

No. 24-5964

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# In the Supreme Court of the United States

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DANIEL E. HALL, PETITIONER

v.

TWITTER INC., RESPONDENT

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*ON PETITION FOR A WRIT OF MANDAMUS  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT  
CASE NO. 23-1555*

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## PETITION FOR REHEARING

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February 14, 2025

Revised March 3, 2025

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## I. Introduction

Petitioner, Daniel E. Hall, respectfully moves this Honorable Court to reconsider its denial of his writ of mandamus. This motion is grounded in a legal and moral imperative to rectify serious legal violations by the lower courts. The issues at hand are not mere errors of law but systemic failures that erode the integrity of the judiciary and undermine public trust and Petitioner implores this Court to fulfill its duty to uphold the Constitution and the principles of justice.

It is unconscionable that attorneys from another district can "blow into town," flout the court's rules, and make legal arguments on behalf of a corporation like Twitter while in violation of the court's bar admission requirements. Even more egregiously, this has occurred repeatedly over a period of **four years and 91 submissions**, without any intervention or accountability from the presiding judges. Such disregard for local rules and laws cannot be tolerated, as it undermines the fairness and impartiality essential to the judicial process.

By allowing these illegal submissions, the court has compromised its integrity and given rise to the perception of bias in favor of Twitter. This is not just about a single case—it sets a precedent where future plaintiffs will be required to meet heightened burdens, such as pleading intent where none is legally required. It renders statutes like **28 U.S.C. §§ 144 and 455**, which mandate judicial recusal for bias or conflicts of interest, meaningless. Worse still, it signals that judges can learn extrajudicial

facts about a case and still sit in judgment over it, violating the fundamental right to an unbiased tribunal. See *Caperton v. Massey* (2009).

If the judiciary allows this pattern of selective enforcement of laws and rules to persist, it erodes the very foundation of the courts as the third pillar of government. When the Supreme Court fails to hold lower courts accountable to the laws and precedents already in force, it enables judicial anarchy, where powerful entities are above the law, and justice becomes unattainable for ordinary citizens. This Court must act to reaffirm its commitment to fairness, accountability, and the rule of law, lest the judiciary itself become a participant in the erosion of democracy and justice.

## **II. Basis for Reconsideration**

### **1. Extraordinary Circumstances Warranting Reconsideration**

The lower courts' decisions in this case reveal profound failures to adhere to established laws and procedures. Among these are:

- **Fraud on the Court:** Petitioner presented uncontroverted and undisputed evidence that Twitter's attorneys were allowed to practice unlawfully under the court's jurisdiction, facilitated by illegal policies enacted by Magistrate Johnstone. This not only violated local rules (L.R. 83.1(a)) but also denied Petitioner a fair and unbiased tribunal.
- **Judicial Bias and Procedural Violations:** Judges in the District Court and First Circuit failed to recuse themselves under **28 U.S.C. §§ 144 and**

455, despite clear conflicts of interest and extrajudicial knowledge of material facts related to this case. This bias voids their decisions under **Rule 60(b)(4)**.

- **Unconstitutional Statutes:** Petitioner has demonstrated that **47 U.S.C. § 230** operates as an unconstitutional delegation of governmental power to private entities, enabling censorship that the government itself cannot legally enforce.
- **Criminal Acts Perpetrated Against Petitioner and the Justice System:** This case presents not only egregious constitutional violations but also credible allegations of criminal acts by officers of the court and other involved parties. These acts require the Court's attention to uphold judicial integrity.

The systematic nature of these violations demands this Court's immediate intervention to ensure that justice is served and the rule of law is preserved.

## **2. Overlooked Constitutional Questions**

Petitioner's claims raise fundamental constitutional questions that this Court has a duty to address:

- **Due Process and Equal Protection:** The lower courts' application of biased policies and failure to adhere to procedural rules deprived Petitioner of his Fifth and Fourteenth Amendment rights to an impartial tribunal and equal protection under the law.

- **First Amendment Violations:** Section 230 enables private entities like Twitter to engage in censorship at the behest of government actors, creating a “state action” framework that circumvents First Amendment protections.

This Court’s silence on these issues leaves a dangerous precedent that constitutional violations of this magnitude can remain unchecked.

### **3. Irreparable Harm to Petitioner and Public Confidence**

Petitioner has endured irreparable harm through the loss of constitutional protections, denial of procedural fairness, and reputational damage stemming from judicial inaction. Beyond this individual harm, the judiciary’s failure to address systemic corruption fosters public distrust in the legal system and emboldens misconduct by powerful entities.

The Court must act not only to remedy the wrongs done to the Petitioner but to restore faith in the judiciary’s role as a bulwark against injustice.

## **III. Legal and Factual Arguments**

### **1. Fraud on the Court**

The lower courts allowed attorneys for Twitter to practice without proper admission 91 times, violating L.R. 83.1(a) which biased the court and its judges, compromising the integrity of the proceedings. Magistrate Johnstone’s unauthorized policies coupled with the appeals court acquiesce facilitated this misconduct, creating a

pattern of favoritism and bias that infected the entire case. This fraud constitutes a grave violation of Petitioner's right to an unbiased tribunal and warrants voiding all related orders under **Rule 60(d)(3)**.

## **2. Judicial Bias and Failure to Recuse**

Judges in the District Court had clear conflicts of interest, including involvement in the administrative rehiring of Magistrate Johnstone using the same material facts alleged in Petitioners claims. This extrajudicial knowledge of material facts required mandatory recusal under **§ 455**. The failure to do so violates Petitioner's constitutional right to due process and renders all decisions void under **Rule 60(b)(4)**.

## **3. Procedural Failures and Heightened Pleading Standards**

The First Circuit improperly applied heightened pleading standards, dismissing Petitioner's claims without adhering to the notice pleading requirements of **Rule 8(a)(2)**. This deviation from established precedent (e.g., *Swierkiewicz v. Sorema*, 534 U.S. 506 (2002)) deprived Petitioner of the opportunity to present his case and obtain discovery.

## **4. Criminal Acts Perpetrated Against Petitioner and the Justice System**

This case presents not only egregious constitutional violations but also credible allegations of criminal acts by officers of the court and other involved parties. These acts demand the Court's immediate attention and action to uphold the integrity of

the judiciary and ensure accountability. The following criminal violations are directly relevant to the failure of justice in this case:

**A. Fraud Upon the Court (18 U.S.C. § 371 - *Conspiracy to Defraud the United States*)**

Magistrate Johnstone and others devised and implemented unauthorized policies that allowed Twitter's attorneys to practice law without proper admission under L.R. 83.1(a). This fraudulent scheme undermined the legitimacy of the proceedings, creating an unconstitutional tribunal that denied Petitioner a fair hearing. The concealment of these policies constitutes a conspiracy to obstruct justice and manipulate the court system.

**B. False Statements and Concealment of Material Facts (18 U.S.C. § 1001)**

Judges and attorneys involved knowingly concealed the existence of these illegal practices. By providing false certifications and failing to disclose their violations of L.R. 83.1(a), they perpetuated a fraud that rendered all related proceedings invalid.

**C. Obstruction of Justice (18 U.S.C. § 1503)**

Manipulating court policies and biased rulings by judges who refused recusal constitute obstruction of justice. These actions were designed to favor Twitter and deny Petitioner his constitutional rights, thereby impeding the administration of justice.

**D. Violation of Civil Rights (18 U.S.C. § 242 - *Deprivation of Rights Under Color of Law*)**

Petitioner's rights to due process and an impartial tribunal were systematically violated under the guise of lawful judicial procedures. The judiciary's complicity in these acts represents a misuse of judicial authority to deprive Petitioner of constitutional protections guaranteed by the Fifth and Fourteenth Amendments.

**E. Judicial Misconduct and Abuse of Authority (Canon 1 and Canon 2 of the Code of Conduct for United States Judges)**

The judges' refusal to disclose their extrajudicial knowledge, as required by ethical rules, and their continued application of unlawful policies to favor a corporate defendant reflect a gross abuse of judicial authority. Such conduct not only violates the petitioner's rights but also undermines public confidence in the judiciary.

**IV. The Unconstitutionality of 47 U.S.C. § 230**

Section 230 operates as an unconstitutional delegation of governmental censorship authority to private entities. By enabling Twitter to suppress speech under the guise of "content moderation," the government achieves indirectly what it cannot do directly. This violates the First Amendment and creates a chilling effect on free expression. This Court must address the statute's incompatibility with constitutional protections.

## V. The Importance of Correcting the Appellate Court's Failures

The First Circuit's failure to address the egregious violations of law and procedure in this case sets a dangerous precedent that undermines the very purpose of appellate review. The appellate court serves as a critical safeguard to ensure that lower courts adhere to the **Constitution, statutory mandates, and established procedural rules**. When the appellate court neglects its duty to correct clear errors and constitutional violations, it not only denies justice to the litigant but also weakens the structural integrity of the judiciary as a whole.

In this case, the appellate judges **actively participated in fraud upon the court** by **ignoring Rule 201** of the **Federal Rules of Evidence**, which mandates judicial notice of adjudicative facts that are indisputable. *Judicial notice* is not discretionary when a fact is "**not subject to reasonable dispute**" and is "**capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned**" (*Fed. R. Evid. 201(b)*). Petitioner filed a **Notice of Undisputed and Uncontroverted Facts** to compel recognition of the unlawful acts committed below—acts that the appellate court **had a duty to acknowledge but instead deliberately ignored**. By doing so, the First Circuit not only engaged in procedural misconduct but facilitated the very fraud that this notice was intended to expose.

The Supreme Court has long recognized that **fraud upon the court** "strikes at the very integrity of the judicial process" and that judgments procured through

such fraud "must be set aside" (*Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246 (1944)). Furthermore, **a court has the inherent authority to vacate judgments obtained through fraud** (*Chambers v. NASCO, Inc.*, 501 U.S. 32, 44 (1991)). Lower courts are bound to acknowledge fraud upon the court when properly presented with evidence, and failure to do so constitutes an abandonment of their judicial duty.

When an appellate court refuses to acknowledge irrefutable evidence of judicial misconduct, it emboldens lower courts to continue disregarding the law without fear of consequence. This is not mere oversight—it is **systemic judicial corruption** that erodes public confidence in the courts and **fundamentally threatens the rule of law**. Courts have repeatedly held that **fraud upon the court cannot be ignored at any level of the judicial system** (*United States v. Throckmorton*, 98 U.S. 61, 65 (1878); *Bullock v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985) ("Fraud upon the court is fraud which is directed to the judicial machinery itself")).

This Court must intervene to reinforce the appellate court's role in safeguarding the rule of law. By allowing the **First Circuit's fraudulent and erroneous rulings** to stand, this Court risks signaling that the judiciary can operate **without accountability**, even in cases where the law is unequivocally clear. Correcting these failures is not merely a matter of justice for the Petitioner but a **vital act to restore public confidence** in the appellate system and its essential function as a check against judicial overreach and error.

## **VI. Appeal to Judicial Responsibility**

This Court stands as the ultimate guardian of constitutional rights. By denying this petition, the Court sends a message that systemic corruption, judicial bias, and constitutional violations are acceptable. The ramifications extend beyond this case—eroding public confidence in the judiciary and undermining the rule of law.

Chief Justice Roberts' 2024 Year-End Report acknowledged the growing public distrust in the judiciary but placed the blame on external forces—political actors, the media, and public misunderstanding—rather than confronting the judiciary's own failures. However, this very case exemplifies why the judiciary is suffering from a crisis of legitimacy. When courts refuse to address clear constitutional violations, dismiss credible claims of misconduct, and shield the system from accountability, they themselves become the source of the erosion of public trust.

The judiciary cannot escape scrutiny while abdicating its duty to uphold justice. The Court must look inward, recognizing that its own decisions and failures to act are at the heart of the growing disillusionment with the legal system.

While Petitioner may have lost this battle, the war for justice is far from over. Petitioner will pursue every available legal avenue with unmitigated resolve, seeking redress for the criminal acts perpetrated by members of this judiciary. Whether through the Department of Justice, congressional investigations, or impeachment proceedings, those responsible will be held to account. The judiciary is

not immune to oversight, and judges who violate their oaths through corruption, fraud, and misconduct risk not only the loss of their judgeships, pensions, and benefits, but also criminal prosecution and imprisonment. No robe should shield a judge from lawlessness..

This Court still has an opportunity to stand on the right side of history. The question is whether it will choose justice—or complicity.

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## **VII. Call for Criminal Accountability**

The acts detailed above are not merely procedural errors—they are criminal violations that strike at the heart of our judicial system. The judiciary cannot uphold justice if it tolerates such misconduct. This Court must act to ensure that these crimes are thoroughly investigated and that those responsible are held accountable under the law.

By failing to address these criminal acts, this Court risks enabling further misconduct, eroding public trust, and allowing the judicial process to be weaponized against individuals who seek justice. This is not just a legal failure; it is a betrayal of the principles upon which this nation was founded.

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## **VIII. Conclusion**

Petitioner has presented overwhelming evidence of fraud, judicial bias, and constitutional violations that demand this Court's intervention. The issues raised in this case are not isolated but indicative of broader systemic failures that threaten the foundations of our democracy. As *Marbury v. Madison* (1803) reaffirmed, judicial authority is constrained within the framework of constitutional checks and balances, meaning that courts cannot operate beyond the bounds of accountability.

Even the foundational arguments in *Federalist No. 78* recognize that judicial independence does not equate to judicial immunity from scrutiny. Hamilton himself asserted that judges remain accountable for misconduct and that Congress possesses the authority to regulate judicial structure and function. These principles demand that this Court take action in the face of judicial misconduct, bias, and procedural violations that have compromised Petitioner's right to a fair hearing.

However, should this Court refuse to address these blatant violations, it will not only fail in its duty to uphold justice, but it will also hasten its own unraveling. The truth will inevitably surface, and when it does, the Court will be remembered not as a guardian of the Constitution, but as an institution that turned a blind eye to injustice in favor of protecting entrenched power. By failing to correct these clear and egregious violations, the Court will invite scrutiny and intervention from the other branches of government—executive and congressional—into what has long been considered the judiciary's exclusive domain.

The judiciary proclaims itself the “third pillar of government,” standing independent of political influence. But independence is not a shield for lawlessness, nor does it absolve the Court from its fundamental obligation to uphold constitutional rights. As **Chief Justice John Roberts** has stated:

*“No man is above the law, and no man is below it.”*

Likewise, **Justice Neil Gorsuch** has reaffirmed:

*“Ours is a system of laws, not of men. The rule of law remains the foundation of this Republic.”*

And **Justice Amy Coney Barrett** has emphasized:

*“Judges are not policymakers, and they must be resolute in setting aside any policy views they might hold.”*

Yet, if this Court refuses to act, it will not be outside forces that bring about its demise—it will be the Court itself, wielding the very axe that severs its own roots. The justices, in their failure to defend the rule of law, will become the arbiters of their own extinction.

Petitioner urges this Court to reconsider its denial and take a decisive stand for justice and the rule of law, reinforcing the essential oversight mechanisms that the Constitution provides. The judiciary’s integrity depends on its adherence to these

principles. This Court has the power—and the duty—to ensure that judicial accountability is not a theoretical concept but a concrete and enforceable reality.

### **PRAYER FOR RELIEF**

Petitioner, a **pro se litigant, a single father of two elementary-age children, and a small business owner**, has worked tirelessly to bring these claims before the Court while managing his business and caring for his family. Petitioner would **never make such serious accusations if the indisputable and incontrovertible evidence** had not led him to this moment. Despite presenting **explosive evidence of corruption, criminal acts, and blatant judicial misconduct**, Petitioner has received **absolute silence** from the federal courts. The failure to engage with these serious allegations underscores a **deeply entrenched bias**.

Worse still, **these are not merely past violations—ongoing criminal acts continue to result in a constant and continuing violation of Petitioner’s constitutional rights**. The very institutions entrusted with upholding justice are instead enabling lawlessness, leaving Petitioner without recourse and compounding the injustice he has already suffered. Had Petitioner been afforded a **fair and impartial judge**, his **constitutional and civil rights violations** would have been meaningfully addressed rather than **corruptly and arbitrarily dismissed**.

Petitioner respectfully requests that this Court:

1. **Reconsider the Denial of the Writ of Mandamus** and compel the First Circuit to vacate all orders tainted by fraud and bias.
2. **Order an Evidentiary Hearing** to fully address the allegations of judicial misconduct, procedural violations, and constitutional infractions.
3. **Invalidate 47 U.S.C. § 230** as an unconstitutional delegation of censorship authority.
4. **Restore Public Confidence**

**Dated:** February 14, 2025

**Respectfully submitted,**

**/s/ Daniel E. Hall**

Pro Se, Petitioner

**CERTIFICATE OF COMPLIANCE**

1. This document complies with the word limit of Fed. R. App. P. 21(d)(1) because, excluding the parts of the document exempted by the Fed. R. App. P. 32(f) as this document contains no more than 3,000 words.
2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in Century Schoolbook, 12-point font.

Dated: February 14, 2025

*/s/ Daniel E. Hall*  
Pro Se Petitioner

## CERTIFICATE OF GOOD FAITH

I certify that this Petition for Rehearing is presented in good faith and not for purposes of delay, in compliance with Supreme Court Rule 44.

Dated: March 3, 2025

*/s/ Daniel E. Hall*  
Pro Se Petitioner

No. 24-5964

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# In the Supreme Court of the United States

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DANIEL E. HALL, PETITIONER

v.

TWITTER, INC., RESPONDENT

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## CERTIFICATE OF SERVICE

As required by Rules 29 and 39, service of a single copy of the foregoing MOTION FOR RECONSIDERATION OF PETITIONER'S PETITION FOR WRIT OF MANDAMUS, was made upon the Defendant of record via U.S. Mail to Appellee's attorney of record, Demetrio F. Aspiras, III OF Drummond Woodsum, 670 N Commercial St, Ste 207, Manchester, NH 03101-1845, and a copy Solicitor General of the United States, Room 5616, Department of Justice, 950 Pennsylvania Ave., N. W., Washington, DC 20530-0001, and mailed first class, and that the service of 10 copies and the original of the foregoing was mailed on this day to the United States Supreme Court Clerk via United States Postal Service by first-class mail.

Dated: February 14, 2025

MARCH 3, 2025

  
Daniel E. Hall  
Petitioner- Appellant- Plaintiff  
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