must still comply with the procedural rules that govern civil cases.” Frame v. Superior Fireplace, 74 F. App’x 601, 603 (6th Cir. 2003) (citations omitted). Thus, this forgiving approach to compliance with procedural rules has never “[been] interpreted so as to excuse mistakes by those who proceed without counsel.” McNeil v. United States, 508 U.S. 106, 113 (1993).

The Petitioner, argues the Supreme Court should grant said latitude, because she has contacted the DOJ and the Attorney Generals office, whom report having received all of her documents. The Petitioner provided service via USPS mail. See Writ APP C PGS 79C-102C. Thus having served

the appropriate parties seeks DEFAULT JUDGEMENT of her EEOC Civil Action which is part of an MSPB MIXED CASE CLAIM where there is no requirement to prove direct discrimination.

REQUEST FOR DEFAULT JUDGEMENT

The Petitioner, argues she may serve the Defendant through the mail pursuant to Federal Rules of Civil Procedure FRCP (4), after exercising due diligence in providing service, is entitled to DEFAULT JUDGEMENT. The record demonstrates there has been a FAILURE to plead or otherwise defend the case per FRCP 55(a).

1. The Petitioner timely filed her CIVIL COMPLAINT on **March 15, 2023**, in the Eastern District of Kentucky, which was sealed by the clerk. (APP C PG87c)
2. The Defendant for the Civil Action was Secretary of Veteran Affairs Denis McDonough, the head of the Agency for the “UNITED STATES” *pursuant to 10 EEOC Management Directive 110 Administrative Appeals, Civil Actions pg. 7 of 8* “Where it states in Pertinent Part “You must name the person who is the head of the agency or department head as the Defendant. The parties have since been substituted in accordance with Federal R. 25
3. The Petitioner argues the appropriate parties have been served pursuant to FRCP 4 (1) “Serving the

United States its Agencies, Corporations, Officers or Employees. FRCP4 does not explicitly rule out obtaining electronics signature, it simply indicates service must be made via registered or certified mail, thus proper service has been made on the Defendant.
See Docket# 16,17,18,19 (APP C PGS. 79-85 & 93-102)

4. The Petitioner contends, the courts are being harsh, rather than remanding the case for remedy because she had been granted pauper status, the courts could have used the US Marshalls to provide service, though the courts denied the Petitioner's Motion for Extension to correct any errors. (APP C PGS 76-90)

See Lepone-Dempsey v. Carroll Cnty. Comm'rs, 476 F.3d 1277, 1281 (11th 5 Cir. 2007) The district court's decision to dismiss the case without prejudice for failure to timely effect service was premature, whether a permissive extension of time was warranted under the facts . The Case was REVERSED and REMANDED

5. The District Court disputed service claiming the Summons was incorrect. The Petitioner argues the summons is correct (APP C PG 87c-88c) Docket #9
6. The courts claimed the Petitioner can't serve the Defendant because she is a party to the civil action, the Petitioner contends service was made via the post office,

who is an independent third party. See (APP C PGS 95-102) Docket # 31-32.

See Conley v. Gibson, 355 U.S. 41 at 48 (1957)

"Following the simple guide of rule 8(f) all pleadings shall be construed to do substantial justice" ... "The federal rules reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle purpose of a pleading is to facilitate a proper decision on the merits." The court also cited Rule 8(f) FRCP, which holds all pleadings shall be construed to do substantial justice.

See Rodriguez v. Westchester Medical Center (WMC) ...Supreme Court, Appellate Division, Second Department, New York. Jul 21, 2021
Citations 196 A.D.3d 659 (N.Y. App. Div.

2021)152 N.Y.S.3d 456 "The Supreme Court providently exercised its discretion in granting the Plaintiff's cross motion to deem the claim timely served *Nunc pro tunc*, and DENIED the defendants' motion to dismiss the complaint on the ground the plaintiff failed to serve a timely notice of claim" See Sprung V. Negwer Materials Inc. 775 S.W.2 d 97 (1989) Supreme

Court Decision Defendant negligently disregarded legal process. Once he was validly served, he was charged with notice, for all subsequent proceedings. Plaintiff proceeded property under the rules. Defendant ignored them, If Judgements are properly rendered, they should not be disturbed by loose interpretation of cases and newly created imposed rules. Dereliction by a defendant should not be rewarded. No additional notice was required under the law

See .State V. Stella (2000) Supreme Court Albany County New York The totality of circumstances, does not mandate a dismissal of action. In the interest of Justice, the court finds the action was timely commenced and the time for service should be extended, Nunc pro tunc. The Motion to Dismiss the Action DENIED

7. The Petitioner admits she originally made an ERROR in service, she initially sent the summons and civil action to DOJ Attorney Tiffany Fleming, who was assigned to her previous civil action(s) which were dismissed for failure to complete the Administrative Process.
8. The Petitioner CORRECRTED service within the 90-day window serving: The Secretary of Veteran Affairs,

US Attorney General, State Attorney General and Agency General Counsel *See Docket # 15, 16, 17, 18, 19, 31-32 See APP C PGS 79-87 & 93-102*

SEE Boucher v. Potter, No. 1:04-CV-1541, 2005

WL 1188148, at *4 (S.D. Ind. May 18,

2005)Because Boucher properly served the United States Attorney's Office within 120 day time period , and because she cured the failure to serve the Attorney General within a reasonable time" Under Rule 4 (i)3 of the Federal Rules of Civil Procedure, the motion to dismiss is denied

See Covington v. Department of Health and Human Services, 750 F.2d 937 "A decision made "with blinders , based on misinformation or a lack of information, cannot be binding as a matter of fundamental fairness and due process. ".

CONCLUSION

For the foregoing reasons, and those stated in the Writ of Certiorari, the Supreme Court should GRANT rehearing, and DEFAULT JUDGEMENT.

Respectfully Submitted,

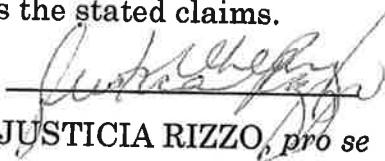
Dated: **June 21, 2024**


Justicia Rizzo pro se, Non-Attorney/Veteran

**FORMAL DECLARATION IN LIEU OF
CERTIFICATE OF COUNSEL**

Pursuant to Rule 44.2, I, JUSTICIA RIZZO, *pro se* Petitioner hereby certify the petition for rehearing is restricted to the grounds specified in Rule 44.2. I further certify the petition for rehearing is presented in good faith with genuine intent not for delay. The Petitioner in compliance with Federal Rule 11, indicates the contents of the petition for rehearing is limited to the grounds related to the factual contentions and are warranted based on the reasonable belief the courts have erred in the interpretation of a "proof of service document" completed by the Petitioner. The undersigned certifies she has reviewed and approves the stated claims.

June 21, 2024



JUSTICIA RIZZO, *pro se*

AFFIDAVIT IN SUPPORT OF PETITION FOR REHEARING

Pursuant to 28 U.S.C. §1746. Describing sworn declarations under penalty of perjury: I, **JUSTICIA RIZZO**, *pro se*, the undersigned, hereby declares under penalty of perjury, the Petition for Rehearing are true to the best of my knowledge; documents within the appendix have been edited from their original format.

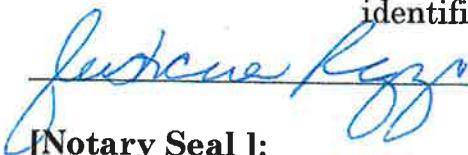
CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF TENNESSEE

COUNTY OF Davidson

sworn or affirmed and subscribed before me this 21 [day] of July [month],
2023 [year]. The affiant is [] personally known to me, or [X] produced the following

identification: **TN DRIVERS LICENSE**:



[Affiant Signature]

[Notary Seal]:



(Signature of Notarial Officer)



Name typed, Printed or stamped

Serial number if applicable

Notary Public Tennessee

My Commission Expires: 3-9-27

Document Prepared by:

Name: Justicia Rizzo, pro se, veteran, petitioner

Address: PO Box 2154 Hendersonville, TN 37077

Phone: (202)819-1673

Email: jsrizzo@mail.com

FORMAL DECLARATION IN LIEU OF CERTIFICATE OF COUNSEL

Pursuant to Rule 44.2, I, JUSTICIA RIZZO, *pro se* Petitioner hereby certify that the petition for rehearing is restricted to the grounds specified in Rule 44.2. I further certify that the petition for rehearing is presented in good faith with genuine intent and not for delay. The Petitioner in compliance with Federal Rule 11, indicates the contents of the petition for rehearing is limited to the grounds related to the factual contentions and are warranted based on the reasonable belief the courts have erred in the interpretation of a "proof of service document" completed by the Petitioner, and that the improper ruling has usurp her right to remedy of an administrative case directly tied to a wrongful termination that occurred in **October 2014**, which she claims violated federal merit system principles. The Petitioner argues she has been subject violations to include but not limited to : Whistle Blower Retaliation, Retaliation for Protected and Concerted Activity and multiple EEO Civil Rights Violations. The Petitioner argues the MSPB erroneously split the EEOC portion her case, and that she was forced into extended litigation because of fraud and premeditated noncompliance, and a 5 year lack of MSPB quorum only to have her due process stripped from her in the Federal District Court, which she claims is a mockery of justice and an assault on the civil service reform act, thus the Petitioner seeks to have the Supreme Court intercede on her behalf as the factual contentions of this instant case justify reversing the district courts ruling. The undersign certifies she has reviewed and approves the stated claims.

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF TENNESSEE COUNTY OF Davidson sworn or affirmed and subscribed before me this 21 [day] of June [month], 25 [year]. The affiant is produced the following identification: TN DRIVERS LICENSE:

Jusicia Rizzo
[Affiant Signature]

[Notary Seal]:



Landon Earps
(Signature of Notarial Officer)

Landon Earps
Name typed, Printed or stamped

Notary Public Tennessee

My Commission Expires: 3-9-27

This Document Prepared by:

Name: Jusicia Rizzo, pro se, veteran, petitioner

Address: PO Box 2154 Hendersonville, TN 37077

Phone: (202)819-1673

Email: jsrizzo@mail.com

Certificate of Word Count Petition for Rehearing

Pursuant to Supreme Court Booklet Rules

I, JUSTICIA RIZZO, pro se[Petitioner], hereby certify, pursuant to rule Supreme Court Booklet Rules , that I prepared the foregoing Writ of Certiorari and that the word count for this Writ is 11888 words, which does not include the cover or the tables or Appendix. This Writ therefore complies with the rule, which limits a petition for review to 3.000 words. I certify that I prepared this document in Microsoft Word and that this is the word count generated for this document.

Respectfully Submitted,


Justicia Rizzo
Justicia Rizzo, Non Attorney / Veteran

Dated: June 21, 2025

PO Box 2154 Hendersonville, TN 37077

EMAIL: jsrizzo@mail.com **TEL.** (202) 819-1673

CERTIFICATE OF SERVICE

Pursuant to Rule 44, the undersign, certifies 40 booklets & (1) white copy was sent to the US Supreme Court. Additional copies either: (1) white copy and/or (1) booklet have been sent as outlined below. The Petition for Rehearing is 10 Pages. The Word Count 1888 Words .Due to President Trump's Administration of leadership, the Petitioner has substituted the parties in accordance with Federal Rule 25

United States Supreme Court

1 1st St NE, Washington, DC 20543: **USPS EXPRESS Mail** _____

Solicitor General of the United States,
Department of Justice, Room 5614,

950 Pennsylvania Ave., N.W.

Washington, D. C. 20530-0001.

Secretary for the Department of Veteran Affairs

Doug Collins

Department of Veteran Affairs,

810 Vermont. NW Washington, DC 20420: **USPS Certified Mail** _____

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207 Grandview Drive, Ste. 400 Ft. Mitchell, KY. 41017

Phone: 859-233-2661 **USPS Certified Mail** _____

Attorney General of the United States

Honorable Pam Bondi as of February 4, 2025

U.S. Department of Justice 950 Pennsylvania Avenue, NW

Washington, DC 20530-0001: **USPS Certified Mail** _____

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441 Wolf Ledges Parkway Suite 403

Akron, Ohio 44311 Sending **USPS Certified Mail** _____

/s/ *Justicia Rizzo*
JUSTICIA RIZZO, Non-Attorney, Veteran, Pro Se, Petitioner

DECLARATION SUPREME COURT PROOF OF SERVICE

In Accordance with US Supreme Court Rule 29 (5. Proof of Service),

I, JUSTICIA RIZZO, pro se, make the following declaration as outlined in this instant notice. The undersigned, hereby declares under penalty of perjury that proof of service was made as outlined in the attached Certificate of Service, for Petition for Rehearing is true and correct to the best of my knowledge, information, and belief. Pursuant to 28 U. S. C. § 1746, reciting the facts and circumstances of service in accordance with the appropriate paragraph(s) of this Rule, whenever service is made by any person not a member of the Bar of this Court and not an attorney appointed to represent a party under the Criminal Justice Act of 1964, pursuant to 18 U. S. C. § 3006A(d)(7), or under any other applicable federal statute.

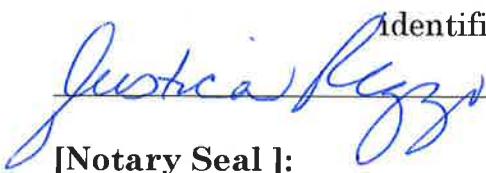
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STATE OF TENNESSEE

COUNTY OF Davidson

sworn or affirmed and subscribed before me this 25 [day] of July [month], 2025 [year]. The affiant is [] personally known to me, or [X] produced the following

Identification: TN DRIVERS LICENSE:



[Affiant Signature]

[Notary Seal]:



Landon Earps
(Signature of Notarial Officer)

Landon Earps
Name typed, Printed or stamped

Serial number if applicable

Notary Public Tennessee
My Commission Expires: 3.9.27

Document Prepared by:

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