

No. 24-644

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IN THE  
SUPREME COURT OF THE UNITED STATES

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DARRELL E. WILLIAMS,

**Petitioner,**

v.

ALLEGHENY COUNTY, ET AL.,

**Respondents.**

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*On Petition for Writ of Certiorari to the United  
States Court of Appeals for the Third Circuit*

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**PETITION FOR REHEARING**

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Darrell E. Williams, Esq.  
8010 Woodcreek Drive  
Bridgeville, PA 15017  
(412) 983-3901  
Williamsdew123@gmail.com

*Attorney for Petitioner*

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## **PETITION FOR REHEARING**

Petitioner, Darrell E. Williams, (“Williams”) respectfully requests rehearing of the Court’s Order dated February 24, 2025, denying the Petition for a Writ of Certiorari in this case. A rehearing of an order denying a writ of certiorari is appropriate when, as has occurred here, there has been ‘intervening circumstances of a substantial effect’. Sup. Ct R. 44.2.

As explained below in detail, Petitioner requests that this Court enter an order granting the Rehearing.

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## **PROCEDURAL SUMMARY**

Petitioner filed the present Petition for a Writ of Certiorari after the Third Circuit dismiss all of Petitioner’s claims based substantially upon 42 C.F.R. § 405.1100(d), which requires that the Medicare Appeals Counsel (“MAC”) issue a decision or dismissal within 180 days and before federal review (20 C.P.R. § 404.900a(5)).

In the present case, Williams is without redress in federal court when the MAC is non-responsive (even after leaving numerous voicemails), thus failing to render any decision. As such, the Petitioner now presents the following intervening circumstances of a substantial effect that will have a

negative impact on all federal lawsuits that require the exhaustion of administrative remedies from a federal agency.

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## **REASONS FOR GRANTING THE REHEARING**

This Court’s Rule 44.2 authorizes a petition for rehearing based on ‘intervening circumstances of a substantial effect.’ With the new Department of Government Efficiency (“DOGE”) by the Trump administration, federal agencies have and will be experiencing significant cutbacks including reduction in personnel. The amount of cutbacks, layoffs, firings and closures being done to federal agencies by DOGE is unprecedented; thereby having an immediate substantial effect on the agencies’ ability to respond to complaints in a timely manner. For example, if the MAC having all of its personnel was unresponsive to Williams’ complaint in the present case, it is likely that many of these federal agencies will be unresponsive or become more unresponsive after their workforce is significantly reduced.

Another example includes non-responses from the Equal Employment Opportunity Commission (“EEOC”), such as a failure to receive a Notice of Right to Sue, which will result in an aggrieved party’s lack of standing to sue in federal court. The same results would occur from other federal agencies being non-responsive to complaints, such as the Department of Education. In addition, failure to

respond to complaints from these federal agencies could even occur at the beginning level or the middle level of the appeals process, which would further complicate things. For example; how would the present issue be handled if Williams did not receive a hearing from the Administrative Law Judge ("ALJ"), which is the third level of administrative review according to the Medicare Act. Hence, according to 20 C.P.R. § 404.900 ("If you are dissatisfied with our final decision, you may request judicial review by filing an action in a Federal district court."), there is no Medicare rule that allows a party to file in Federal district court until after exhausting the final level of review by the MAC. At least in the present case, the non-response by the MAC was at the final level of the appeals process. Therefore, Williams had no choice but to seek judicial review before the statute of limitation period ran out. Only a ruling by this Court can avert the many injustices that have and will occur due to a federal agency being non-responsive to a complaint.

In light of the unprecedented DOGE activities toward federal agencies, it is relatively easy to foresee that many aggrieved parties that are required to file a claim with a federal agency would not have subject-matter jurisdiction to sue in federal court due to an agency being non-responsive to that claim. Therefore, it is advantageous for this Court to have a remedy for the massive influx of aggrieved parties that are required to exhaust their administrative remedies with a federal agency before seeking federal review.

For the reasons discussed above, this Court should grant the Rehearing.

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### CONCLUSION

In view of the foregoing, Petitioner Darrell E. Williams respectfully asks this Court to grant a Rehearing.

Dated: March 17, 2025

Respectfully submitted,

Darrell E. Williams, Esq.  
8010 Woodcreek Drive  
Bridgeville, PA 15017  
(412) 983-3901  
Williamsdew123@gmail.com

*Attorney for Petitioner*

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**CERTIFICATE OF COUNSEL**

Pursuant to Rule 44.2, Petitioner certifies that the Petition is restricted to the grounds specified in the rule with intervening circumstances of a substantial effect. Petitioner certifies that this Petition is presented in good faith and not for delay.

Darrell E. Williams  
Darrell E. Williams, Esq.

*Attorney for Petitioner*