

IN THE SUPREME COURT OF THE UNITED STATES

No. 24-5518

MARK E. BROWN, Petitioner

V.

UNIFIED SCHOOL DISTRICT 501, Respondent

PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44.2 Petitioner Mark E. Brown respectfully Petitions For A Rehearing of the denial of Writ Of Certiorari to review the judgment of the United States Court Of Appeals For The Tenth Circuit. The denial was entered on December 16, 2024

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This Petition For Rehearing is presented at this time because of intervening circumstances of substantial or controlling effect as well as substantial grounds after the entry of the Court's order on 12/16/2024 denying Petitioner's Writ Of Certiorari. On the date of 12/2/2024 the Petitioner/Plaintiff submitted his Plaintiff's Reply Brief On The Merits to the Court by way of Priority Mail Express which was picked up at the Postal Facility at 11:07 AM on 12/3/2024 in Washington, DC signed for by S. Robinson. On the date of 12/11/2024 Plaintiff received his 2 boxes which totaled 40 copies of Plaintiff's Brief's with a letter enclosed dated 12/5/2024 indicating that Plaintiff needs to correct and resubmit his Brief. The letter also indicates that Plaintiff's case is scheduled for conference on 12/13/2024. On the date of 12/12/2024 pursuant to Supreme Court 30 Computation For Extension Time Petitioner/Plaintiff submitted his letter to the Court by way of Priority Mail Express requesting for additional time to correct his Brief as well as to making 40 new copies as required by the Court. With Petitioner/Plaintiff receiving his Brief back from the Court 2 days before the scheduled conference on 12/13/2024 does not give Petitioner/Plaintiff enough time to correct, make 40 copies and resubmit his Brief. Plaintiff was able to correct and make 40 copies of his Reply Brief that was submitted to the Court on 12/16/2024 by way of Priority Mail Express which to my understanding was delivered on 12/18/2024 and signed for by W LEE. The Petitioner/Plaintiff Reply Brief contained information that was important to this case. In accordance to Shannon v. Blair 04-21-00257-cv-(Tex. App. Sep 08 2021 Appellant's request for an extension of time to file its Brief was granted by the Court) In this present case the Petitioner/Plaintiff received no response to his request for additional time to correct his brief.

As a matter of substantial grounds this Court should be informed that during the course of this litigation the Petitioner/Plaintiff had received 2 e-mail letters from the USD 501 Human Resource Department dated 4/14/2020 (Tues.) and 7/8/2020 (Wed.) informing Petitioner/Plaintiff of the school district's need for Special Education Teachers and if interested Petitioner/Plaintiff is to contact anyone of these individuals: Dr. Beryl New, Dr. Jennifer Harrington or Ms. Melissa Smith. Petitioner/Plaintiff did contact Dr. Beryl New by way of his 4/15/2020 (Wed.) and his 7/8/2020 (Wed.) e-mail letters expressing his interest in both of these positions. This Court should also know that as of this date the USD 501 School District is still advertising the need for substitute teachers for the second semester for this 2024-2025 school year. The Petitioner/Plaintiff is certified in Physical Education (K-12) Health (K-12) and Special Education/Learning Disabilities (7-12) If Petitioner/Plaintiff has poor skills as the Respondent wants this Court to believe, then why would the Human Resource Department contact the Petitioner/Plaintiff about there need for Special Education Teachers ?

There is also the matter/issue of District Court Judge Holly L. Teeter being appointed to this case for the second time will be a Conflict Of Interest for Judge Teeter has personal knowledge of the facts in dispute of this case as well as the subject matter of this case. Furthermore, Judge Teeter has ruled on this case granting USD 501 Motion For Summary Judgment #2 when Judge John W Lundgren denied USD 501 Motion For Summary #1 on the same evidence that Petitioner/Plaintiff presented to Judge Lundgren which was in favor of Petitioner/Plaintiff in denying USD 501 Motion For Summary Judgment #1 as denied in part and stricken in part and Petitioner/Plaintiff Motion To Strike portions of Respondent's Motion For Summary Judgment is granted

In accordance to 28 U.S. Code §455 (A)(B)(1) A Judge shall disqualify themselves in the following circumstances:

(A) Any Justice, Judge or Magistrate Judge of the United States shall disqualify themselves in any proceeding in which his/her impartiality might reasonably be questioned

(B) Where he/she has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding

In the case *Merick & Co v. Superior Court*, 2005 note 5 indicates strong evidence of Judicial Impartiality

In the re-school asbestos litigation the United States Court Of Appeals For The Third Circuit ordered Judge James McGirr Kelly to disqualify himself from a complex asbestos class action suit due to his personal knowledge of the case

This Court should also know that as indicated by the Fifth and Fourteenth Amendments of the U.S. Constitution an individual has the right to confront and cross examine his/her accusers. If an individual is denied of this constitutional right he/she is being deprived of a due process of law and/or due process protections. The District Court and Court Of Appeals disregarded the deposition testimony of Mr. Ned Nusbaum where he indicated on Page 38 Lines 23 to 25 and Page 39 Lines 1 to 15 that it is not required by law for Mr. Brown to have due process procedure in his (Mr. Brown) request to confront his accuser of the sexual allegations that Mr. Brown has been unjustly accused of. The entire 4/27/198 Documented Summary all centers around Kristi Reynolds who is the accuser and she gave deposition testimony on 11/8/1991 denying every sexual allegations that Mr. Brown has been unjustly accused of. Mr. Ned Nusbaum himself as well as the District Court and Court Of Appeals have committed an error of law by violating Mr. Brown's due process rights in accordance to the U.S. Constitution. (*Wyandotte Nation v Sebellus* 443 F3d 1247, 1252 10th Cir. 2006)

The Petitioner/Plaintiff also submits that the District Court and the Court Of Appeals erred as a matter of law refusing to acknowledge Plaintiff's claims under §1981. As set out in the pretrial order of this case Mr. Brown is asserting two general theories under Federal Law which is of the following: First, Mr. Brown is asserting that his treatment constitutes improper discrimination pursuant to 42 U.S.C. §1981 and Title VII 42 U.S.C. 2000 et seq. Second, Mr. Brown is contending that USD 501 continued rejections of his employment applications constitutes retaliation in violation of those same laws.

The analysis of the discrimination and retaliation claims is essentially the same under both §1981 and Title VII. The Pretrial Order controlled the course of this case and there was no consent from both parties to have the Pretrial Order modified therefore Mr. Brown's claims of 42 U.S.C. §1981 and Title VII 42 U.S.C. 2000 et seq are essential and should be allowed opposed to §1983 claims

CONCLUSION

For the foregoing reasons it is respectfully submitted that this Petition For Rehearing should be granted

Respectfully Submitted,
Mark E. Brown (PROSE)
5232 SW 10TH Avenue/APT #6
Topeka, Kansas
66604

By Mark E. Brown

CERTIFICATE OF MARK E. BROWN (PROSE)

I hereby certify that pursuant to Supreme Court Rule 44.2 Petition For Rehearing denying Petition For Writ Of Certiorari to the United States Court Of Appeals for the Tenth Circuit is presented in good faith and not for delay and that the grounds therefore are pertaining to intervening circumstances of substantial or controlling effect as well as substantial grounds

Mark E. Brown
PROSE

Date: DECEMBER 26th, 2024

PROOF OF SERVICE

I am over the age of 18 and my address is Mark E. Brown 5232 SW 10TH Avenue Apt #6
Topeka, Kansas 66604

On DECEMBER 26th, 2024 I served the foregoing document
described as Petition For Rehearing by way of Priority Mail Express (40 Copies) to
Supreme Court Of United States 1 First St NE Washington, DC 20543

I, Mark E. Brown hereby certify that on the 26th Day of December 2024 I
served a true and correct copy of Petitioner's Petition For Rehearing upon the counsel of
record by depositing in the United States Mail First Class Postage Prepaid Address To:

Mrs. Amanda S. Houser Vogelsberg
3649 SW Burlingame Road STE 200
Topeka, Kansas
66611

Mark E. Brown

Mark E. Brown

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