

No. 24-554  
**In the Supreme Court of the United States**

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**Conghua Yan,**  
Petitioner,

**v.**

**Cynthia Favila Terry,**  
Respondent.

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On Petition for a Writ of Certiorari to the Supreme Court of  
Texas

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**PETITION FOR REHEARING FROM DENIAL  
OF CERTIORARI**

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Conghua Yan

*Pro Se litigant*

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Petitioner Conghua Yan, petitions under Rule 44.2 for rehearing of the Court's Order of January 27, 2025, denying his petition for a writ of certiorari. The grounds for this petition are those set forth in this filing. A certification of counsel that this petition is presented in good faith and not for delay, and that the grounds for this petition are intervening circumstances of a substantial and controlling effect and other substantial grounds not previously presented, is annexed.

#### **REASONS FOR GRANTING THE PETITION**

On April 27, 2007, a few petitioners, who were foreign nationals held in the custody of the United States at Guantanamo Bay Naval Station, Cuba, petitioned under Rule 44.2 for a rehearing of the Court's April 2, 2007 order denying their petition for a writ of certiorari. This Court granted the rehearing, which led to a landmark 5-4 ruling in *Boumediene v. Bush*, 553 U.S. 723 (2008). That case concerned the Suspension Clause of the U.S. Constitution related to habeas corpus.

This Court ruled that foreign nationals held in Guantanamo Bay, Cuba "have the constitutional

privilege of habeas corpus. They are not barred from seeking the writ or invoking the Suspension Clause's protections." *Boumediene* at 724.

"A brief account of the writ's history and origins shows that protection for the habeas privilege was one of the few safeguards of liberty specified in a Constitution that, at the outset, had no Bill of Rights; in the system the Framers conceived, the writ has a centrality that must inform proper interpretation of the Suspension Clause. That the Framers considered the writ a vital instrument for the protection of individual liberty is evident from the care taken in the Suspension Clause to specify the limited grounds for its suspension: The writ may be suspended only when public safety requires it in times of rebellion or invasion." *Boumediene* at 725.

Similarly, Yan alleged that the state court has systematically barred him, along with other Texas residents, from having judicial access to the writ of habeas corpus in the state courts when their liberty was restrained under a statutory unappealable court order. Civil proceedings end in this Court is not cheap, Yan was the only one who managed to navigate the

procedural maze to reach this Court, as many people could not withstand the time and expense involved. Yan's petition for a writ of certiorari was denied on January 27, 2025.

In this nation, can anyone's liberty be deprived under a court order merely signed by a court actor, without a petition and court hearing? This kind of zero due process act has happened to Yan, and it is not an isolated case. Texas courts have employed a denial of judicial access mechanism to conceal their structural due process errors.

This Court owes American people an explanation that why the privilege of writ of habeas corpus was afford to the foreign national combatants held in Cuba military base, but not to the American people whose core liberty was retrained within state family court system. "State courts, like federal courts, have a constitutional obligation to safeguard personal liberties and to uphold federal law." *Stone v. Powell*, 428 U.S. 465, 494 n.35 (1976). This Court's denial of Yan's petition for certiorari effectively delivers a ruling without a ruling, stating, "we do not care."

Yan, has been denied judicial access to a writ of habeas corpus in the state court. Yan's writ of certiorari questioned entitlement to access habeas corpus or the protections of the Suspension Clause, U.S. Const., Art. I. Although he cited exact *Boumediene* in his petition at page xvii, this Court looked the other way.

"The **Framers** of our Constitution understood that the doctrine of stare decisis is part of the "judicial Power" and rooted in Article III of the Constitution. ... emphasized the importance of stare decisis : To "**avoid an arbitrary discretion in the courts**, it is indispensable" that federal judges "should be **bound down** by strict rules and precedents, which serve to define and point out their **duty** in every particular case that comes before them."... In the words of THE CHIEF JUSTICE, stare decisis' "greatest purpose is to serve a **constitutional ideal—the rule of law.**" (emphasis added and citation omitted for brevity) *Ramos v. Louisiana*, 140 S. Ct. 1390, 1411 (2020).

Yan requests that this Court adhere to the equal application of the rule of law and demonstrate no arbitrary discretion toward the pro se litigant. This

Court should grant a rehearing as it did for the *Boumediene* petitioners, who were foreign national combatants represented by attorneys.

	<b>Yan</b>	<b><i>Boumediene</i></b>
Cause of action	Denied judicial access to Habeas Corpus	Denied merits of Habeas Corpus
Lower Court's Reason	Not given	Foreign nationals in Cuba not entitled to Habeas Corpus
Cited authority	Not given	Military Commissions Act of 2006
Represented by	Pro Se	Lawyer
Petition to Writ of Certiorari	Denied	Denied
<b>Petition to rehearing</b>	<b>Unknown</b>	<b>Granted</b>

Yan's petition has national interest. Yan did not petition on whether he should prevail on the merits of his individual habeas corpus claim.

In the question presented, Yan petitioned to assure judicial access to the writ of habeas corpus for everyone whose liberty is being restrained under a

state family court's statutory unappealable order. "[T]he federal courts — and **particularly this Court** — have a **primary obligation** to protect the rights of the individual that are embodied in the Federal Constitution." *Harris v. Reed*, 489 U.S. 255, 267 (1989). "It is the duty of the Supreme Court to preserve the supremacy of the laws of the United States, which they cannot do without disregarding all state laws, and state decisions which conflict with the laws of the United State" *AMIS v. SMITH*, 41 U.S. 303, 304 (1842). The Court's denial of Yan's petition effectively acquiesces future writ denials in the state courts.

#### CONCLUSION

The Court should grant this Petition for Rehearing from Denial of Certiorari.

Respectfully submitted,

*Conghua Yan* /s/ Conghua Yan

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Feb/01/2025

**CERTIFICATION OF COUNSEL (RULE 44)**

I certify that the Petition for Rehearing from Denial of Certiorari is presented in good faith and not for delay and is restricted to the grounds specified in Supreme Court Rule 44.2.

Dated: February 10, 2025

*Conghua Yan* /s/ Conghua Yan  
Conghua Yan  
Pro Se