

No.: 24-4

**IN THE SUPREME COURT OF THE
UNITED STATES**

In Re: E. Edward Zimmermann
Petitioner

v.

UNITED STATES NATIONAL LABOR RELATIONS
BOARD; UNITED STATES DEPARTMENT OF
LABOR MINIMUM WAGE DIVISION; UNITED
STATES DEPARTMENT OF LABOR PREVAILING
WAGE DIVISION

On Petition For Rehearing (Case 24-4) of an
Extra Ordinary Writ of Prohibition to the
United States Court of Appeals for the Third
Circuit No. 18-2199

**PETITION FOR REHEARING AN EXTRA
ORDINARY WRIT OF PROHIBITION**

E. Edward Zimmermann
P.O. Box 1077
Effort, Pennsylvania 18330

QUESTION PRESENTED

Is Petitioner a constitutional distinction
without a constitutional difference?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

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:

The Federal Marshals Service.

RELATED CASES

Every landmark decision The Supreme Court of The United States has heretofore rendered.

Every federal and state decision junior to the Supreme Court of The United States landmark decisions.

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TABLE OF AUTHORITIES

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OPINIONS

Every landmark decision The Supreme Court of The United States has heretofore rendered.

Every federal and state decision junior to the Supreme Court of The United States landmark decisions.

JURISDICTION

This Court has appellate jurisdiction by the authority conferred by Article III, Section 2 of the Constitution, as well as the authority to grant Writs as conferred by 28 USC 1651a.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Every landmark decision The Supreme Court of The United States has heretofore rendered.

Every federal and state decision junior to the Supreme Court of The United States landmark decisions.

Grounds Limited to Intervening Circumstances of Substantial or Controlling Effect Not Previously Submitted

1) If not us, then who, if not now, then when?

This Petition is in furtherance to the words and teachings of God and seeks to return to free people the rights of freedom that were endowed to them by God.

At the heart of this matter is a constitutional challenge of epic proportions

It is one of the largest Petitions for devolution to be brought before the Courts since the enactment of the Constitution.¹

Lawmakers (Congress) from Federal, State and Local Government have enacted what Petitioner claims to be the same unconstitutional statute.

If Petitioner's constitutional challenges are correct it will return to free people that which is rightfully theirs.

2) Power of Freedom

The fact of the matter is Petitioner is just one of the unwashed. Some in government say the unwashed are garbage.

I do not mean to be brash but even us trashy people have constitutional rights. Including the freedom to speak and the freedom to inform the Supreme Court that the Constitution is broken.

That whole first amendment thing is kind of important to us trashy free people. It serves to place trashy people in a station high above the Executive and Congressional branches of Federal and State government.

¹ For the purposes of this litigation Devolution is defined as the transfer of power from Federal and or State government to "We the people".

3) Petitioner's Self Interest

Petitioner has a legitimate civil issue in controversy with the Federal Marshals Service.

Inasmuch as Petitioner has finally figured out the purpose and need for a proper Petition, Petitioner would like to return to the local Federal and States Courts to litigate a number of constitutional challenges.

If petitioner is permitted to return to the Local Court(s) and if the Local Court(s) find in favor of Petitioner prior to a resolution of the Marshals matter, then Petitioner's claim against the Marshals becomes a distinction without a difference and Petitioner becomes garbage and just fruit of the poisonous tree.

I respectfully argue Petitioners rights of due process prohibit Petitioner from being garbage or fruit of the poisonous tree.

STATEMENT OF THE CASE

- 1) Petitioner is a nondescript member of the great unwashed.
- 2) Petitioner was endowed by the Father, the Son, and the Holy Ghost with the rights of freedom.
- 3) Petitioner filed papers in the United States District Court for the Eastern District of Pennsylvania identifying the original sin and in furtherance to the endless pursuit of the

constitutional truth, the whole constitutional truth, and nothing but the constitutional truth, so help me God.

- 4) Shortly thereafter, The Federal Marshals Service began investigating Petitioner.
- 5) A couple of months later, in an open federal courtroom Petitioner said something about the second amendment.
Shortly thereafter three warrantless Federal Marshals made a house call on Petitioner and challenged Petitioners words.
- 6) Petitioner appeared before A United States Court of Appeals and said all the wrong things. The Court issued what appears to the untrained eye to be a citation for contempt.
- 7) Petitioner appeared before this Court and made the wrong argument. Petitioner was preparing to be properly denied when out of the blue The Federal Marshalls tackled Petitioner.

REASONS FOR GRANTING THE WRIT IN AID OF THE COURTS APPELATE JURISDICTION

Gamble Enterprises vs. NLRB

If everything heretofore, that did not fix or repair, the breach of the Constitution is a distinction without a difference. Then by definition, Petitioner must too be a distinction without a difference and merely fruit of the poisonous tree.

Nonetheless I respectfully argue, Petitioner is not now, nor was Petitioner ever

nor can Petitioner ever be, a distinction without a difference because this Supreme Court has heretofore ordered otherwise.

This most highly honorable Court in its landmark decision in Gamble Enterprises vs. NLRB said and I paraphrase:

It is not the purpose of a Court to write or rewrite free people's contracts. Nor is it the purpose of a Court to fix or repair free people's broken Constitution.

Rather, it is the purpose of free people to write and rewrite their own contracts and it is the purpose of free people to fix and repair their own Constitution by bringing the correct Petition before the correct Court.

Petitioner, being one of the free people, presents this Petition For Rehearing in good faith and in furtherance to fixing or repairing the breach of the Constitution.

The Wrong Argument

Truth be told, heretofore the Clerks, Esquires, Judges and Justices (the Independent Judiciary) were right about EVERYTHING. Which means heretofore Petitioner was wrong about EVERYTHING.

Truth be told, I cannot stand being wrong and I cannot stand being the only one wrong. Truth be told, I hate admitting in a public courtroom before nine distinguished Justices that I was repeatedly wrong but

there it is anyhow. It is the simple truth.

The Constitutional truth be told, I am forever grateful and comforted by the fact that the Independent Judiciary was right about everything.

Inasmuch as, Petitioner finally figured out the difference between a suit and a petition. Petitioner hopes this Petition For Rehearing is found to be proper and in furtherance to fixing or repairing the breach of the Constitution.

Immunity

Petitioner is not asking this Court to use its appellate authorities to overturn any lower Courts decisions or the Respondent's arguments.

The fact of the matter is the lower Courts decisions were correct. A Courtroom is not a traditional public forum. The difference between a lawsuit and a petition is not now, nor was it ever, nor can it ever be, a distinction without a difference.

The fact of the matter is the Respondent was also correct. Injury in fact, standing, being in the right courtroom, is not now, nor was it ever, nor can it ever be, a distinction without a difference.

Most importantly, how can Petitioner ask the Court to fix what is already correct. Kind of defeats the purpose of the Respondent already being correct.

Rather Petitioner seeks a grant of immunity so Petitioners words cannot be used against Petitioner.

Contempt

Seems to Petitioner a contempt citation, although more than likely proper, does nothing to fix or repair the breach of the Constitution.

As such, I argue the aforementioned Citation for Contempt is a distinction without a difference and is merely fruit of the poisonous tree.

The Federal Marshals Service

Heretofore, Petitioner said what Petitioner said and heretofore Petitioner did not say what Petitioner did not say.

Heretofore, Petitioner filed two or three hundred million pages of documents in furtherance to the endless pursuit of the truth throughout Federal and State Courts. Each and every one of the documents filed was out of order and improper. Nonetheless those incorrect and improper filings are the record.

Recently Petitioner improperly filed an out of order Civil Constitutional Tort, naming the Federal Marshals as the civil Defendants.

The Constitutional Tort says Petitioner has a legitimate civil issue in controversy with

the Federal Marshals Service. It further states the civil relief Petitioner believes to be proper.

Relief

- 1) Petitioner respectfully requests a grant of immunity.
- 2) Petitioner respectfully requests all other civil relief this Highly Honorable Court deems proper.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "E. Edward Zimmermann".

E. Edward Zimmermann
11/05/2024

CERTIFICATE OF GOOD FAITH

This Petition for Rehearing is in furtherance to the endless pursuit of the constitutional truth, the whole constitutional truth and nothing but the constitutional truth, so help me God.

The purpose of this Petition for Rehearing is in furtherance to the repair of the breach of the Constitution. Petitioner seeks to quicken the repair of the Constitution rather than delay.

Respectfully submitted,



E. Edward Zimmermann
11/05/2024

Case No. 24-4 Petition for Rehearing 11-05-2024 -
APPENDIX B

NOT PRECEDENTIAL

**UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

No. 18-2199

E. EDWARD ZIMMERMANN,

Appellant

v.

UNITED STATES NATIONAL LABOR
RELATIONS BOARD;
UNITED STATES DEPARTMENT OF LABOR
MINIMUMWAGE DIVISION;
UNITED STATES DEPARTMENT OF LABOR
PREVAILING WAGE DIVISION

On Appeal from the United States District
Court for the Eastern District of Pennsylvania
(D.C. Civil Action No. 2-16-cv-04564)

District Judge: Honorable Mitchell S. Goldberg

Submitted Pursuant to Third Circuit LAR 34.1(a)

January 23, 2019

Before: KRAUSE, SCIRICA, and NYGAARD, Circuit
Judges

(Opinion filed: January 25, 2019)

OPINION¹

PER CURIAM

E. Edward Zimmermann appeals the dismissal of his complaint for lack of subject matter jurisdiction. For the following reasons we will affirm.

Zimmermann brought suit against the United States Department of Labor, the National Labor Relations Board (NLRB), and the Pennsylvania Department of General Services, seeking money damages and a judicial declaration that federal and state regulation of the minimum wage violated his constitutional rights. The Department of Labor and the NLRB (collectively, Appellees) filed a motion to dismiss, as did the Pennsylvania Department of General

¹ This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

Services. Both motions asserted, *inter alia*, the District Court lacked subject matter jurisdiction. The action against the Pennsylvania Department of General Services was dismissed, with prejudice, pursuant to the Eleventh Amendment.² The District Court dismissed the claims against Appellees for money damages, with prejudice, pursuant to sovereign immunity, but allowed Zimmermann to amend his complaint as to claims for declaratory relief. After Zimmermann filed his amended complaint, Appellees again moved to dismiss for lack of subject matter jurisdiction.

The District Court granted Appellees' motion pursuant to Fed. R. Civ. P. 12(b)(1), specifically finding that Zimmermann lacked Article III standing because the

² The Pennsylvania Department of General Services is not participating in this appeal.

facts in his amended complaint could not support the conclusion that he has suffered, or will imminently suffer, an injury in fact. The District Court also found that granting Zimmermann leave to amend again would be futile, and thus dismissed the case with prejudice. Zimmermann appealed.³

We have jurisdiction to review the District Court's orders pursuant to 28 U.S.C. § 1291. "We exercise plenary review over the District Court's dismissal for lack of Subject matter jurisdiction Davis v. Wells Fargo, 824 F.3d 333, 346 (3d Cir. 2016).

We will affirm. On appeal, Zimmermann does nothing to advance any argument in opposition to the District Court's finding regarding his Article III standing,

³ The District Court also denied Zimmermann's "Motion Under Seal to Review this Matter in Private" and "Rule 5.1.5 Motion to Seal this Matter" and also denied, as moot, Zimmermann's motion for summary judgment, "Motion to Proceed to Trial," and "Motion to Correct The Record." Zimmermann does not appeal these determinations.

nor does he present any argument as to the earlier finding that Sovereign Immunity and the Eleventh Amendment barred his monetary claims against Appellees and the Pennsylvania Department of General Services, respectfully. Rather, Zimmermann, who now signs “E. John Doe”⁴ on all of his court documents, states that he is invoking his Fifth Amendment right to be free from self-incrimination, and that this right “constitute[s] the entirety of [his] brief” except as specifically noted. He also incorporates every court filing he has ever made in this action, and states that his writings “speak for themselves.” Finally, for authority, he cites “[e]very landmark decision by the United States Supreme Court”

⁴ Presumably, this was done as a form of protest after we denied Zimmermann’s mandamus petition, in which he asked us to, among other things, “direct the District Court to remove his name and contact information to protect his physical safety and . . .”

and every landmark decision by every lower federal and state court.

We decline to root through the record below and make Zimmerman's case for him. See United States v. Dunkel, 927 F.2d 955, 956 (7th Cir. 1991) (noting "Judges are not like pigs, hunting for truffles buried in briefs" and that a "skeletal argument" does not preserve a claim). Consequently, we conclude he has abandoned all appealable issues. See Kost v. Kozakiewicz, 1 F.3d 176, 182 (3d Cir. 1993) (noting it is well settled that "appellants are required to set forth the issues raised on appeal and to present an argument in support of those issues in their opening brief" and that "if an appellant fails to comply with these requirements on a particular issue, the appellant normally has abandoned and waived that issue on appeal and it need not be addressed by the court of appeals"); see also Barna v. Bd. of Sch.

Directors of Panther Valley Sch. Dist., 877 F.3d 136, 145–46 (3d Cir. 2017) (“[W]e have consistently refused to consider ill-developed arguments or those not properly raised and discussed in the appellate briefing.”). While we are mindful of Zimmermann’s pro se status, and although we construe pro se filings liberally, this policy has not prevented us from applying the waiver doctrine to pro se appeals. See, e.g., Emerson v. Thiel Coll., 296 F.3d 184, 190 n.5 (3d Cir. 2002) (per curiam); Gambino v. Morris, 134 F.3d 156, 161 n.10 (3d Cir. 1998); see also Mala v. Crown Bay Marina, Inc., 704 F.3d 239, 245 (3d Cir. 2013) (noting that pro se litigants “must abide by the same rules that apply to all other litigants”).

Consequently, as Zimmermann presents no issues to review, we will affirm the District Court’s judgment.

Zimmermann's pending "Motion to Withdraw
Impeachment" is denied as moot.

privacy rights." See In re Zimmermann, 739
F. App'x 101, 103 (3d Cir. 2018).

Case No. 4-24 Petition For Rehearing 11-05-2024

APPENDIX A

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**UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

No. 18-2199

E. EDWARD ZIMMERMANN,

Appellant

v.

UNITED STATES NATIONAL LABOR
RELATIONS BOARD;
UNITED STATES DEPARTMENT OF LABOR
MINIMUMWAGE DIVISION;
UNITED STATES DEPARTMENT OF LABOR
REVAILING WAGE DIVISION

On Appeal from the United States
District Court for the Eastern
District of Pennsylvania
(D.C. Civil Action No. 2-16-cv-04564)
District Judge: Honorable Mitchell S. Goldberg

Submitted Pursuant to Third Circuit LAR 34.1(a)
January 23, 2019

Before: KRAUSE, SCIRICA, and NYGAARD, Circuit
Judges

JUDGMENT

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This cause came to be considered on the record from the United States District Court for the Eastern District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a) on January 23, 2019. On consideration whereof, it is now hereby ORDERED and ADJUDGED by this Court that the judgment of the District Court entered April 6, 2018, be and the same is hereby affirmed. Costs taxed against Appellant.

All of the above in accordance with the opinion of this Court.

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ATTEST:

s/ Patricia S. Dodszuweit
Clerk
Dated: January 25, 2019