No: 24-432

SUPREME COURT OF THE UNITED STATES

WILLIAM F. KAETZ, Petitioner

vs.

EDUCATIONAL CREDIT MANAGEMENT CORPORATION, EXPERIAN, TRANSUNION, EQUIFAX

Respondents

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Third Circuit

PETITION FOR REHEARING

Date: 1/4/2025 By: /s/ William F. Kaetz

William F. Kaetz, Petitioner
437 Abbott Rd.
Paramus N.J. 07652
201-753-1063
kaetzbill@gmail.com

Table of Contents

Authorities

Cases

Statutes

Other Authorities

Rules

Constitutional Provisions

Appendix

Petition for Rehearing

In accordance with S. Ct. Rule 44.2, William Kaetz respectfully seeks rehearing of his petition for a writ of certiorari because of other substantial grounds not previously presented. S. Ct. Rule 10 says a petition for a writ of certiorari will be granted only for compelling reasons.

Grounds Not Previously Presented and Compelling Reasons to Grant a Rehearing and a Writ of Certiorari

This case presents a wrongful treasonous act, a fraud on the court that usurps constitutional rights of millions of Americans including the petitioner, William Kaetz. The Respondents illegally use mere court dicta to illegally do negative credit reporting and illegal collection practices on student loans after general bankruptcy discharge of all debts using laws that are unconstitutional laws under the void for vagueness doctrine.

Jury Trial Constitutionally Required

William Kaetz sought legal relief in the form of money damages as compensation under the Fair Debt Collection Practices Act and the Fair Credit Reporting Act, he was entitled to a jury trial. "As a general rule, whether an investigation is "reasonable" under the FCRA is a question of fact for the jury. See *Crabill v. Trans Union LLC*, 259 F.3d 662, 664 (7th Cir. 2001)." *Edeh v. Midland Credit Management, Inc.,* 748 F. Supp. 2d 1030, 1039 (D. Minn. 2010). The general rule is that "where an action is simply... for the recovery of a money judgment, the action is one at law... triable to a jury" *Pernell v. Southall Realty,* 416 U.S. 363, 370 (1974) (quoting *Whitehead v. Shattuck,* 138 U.S. 146, 151 (1891). See *Great-West Life Annuity Ins. Co. v. Knudson*, 534 U.S. 204, 210, 122 S.Ct. (2002); *Waldrop v. S. Co. Servs., Inc.*, 24 F.3d 152, 157 (11th Cir. 1994); see also *Curtis v. Loether*,

415 U.S. 189, 194, (1974) (holding that the Seventh Amendment confers the right to trial by jury in a case based on a statute if the "statute creates legal rights and remedies, enforceable in an action for damages in the ordinary courts of law").

William F. Kaetz is exercising his right to a jury trial under the U.S. Constitution Seventh Amendment and Fed. R. Civ. P. Rule 38; because he is seeking monetary damages under the Fair Credit Reporting Act, and the Fair Debt Collection Practices Act, both create legal rights and remedies, enforceable in an action for monetary damages, he has a right to trial.

The Fair Credit Reporting Act (FCRA) holds Credit Reporting Agencies (CRAs) liable for negligent or willful violations of the statute (15 U.S.C. § 1681o and 15 U.S.C. § 1681n) with respect to preparing and reporting consumer credit information, CRAs are required to ensure the maximum level of accuracy in reporting consumer credit information. (15 U.S.C. § 168le(b)).

The Fair Debt Collection Practices Act (FDCPA) is applicable against all Respondents. Many courts have held that reporting a consumer's debt to a credit reporting agency constitutes "collection of the debt" under § 1692g(b). See *Perry v. Trident Asset Mgmt., L.L.C.,* Case No. 4:14-CV-1004-SPM (E.D. Mo. Feb. 2, 2015) at 6. The CRAs can be liable under FDCPA for collecting and furnishing inaccurate and incomplete information themselves, and, allowing fraudulent debt collection information from an information furnisher Educational Credit Management Corporation that was not validated and based on mere presumptions and hearsay from court dicta to be reported on someone's credit report.

The Fraud

There was no court order or law, there was no maximum level of accuracy, Respondents' collection activity of student loans after bankruptcy was done on their own, they relied on mere court case dicta, not holdings or law, there was no "maximum level of accuracy".

The distinction between dicta and holdings is critical for distinguishing the boundaries of the maximum level of accuracy information furnishers and Credit Reporting Agencies need under 15 U.S.C. § 168le(b) and § 1692g(b).

This Court held, "It is to the holdings of our cases, rather than their dicta, that we must attend," *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 379 (1994); see also *Tyler v. Cain*, 533 U.S. 656, 663 n.4 (2001) (noting that dictum is not binding); *U.S. Bancorp Mortgage Co. v. Bonner Mall P'ship,* 513 U.S. 18, 24 (1994) ("This seems to us a prime occasion for invoking our customary refusal to be bound by dicta.) "The most basic articulation of the distinction between dictum and holding is that future courts are bound by the parts of a judicial opinion that are "necessary" to reaching the result in that case". *Seminole Tribe v. Florida,* 517 U.S. 44, 66-67 (1996). Thus, the Court has found portions of a prior opinion to be dicta where they were "not essential to [the] disposition of any of the issues contested" *Cent. Green Co. v. United States*, 531 U.S. 425, 431 (2001).

In this case, the cases used against William Kaetz, *United Student Aid Funds v. Espinosa,* 559 U.S. 260 (2010), and *Tennessee Student Assistance Corporation v. Hood*, 541 U.S. 440 (2004), the subject matter in both cases was not 11 U.S.C. § 523(a)(8). The *Espinosa* case was about Rule

60(b)(4) relief[1], the creditor failed to timely object to a plan that discharged the student loan interest, the court ruled in the student's favor, The *Hood* case was about state sovereign immunity[2], the student sued the state using the adversary hearing process to discharge student loans, the court ruled in the student's favor.

In the *Espinosa* and *Hood* cases the same result would have been reached regardless the dicta about 11 U.S.C. § 523(a)(8),[3] the dicta was not "necessary" to make the holding judgements and therefore the dicta is not stare decisis law, it's not binding[4], and therefore cannot be used as law and as "maximum level of accuracy" of information under 15 U.S.C. § 168le(b) and § 1692g(b) against William Kaetz to destroy his life with debt collection and credit reporting for half a decade.

Void Laws

William Kaetz did file a Constitutional Challenge to the federal Department of Education and Statute 11 U.S.C. § 523(a)(8). The Higher Education Act and Statute 11 U.S.C. § 532(a)(8) is a clear case of void laws, they are fraud. It is this Courts duty to correct it. This Court held, "It is our duty, when required in the regular course of Judicial proceedings, to declare an act of Congress void if not within the legislative

---

[1] "Because United brought this action on a motion for relief from judgment under Rule 60(b)(4), our holding is confined to that provision. We express no view on the terms upon which other provisions of the Bankruptcy Rules may entitle a debtor or creditor to postjudgment relief." *United Student Aid Funds v. Espinosa*, 559 U.S. 260, 269 n.8 (2010)

[2] "Held: Because the Bankruptcy Court's discharge of a student loan debt does not implicate a State's Eleventh Amendment immunity, this Court does not reach the question on which certiorari was granted. Pp. 446-455." *Tennessee Student Assistance Corporation v. Hood*, 541 U.S. 440 (2004)

[3] Id *Seminole*, 517 U.S. 44, at 66-67

[4] Id *Tyler*, 533 U.S. 656, at 663 n.4

power of the United States; but this declaration should never be made except in a clear case." *Sinking-Fund Cases*, 99 U.S. 700, 718 (1878.). The Higher Education Act and Statute 11 U.S.C. § 532 (a)(8) is a clear case of void laws because the Constitution does not delegate power to Congress over education, it is not in the legislative power of Congress to produce an act to control education with grant money and insurances and a vague bankruptcy statute to keep students in education debt servitude. The Higher Education Act rests on the usurpation of powers not granted to the United States in the U.S. Constitution, it flows from an erroneous belief that the federal government is vested with constitutional jurisdiction over education. The act rests on the "general welfare" clauses of the Constitution that does not give the federal government enumerated powers over education. It is not a grant of power or a bottomless void to be filled by the cleverest branch of government based on the rule of expediency.

This Court acknowledged there is no federal authority for The Federal Department of Education. The right to free public education is found in the various state constitutions and not in the federal constitution. In *Brown v. Board of Education*, 347 U.S. 483 (1954), a unanimous Court recognized that "education is perhaps the most important function of state and local governments." Id., at 493. In *San Antonio School District v. Rodriguez,* 411 U.S. 1 (1973), this Court held that education is not a "fundamental right" under the U.S. Constitution. Id from 37 to 38. Not only does the federal constitution confer no right to education, it does not even explicitly empower the U.S. Congress to legislate on the subject.

In *United States v. Alfonso D. Lopez*, Jr., 514 U.S. 549, this Court in 1995 held that a law making it a crime to possess a firearm within a certain distance of a school was an impermissible overextension of Congress's commerce power. Even the justices dissenting in *Lopez* agreed that the

content of education was a classic area of state, not federal, authority. "We do not doubt that Congress has authority under the Commerce Clause to regulate numerous commercial activities that substantially affect interstate commerce and also affect the educational process. That authority, though broad, does not include the authority to regulate each and every aspect of local schools." Id at 565 to 566; "it is well established that education is a traditional concern of the States. *Milliken v. Bradley*, 418 U.S. 717, 741 742 (1974); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968)..." Id at 580-81; "The Court observes that the Gun-Free School Zones Act operates in two areas traditionally subject to legislation by the States, education and enforcement of criminal law. The suggestion is either that a connection between commerce and these subjects is remote, or that the commerce power is simply weaker when it touches subjects on which the States have historically been the primary legislators. Neither suggestion is tenable. As for remoteness, it may or may not be wise for the National Government to deal with education..." Id at 609.

The United States was never delegated authority in the U.S. Constitution to be in the education and the student loan insurance business. The Higher Education Act, U.S. Department of Education, its creation, Educational Credit Management Corporation, and the federal educational loans insurance scam, includes statute 11 U.S.C. § 532(a)(8), are unconstitutional under the void for vagueness doctrine.

This Court held in *Gundy v. United States*, 139 S. Ct. 2116, (2019) ""A vague law," this Court has observed, "impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis." Id at 2142. Statute 11 U.S.C. § 532 (a)(8) is so vague the Court went to legislative history and a textbook for resolution in an ad hoc and subjective basis. "[W]e have explained that our doctrine prohibiting vague laws is an outgrowth and "corollary of the separation of powers." Id at

2142. William Kaetz's petition for a writ of certiorari explains 11 U.S.C. § 532 (a)(8) is so vague the Court went to legislative history and a textbook for resolution, that is a separation of powers offense, a legislative act by Judges. "A statute that does not contain "sufficiently definite and precise" standards "to enable Congress, the courts, and the public to ascertain" whether Congress's guidance has been followed at once presents a delegation problem and provides impermissibly vague guidance to affected citizens." Id at 2142. Statute 11 U.S.C. § 532 (a)(8) has absolutely no guidance at all, it is unconstitutional under the findings and holdings of this Court and the void for vagueness doctrine.

In the *Sinking-Fund Cases*; This Court held "Every possible presumption is in favor of the validity of a statute, and this continues until the contrary is shown beyond a rational doubt." Id at 718. Mr. Kaetz shows this Court beyond a rational doubt 11 U.S.C. § 532 (a)(8) is so vague the Court went to legislative history and a textbook for resolution. "One branch of the government cannot encroach on the domain of another without danger. The safety of our institutions depends in no small degree on a strict observance of this salutary rule." Id at 718. "The distinction between a judicial and a legislative act is well defined. The one determines what the law is, and what the rights of parties are, with reference to transactions already had; the other prescribes what the law shall be in future cases arising under it. Id at 761.

In this case, because the statute 11 U.S.C. § 523 (a)(8) is so vague and ambiguous, the Courts prescribe what the law shall be in future cases arising under statute 11 U.S.C. § 523 (a)(8) with the use of a legislative note and a textbook. The Courts have been performing a legislative act and Congress usurped power over education; these acts are dangerous to the Constitution; they are wrongful treasonous acts.

Supreme Court Justices Are Vulnerable to Civil Suit

The Supreme Court Justices are federal actors. For failing to uphold the Constitution and correct Congress's usurpation on education and a separation of powers offense in student loan bankruptcy matters, they can be sued personally in the State court for legal malpractice, conspiring with civil right violations, and wrongful treason, for allowing a fraud on the court to continue. A judicial legislative act is an act not covered under absolute judicial immunity, and conflicts with the Constitution's separation of powers and this Court's own precedence, "Our Constitution's separation of powers prohibits federal courts from assuming legislative authority." *Egbert v. Boule*, 142 S.Ct. 1793, (2022) at 1809. The U.S. Const. art. VI tells us "This Constitution... shall be the supreme Law of the Land" and all S.Ct. Justices "shall be bound by Oath or Affirmation, to support this Constitution". The S.Ct. Justices failed to meet their employee requirements to uphold and support the Constitution. State Courts have concurrent jurisdiction over violations of the Constitution under the Fourteenth Amendment. William Kaetz resides in New Jersey, S.Ct. Justices, conspiring wrongful acts upon William Kaetz, are federal actors that work and conduct business in New Jersey through the United States that has a legal presence in the forum state, general jurisdiction of the forum state applies to the S.Ct. Justices. "The United States as a sovereign is a resident of territorial United States, and we think it not unreasonable to hold the United States to be a resident of every State." *Helvering, v. Stockholms c. Bank*, 293 U.S. 84 (1934) at 91 to 93.

It is clear that the United States as a sovereign entity is a corporation, and the S.Ct. Justices hired by an agency or instrumentality of the United States would be hired therefore by a forum state domestic corporation. See *Helvering, v. Stockholms c. Bank*, 293 U.S. 84 (1934) at 91 to 93.

Supreme Court Justices are vulnerable to a civil suit for conspiring to assuming legislative powers by denying Mr. Kaetz's petition for a writ of certiorari that proves beyond doubt a wrongful legislative act, a separation of powers offense in student loan bankruptcy matters, absolute judicial immunity does not apply to legislative acts. Three United States Supreme Court cases form an appropriate starting point for consideration of judicial immunity defense.

In *Supreme Court of Virginia v. Consumers Union*, 446 U.S. 719, (1980) at 736, this Court held that plaintiffs were entitled to declaratory and injunctive relief without regard to the defendants' status as judicial officers because the lawsuit arose out of their role as "enforcers" of the bar rules. Thus, like any state official who enforces laws, injunctive and declaratory relief were available notwithstanding that defendants were judicial officers.

Four years later, in *Pulliam v. Allen*, 466 U.S. 522, (1984) at 541-42, this Court held that judicial immunity did not prohibit declaratory and injunctive relief against a judicial officer acting in his or her judicial capacity. Thus, in the wake of *Consumers Union* and *Pulliam*, judicial immunity did not apply to acts taken by judicial officers in their enforcement capacities and was not a bar to declaratory and injunctive relief for acts taken in the judge's judicial capacity.

Finally, in *Forrester v. White*, 484 U.S. 219, (1988), the Court again recognized the importance of properly categorizing a judicial officer's acts for purposes of determining whether judicial immunity applies. This Court noted that there is no immunity for "acts that simply happen to have been done by judges" when those acts are not judicial acts. Id. at 227. Rather, the "immunity is justified and defined by the functions it protects and serves, not by the person to

whom it attaches." Id. The Court recognized the "intelligible distinction between judicial acts and the administrative, legislative, or executive functions that judges may on occasion be assigned by law to perform," Id. at 227, "it was the nature of the function performed, not the identity of the actor who performed it, that informed our immunity analysis." Id at 229.

Consumers Union, *Pulliam*, and *Forrester* demonstrate that the question of judicial immunity in any given situation can only be answered with reference to the relief sought and the capacity in which the judge had acted. It is also clear that this Court in crafting judicial immunity over the years did not consider every act taken by a judge to be in his judicial capacity merely by virtue of the officer's status as a judge.

If *Consumer's Union*, *Pulliam*, and *Forrester* remain good law then absolute judicial immunity argument is without merit for Judges that do legislative acts. Supreme Court Justices are vulnerable to a civil suit for collaborating with the wrongful act of assuming legislative powers in student loan bankruptcy matters, this collaboration is evidenced by the denial of William Kaetz's petition for writ of certiorari.

All the above justifies rehearing.

Certification

I, William F. Kaetz, appellant, swear under penalty of perjury all statements herein are true.

Respectfully submitted.

Date: 1/4/2025 By: _____

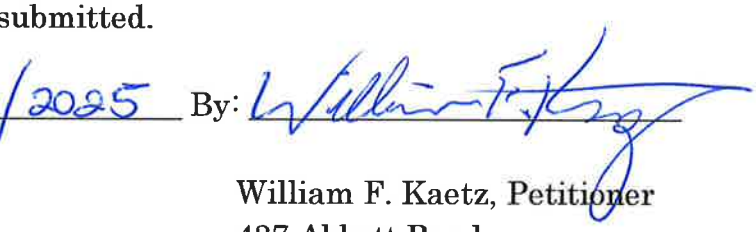
William F. Kaetz, Petitioner
437 Abbott Road,
Paramus NJ, 07652,
201-753-1063
kaetzbill@gmail.com

S. Ct. Rule 44.2 Certification

I, William F. Kaetz, certify this Petition for Rehearing of an order denying William Kaetz's petition for a writ of certiorari is restricted to other substantial grounds not previously presented and it is presented in good faith and not for delay.

I, William F. Kaetz, appellant, swear under penalty of perjury all statements herein are true.

Respectfully submitted.

Date: 1/4/2025 By: 

William F. Kaetz, Petitioner
437 Abbott Road,
Paramus NJ, 07652,
201-753-1063
kaetzbill@gmail.com

Appendix

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

December 16, 2024

Mr. William F. Kaetz
437 Abbott Road
Paramus, NJ 07652

Re: William F. Kaetz
v. Educational Credit Management Corporation, et al.
No. 24-432

Dear Mr. Kaetz:

The Court today entered the following order in the above-entitled case: The petition for a writ of certiorari is denied.

Sincerely,

Scott S. Harris

Scott S. Harris, Clerk