

CASE NUMBER: 24-6085

IN THE UNITED STATES SUPREME COURT

Tanya Tyson,

Petitioner,

v.

Madelyn Winningham, et al.,

Respondent

PETITION FOR REHEARING UNDER RULE 44.2

On Petition for Writ of Certiorari to the Oklahoma Supreme Court

(Order denying Petition Entered on February 24, 2024)



Tanya Tyson

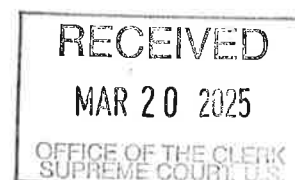
Pro Se for Petitioner

9521-B Riverside Pkwy PMB-104

Tulsa, Oklahoma 74137

Phone: 214-907-2562

Date: March 17, 2025



GROUND FOR REHEARING

UNDER RULE 44.2

JURISDICTION

On February 24, 2025, I was informed by letter that the Court entered an Order Denying the Petition for Writ of Certiorari to the United States Court of Appeals of the Oklahoma Supreme Court. I received this Order letter on February 24, 2025- (Case No. 24-6085) (see Exhibit 1)

A Petition for Rehearing under Rule 44.2 must be filed within 25 days after the date of the Order Denying the Petition for Writ of Certiorari. Rule 44.2 provides that the Petition for Rehearing should be limited to intervening circumstances or a substantial or controlling effect or to other substantial grounds not previously presented. This Petition for Rehearing under Rule 44.2 is timely filed and raises substantial grounds upon which the Petition for Writ of Certiorari should be granted.

The intervening circumstances not previously presented occurred after I filed my Petition for Certiorari on November 16, 2024. There are documents listed below attached as *Exhibits, which explanations substantiate the grounds I bring forth. I will use these exhibits to present my arguments as to the procedural

irregularities and bias which produced the alleged impropriety of conduct in the Courts.

(Exhibit 2) I filed a Notice of Filing a Petition for Writ of Certiorari in the United States Supreme Court to Supreme Court Oklahoma on September 30, 2024.

(Exhibit 3) I filed a copy of this Notice of Filing a Petition for Certiorari to the Tulsa District Court on September 30, 2024.

(Exhibit 4) On December 5, 2024, the Supreme Court of US served a *Service Copy to the OK Supreme Court notifying them that his case was filed on November 16, 2024 and placed on the docket on December 5, 2024 as No. 24-6085, signed by case analyst Rashonda Garner. But for some reason it took 11 days from the time it was mailed on **December 5th**, to the time that the Supreme Court of Oklahoma received this letter and filed it on **December 16, 2024**.

(Exhibit 5) I hand delivered, and had filed a copy of this above Service Copy to the District Court on December 17, 2024. The Clerk Stamped it as having received it on that date. Instead of it being “entitled Service Copy to the OK Supreme Court, the court clerk simply entitled this on the docket sheet (“ Letter”)

(Exhibit 6) Doc sheet – District Court – entry of above

(Exhibit 6a) actual “letter” from Supreme Court of US

(Exhibit 6) District Court – explained below)

(Exhibit 7) On February 24, 2025 the Supreme Court of United States sent a letter to the Clerk of the Supreme Court of Oklahoma stating my Petition for Certiorari was denied, and Sup Ct of OK registered as having received it on February 27, 2025.

Comparing Exhibit 4’s (December 5, 2024 letter above) timing, to the above Exhibit 7 letter, it took eleven 11 days (December 16, 2024) for the U.S. Supreme Court to notify the Oklahoma Supreme Court that this case – 24-6085, was docketed, and only three 3 days to inform them (February 24, 2025 to February 27, 2025) that the Petition for Certiorari was denied.

Because a Petition for Rehearing must be filed within 25 days after the date of the Order Denying the Petition for Writ of Certiorari; the 25 days from the time of denial on February 24, 2025, bringing the deadline up to March 21, 2025, but I file this earlier here on March 17, 2025 and I have therefore filed this Petition for Rehearing timely.

Further rules signify that a Petition for Rehearing is to be docketed and if denied, an Order should issue.

Because the events involving the above exhibits, and hereafter named, took place after my appeal in this court was docketed, the substantial grounds herein were not previously presented, and thus I was not able to raise these issues earlier.

My case, no doubt, was not heard based on the merits with the United States Supreme Court. In demonstration of the bias and gross irregularities from the Oklahoma Supreme Court, and the District Court continuing after this case was filed with the Supreme Court of the United States, and as part of the evidence contained in those Orders and correspondence filed in the Oklahoma Supreme Court thereafter, I attached the above named exhibits and below cited exhibits and events relevant to my present arguments in this case.

Rule 45 (2) In a case on review from a state court, the mandate issues 32 days after the entry of the judgment, unless the Court or a Justice shortens or extends the time, or unless the parties stipulate that issue sooner. The filing of a petition for rehearing *stays the mandate* until disposition of the petition , unless the Court orders otherwise. If the petition is denied, the mandate issues forth.

(Exhibit 2-3) (stated formerly) - On that same date I filed my Notice of Appeal in both the OK Supreme Court and filed a copy in the District Court.

The history continues as stated in (Exhibits 4-5) (service copies) (and Exhibit 6a regarding D. Ct service copy).

(Exhibit 7) (above) concluded the decision of denial apparently stated and listed on February 24, 2025.

(Exhibit 8) On September 23, 2024 the entire Oklahoma Supreme Court dismissed my case 122,314 sua sponte.

(Exhibit (8a) Order of dismissal.

(Exhibit 9) - On September 30, 2024, immediately after the dismissal of this case, I motioned the Supreme Court of Oklahoma, asking them to stay any mandate of their Order of dismissal.

(Exhibit 10) – on November 12, 2024 the entire Oklahoma Supreme Court justices denied this Motion.

(Exhibit 11) - On Nov 14, 2024 they issued the Mandate.

MANDATE FILINGS

Supreme Court Rule 13:3 requires that “the time to file a Petition for Writ Certiorari runs from the date of entry of the judgment or order sought to be reviewed, and not from the issuance date of the mandate...”

Actually, even though I ignorantly motioned the Supreme Court of Oklahoma in my Exhibit 9 for a stay of their denial, according to the Supreme Court Rules in Rule 45 (2 & 3)– reads:

“Rule 45 (2) In a case on review from a state court, the mandate issues 32 days after the entry of the judgment, unless the Court or a Justice shortens or extends the time, or unless the parties stipulate that issue sooner. The filing of a petition for rehearing stays the mandate until disposition of the petition , unless the Court orders otherwise. If the petition is denied, the mandate issues forth.”

“Rule 45 (3), states that in a case on review from any court of the United States, as defined by 28 U.S.C. SS 451, a formal mandate does not issue unless specifically directed; instead the Clerk of the Court will send the clerk of the lower court a copy of the opinion or the order of this court and a certified copy of the judgment. The certified copy of the judgment, prepared and signed by this Court’s clerk, will provide for costs, if any are awarded. The copy of the opinion or order and judgment will be sent 32 days after the entry of the judgment, unless the Court or a Justice shortens the time, or unless the parties stipulate that it be issued sooner. In all other respects, the provisions of Paragraph 2 of this Rule apply.”

SO THIS MEANS THAT THIS CASE IS STILL OPEN UNTIL THIS COURT RULES ON THIS PETITION FOR REHEARING, ONE WAY OR ANOTHER, AND THEN 32 DAYS LATER THEY WILL ISSUE A FINAL MANDATE.

My Motion to stay mandate would have totally been unnecessary because of the rules above quoted.

There was no rehearing requested by me in the Supreme Court of Oklahoma case, and this Petition for Certiorari was filed timely on November 16, 2024.

Yet, despite my request to stay a mandate (Exhibit 9) until the Supreme Court of Washington would rule on this case (which ruling came on 2-24-25), Oklahoma Sup Ct, ignoring the inferred Rules of the Washington Supreme Court, in Rule 13-3, as well as Rule 45(2) and Rule 45 (3) the Oklahoma Supreme Court, issued a mandate on 11-14-24, I discern, presumptuously, and had it sent to the District Court and they in turn spread it on their record on 11-19-24, making this the “law of the case.” (see Exhibit 6), while my interlocutory case was still open there.

The District Court Judge also ignored those rules in spreading the case on the docket when the case was still open. Not only did she ignore those crucial rules, but also the fact that this case was in the jurisdiction of the Supreme Court of the United States and they had no authority to spread rulings of the Supreme Court of Oklahoma.

The Supreme Court of Oklahoma also ignored that fact that this case was still in the authority of the Supreme Court of the United States and they too were without authority to make their rulings as in Exhibits 10, 11).

Supreme Court of Kansas stated in State v. Dedman 640 P.2d 1266, 230 Kan 793: “When an appeal is docketed, the trial court’s jurisdiction ends and the

sentence may then be modified only after the mandate from the Supreme Court or Court of Appeals is returned.....”

This Petition for Rehearing is filed to demonstrate the bias received from the Supreme Court of Oklahoma (Exhibit 8a) by their denial, and the District Court that dismissed my case while still under the authority of this Court (Exhibit 13).

Before dismissal of my case in the District Court, (alleged here as malicious Abuse of Process) J. Greenough filed Scheduling Conferences on October 22, 2024 for November 22, 2024 (Exhibit 12, 12a). I believe this was done so that if I attended the conference on November 22, 2024, I would have waived my rights for a ruling from the Supreme Court of Washington. Although the District Court scheduled Scheduling Conferences, because the case was still in this court’s authority, I did not attend or subject myself to that court’s authority, because I would have waived my rights. (*See id State vs. Dedman above*) The final Order denial from the Supreme Court of US did not come in until February 24, 2025.

Then J. Greenough dismissed the case no. CJ-2022-3043,(SCt. 122,314) in Tulsa for lack of attending the Scheduling Conference, (Order Exhibit 13) while this case had not been decided until February 24, 2024. This also would not be fully decided until after a Petition for Rehearing would be resolved (this one). All

rulings should be considered void based on obtaining a judgement based on fraud.

RATIONALE TO ACCEPTING THIS PETITION FOR REHEARING

Under Justia - under the Annotations under Procedural Due Process Civil – Fourteenth Amendment – Rights guaranteed and Immunities of Citizenship, Requirements of Due Process under Impartial Tribunal., p3, par 4, states “In addition, although “[p]ersonal bias or prejudice ‘alone’ would not be sufficient basis for imposing a constitutional requirement under the Due Process Clause” there “are circumstances ‘in which experience teaches that the probability of actual bias on the part of the judge or the decisionmaker is too high to be constitutionally tolerable.”771

The above cited issues and exhibits would allegedly warrant this Court to review this case because of the further bias and the due process violations under the 14th Amendment by depriving me of my right to have had a fair trial with a fair and impartial panel to review my case.

I draw from the work of Brian DeVito, Seton Hall University of Michigan:

“When U.S. Supreme Court Decisions are not final: an examination of the Rehearing Rule and the Court’s Application of it in Kennedy v. Louisiana” by Brian De Vito, J.D. Candidate, May 2020, Seton Hall University, University of Michigan”

He quotes from p 4, under

II. The Rehearing Rule

“The Rehearing rule traces back to British equity courts. Rehearing was useful because there were no higher courts to which litigants could appeal; the Chancellor’s judgment was final. *Thus parties seeking rehearing were required only to convince the Chancellor that rehearing was in the interest of justice. *19

(the highest court in Britain, by comparison, required litigants to show clear error before considering rehearing.) This is similar to the opaque standard at issue today.

The United States Supreme Court derives its authority from Article III of the United States Constitution. With the passage of Judiciary Act of 1789 Congress conferred on the Court the power to adopt the rules that are necessary for it to carry on its business.....

See p7 par 3 “Yet because certain denials are not issues as written opinions, there are few plausible grounds on which a party seeking rehearing can petition other than those enumerated in Rule 44.2. Kennedy illustrates this point, id Louisiana, argued that the Court overlooked a critical piece of information, the NDAA. Without of the benefit of a written opinion, Louisiana could have argued that the NDAA unjustifiably overlooked the fact that because Louisiana could not have known how the law applied to the Court’s rationale, nor could it have known that the law was even overlooked. So the apparent additional articulated by Rule 44.2 is just an assertion of the only practical means by which the Court would grant rehearing.”

RELIEF REQUESTED

This Petition for Rehearing from denying the Petition for Writ of Certiorari asks this Court to grant rehearing under Rule 44.2 and grant the Petition for Writ for Certiorari to the Supreme Court of Oklahoma and to remand the case to the Court of Appeals, with instructions to determine the issue of whether Petitioner has been denied Due Process guaranteed by the Fourteenth Amendment of the United States Constitution by the dismissal of her appeal.

These are part of my former arguments in the Petition for Certiorari that couple with the irregularities cited above:

I filed an interlocutory Petition in Error on July 3, 2024 in my case, Tyson vs. Winnningham primarily based on my contentions of fraud (in obtaining judgment). The Oklahoma Supreme Appellate Court dismissed this case on September 23, 2024 (Ex 8a). Then appellate court dismissed this appeal and remanded it back to the District Court on the basis that my appeal, in their opinion, did not qualify (but it does) under SS 952(b)(2) and 993 (A)(3) to take jurisdiction of this case. I cited 12 O.S. O.S. 1031 (4) based on fraud, but the Supreme Court of Oklahoma and the District Court ignored this and dismissed my case under 12 O.S. SS 653. 1031.1, for untimeliness. But it was filed timely and I

O.S. 12-1031 (4) statute which allows 2 years to appeal. Both the District Court and COA ignored this, and dismissed the case.

“A court must have jurisdiction to enter a valid enforceable judgment on a claim. When jurisdiction is lacking, litigants, through various proceedings, may retroactively challenge the validity of the judgment.” Cornell Law School – LLI – Legal Information Institute.

I allege/d that their rulings should be void on this basis and should be vacated immediately and that discipline should ensue.

This is just part of the history of my appeal, and can be reviewed if rehearing is granted.

Petitioner noted this Court taking the case in Kemp v. United States, case no. 21-5726 decided on June 13, 2022 with claims citing Federal Rule 60 (b)(1), for judicial errors, and determined the time limit to appeal on the basis of their arguments, is only one year and thus untimely.

In my case, filed on July 3, 2024, having cited 12 O.S. 1031 (4) based on fraud, the time limit to appeal is two years. Although I now have two years to appeal this dismissal, leaving me the opportunity to reverse and dismiss by September 23, 2026. When reviewing my Petition for Certiorari, you will see that my arguments were clear and concise with exhibits establishing my arguments.

So, Petitioner respectfully requests this Court would reconsider their dismissal ruling based on the conduct cited, in the interest of justice, and that if so, the Supreme Court of Oklahoma be instructed to lift their untimely mandates, as well as the District Court of Oklahoma until a final decision is rendered by this court.

Because the evidentiary reports of irregularity and bias specified since the initial filing of this case, and their alleged due process violations above, are critical to determining this case, and the fact that there is no Opinion to draw from, this case should be heard in the interest of justice, and Petitioner respectfully requests this Court to do so.

Respectfully submitted,

A handwritten signature in cursive script that reads "Tanya Tyson". The signature is written in dark ink and is positioned above the printed name and address.

Tanya Tyson, Pro Se

9521-B Riverside Parkway – PMB 104

Tulsa, Ok 74137 - 214-907-2562

Date: March 17, 2025

CERTIFICATE OF COUNSEL ATTACHED AND

Proof of Service to opposing counsel included

CERTIFICATE OF COUNSEL

I hereby certify that this Petition for Rehearing, is presented together with this certification of counsel (I as a pro se litigant) and is restricted to the grounds specified and that it is presented in good faith and not for delay.

Signed by: Tanya Tyson, Pro Se on

A handwritten signature in cursive script, reading "Tanya Tyson", is written over a horizontal line.

9521-B Riverside Parkway – PMB 104

Tulsa, Ok 74137 - 214-907-2562

Date: March 17, 2025

CERTIFICATE OF COUNSEL ATTACHED AND

Proof of Service to opposing counsel

included

EXHIBIT LIST FOR PET FOR REHEAR UNDER R44.2 CASE # 24-6085

- EXHIBIT 1 US Sup Crt case 24-6085 Pet Cert denial – Feb 24, 2025
- EXHIBIT 2 Notice of filing Pet For Writ Cert -OK SC case 122314 Sept 30,2024
- EXHIBIT 3 Notice of filing Pet For Writ Cert -OK District Crt case CJ-2022-3043 Sept 30, 2024
- EXHIBIT 4 US Supreme Court service copy notifying OK SC case 122314 that US SC Case 24-6085 was placed on docket Dec 5, 2024.
- EXHIBIT 5 US Supreme Court service copy was docketed on OK Dist Crt case CJ-2022-3043 on Dec 17, 2024
- EXHIBIT 6 Dist Crt case CJ_2022-3043 Docket Sheet entry Dec 17,2024
- EXHIBIT 6a Dec 5, 2024 US Supreme Court service copy Docketed as LETTER on Tulsa District Court CJ-2022-3043
- EXHIBIT 7 US SC Feb 24, 2025 Pet for Writ of Cert – Denial letter
- EXHIBIT 8 OK SC case 122314 Doc Sheet Sept 23, 2024 to Feb 27, 2025
- EXHIBIT 8a OK SC Case 122314 Dismissal Order Sept 23, 2024
- EXHIBIT 9 OK SC case 122314 Motion to stay Mandate Sept 30, 2024
- EXHIBIT 10 OK SC Case Mot to stay Mandate denial Order Nov 12, 2024
- EXHIBIT 11 OK SC Case 122314 Mandate Nov 14, 2024
- EXHIBIT 12 OK Dist Crt case CJ-2022-3043 Oct 22, 2024 Scheduling Order set for Nov 22, 2024
- EXHIBIT 12a Scheduling Order Form
- EXHIBIT 13 OK Dist Crt case CJ-2022-3043 Case Dismissed Nov 22, 2024

**Additional material
from this filing is
available in the
Clerk's Office.**