

No. 24-5502

PLB

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

William L. Mitchell, Jr.,

Petitioner

v.



Frank Kendall, III, Secretary of the Air Force,
Respondent

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

PETITION FOR REHEARING

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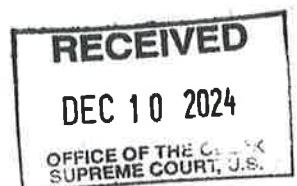


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PETITION FOR REHEARING

Petitioner William L. Mitchell, Jr. respectfully petitions for rehearing of this Court's November 12, 2024 Order denying his petition for a writ of certiorari.

REASONS FOR GRANTING REHEARING

Rule 44.2 authorizes a petition for rehearing based on “intervening circumstances of a substantial or controlling effect.” This Court was denied review of Plaintiff's “SUPPLEMENTAL BRIEF” dated October 11, 2024 on a questionable basis. Rule 15.8 was cited as the reason the filing was returned, and therefore not included as part of the Court's review. However, Plaintiff cites Rule 15.8 in the opening of his brief due to the fact “intervening matter not available at the party's last filing” was submitted for the Court's review and consideration.

All efforts to resolve the matter have now been exhausted, and Plaintiff has done his due diligence to reach out to opposing parties, but they have not been receptive. In the course of all proceedings, Plaintiff has attempted to contact Secretary Frank Kendall, III directly and through counsel for the Defendant, AUSA Brian W. Stoltz. The last attempt was through e-mail correspondence dated between July 10 – 11, 2024. In the interim, Plaintiff reached out to Secretary of Defense Lloyd J. Austin, III directly through his Chief of Staff, Derek Chollet.

It had not been Plaintiff's intention to move forward with filing petition for a writ of certiorari, but when there was neither acknowledgement nor response from

Mr. Chollet, it appeared to be the only remaining and most viable option. However, Plaintiff has not had the benefit of representation by counsel throughout the entirety of the judicial process, and was not aware of the role of the Solicitor General prior to the docketing of this case. Therefore, evidence and confirmation of correspondence submitted for review by Solicitor General Elizabeth B. Prelogar was not available when Plaintiff's petition for a writ of certiorari was filed initially.

The information submitted for the Solicitor General's review exposed a cover up which has been ongoing since 2002. Considering the inherent neutrality and overall role of the Solicitor General as an Officer of the Court, it would not be appropriate for her or her office to be party to ongoing suppression of evidence. By so doing, her office would be implicated and in violation of 18 U.S.C. § 1503 & 1505: Obstructing federal court and administrative proceedings.

On November 12, 2024, after denial of petition for a writ of certiorari and receiving the package containing supplemental brief documents returned from the clerk's office, Plaintiff reached out to Mr. Donald Baker at the number listed. Mr. Baker informed Plaintiff rehearing was an option as if no harm had been done, but by disqualifying the supplemental brief from the justices' initial review and returning documents, it essentially runs out the clock on the current administration. The priorities of the Biden administration significantly contrast those of the incoming Trump administration, which is why prospective review is imperative.

CONCLUSION

It would appear divide and conquer may be at play from the standpoint, while there are African Americans in positions of authority and influence, they have been excluded from the process by virtue of obstruction. No one is more qualified to identify a "high-tech lynching" than Justice Thomas, and no one is more qualified to identify racial disparity in the military than Secretary Austin, who also has the authority to rectify the matter in its entirety. Yet Justice Thomas has been denied access to review of Plaintiff's "SUPPLEMENTAL BRIEF," and neither the Solicitor General nor the AUSA has cooperated with Plaintiff's request to have the matter brought to the direct attention of Secretary Austin.

Notwithstanding, the judicial process affords us a unique opportunity for resolution. For the foregoing reasons, and those stated in the writ of certiorari and subsequent supplemental brief, the Court should grant rehearing and stay the petition pending review by Secretary of Defense Lloyd J. Austin, III.

DATED this 6th day of December, 2024.

Respectfully submitted,

/s/William L. Mitchell, Jr.
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CERTIFICATE OF COUNSEL

Pursuant to Supreme Court Rule 44.2, I, William L. Mitchell, Jr., counsel for the 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 and not for delay.

Executed this 6th day of December, 2024.

/s/William L. Mitchell, Jr.
William L. Mitchell, Jr.,
Plaintiff Pro Se Litigant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing instrument has been served via USPS Certified Mail to the United States Solicitor General, Elizabeth B. Prelogar, and counsel for the defendant, Assistant United States Attorney Brian W. Stoltz. Documents were mailed to the following in compliance with Supreme Court Rule 29(5)(b):

1. Solicitor General of the United States
Attn: The Honorable Elizabeth B. Prelogar
950 Pennsylvania Ave., N.W., Room 5143
Washington, D.C. 20530-0001
Telephone: 202-514-2201
2. Assistant United States Attorney
Attn: Brian W. Stoltz
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
Telephone: 214-659-8626

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of December, 2024.

/s/William L. Mitchell, Jr.
William L. Mitchell, Jr.,
Plaintiff Pro Se Litigant