

No. 24-7066

In The Supreme Court Of The United States

Hazem Garada M.D, Appellant)

v.)

D.C. Board Of Medicine, Appellee) June, 07, 2025

**On Petition for a Writ of Certiorari to the
DC Court Of Appeal N0: 23-AA-971**

PETITION FOR REHEARING

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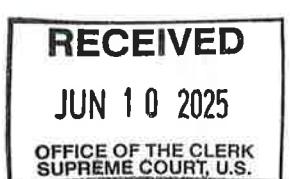


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PETITION FOR REHEARING

Petitioner Hazem Garada respectfully petitions for rehearing of this Court's May 27, 2025 Order denying his petition for a writ of certiorari.

REASONS FOR GRANTING REHEARING

Rule 44.2 authorizes a petition for rehearing based on its grounds shall be limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

On May 22, 2025, the US Supreme Court issued a unanimous decision in *Kousisis v. United States*, providing clarity on the scope of the federal wire fraud statute, 18 U.S.C. § 1343. In a opinion authored by Justice Amy Coney Barrett, the Court held that a defendant may be convicted of wire fraud for inducing a victim to enter into a transaction under materially false pretenses—even if the defendant did not intend to cause, and the victim did not suffer, a net economic loss.

Under Rule 44.2 Supreme Court rehearing petition : As relevant here, "or to other substantial grounds not previously presented" ,The Honorable Highest Court Of The Land has the Jurisdiction to review ,correct or intervene when a lower court or a state agency proceedings involved Fraud, Perjury ,deception or false statement by a state agency or employee :

And under "Article III, Section 2, Clause 2: In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make. The Supreme Court's appellate jurisdiction includes the authority to review decisions of both lower federal courts and state ".

As Respondent Fraud started in proceedings stemmed from it's requested email and mail filing sent from Respondent to petitioner in 2022 requesting consent to it's motion to remand and vacate it's 2019 original denial order of applicant license prior to filing of motion to DC Court Of Appeal No 21-AA-815 (Hazem Garada v DC Board Of Med) 2022 willfully and under auth

it's Motion to Vacate Dr. Garada denial application 2019 and remand it back to the court "for further proceedings consistent with the statement made in RESPONDENT'S MOTION" ,Petitioner in Good faith and without delay consented for respondent's Motion on believe that A state agency or State Legal Counsel would not be deceiving the Honorable Court .

DC Court Of Appeal Granted that Motion in it's June 27,2022 order. (petitioner Appendix i) .Petitioner presented substantial Facts and supportive evidence that included DC pre hearing orders and deadlines for evidence or motions submissions , and DC Board Of Med transcript hearing Oct,26,2022 that verifies to any reasonable mind without doubt how the agency fraudulently, willfully and under auth perjured its self by simply EXCLUDING and DISALLOWING any filing or evidence or even any chance to applicant to present his case under the Vacate Remand Order Of The DC Court Of Appeal June 27,2022 in which respondent willfully under auth certified to the court" it will proceed under proceeding's consistent with it's statement made in respondent's motion" . DC Board as the Oct 26,2022 hearing transcript shows :" This hearing is only to hear facts after 2004 plea deal conviction and respondent can't present anything prior to 2004 " , however even when petitioner attempt to present his supportive evidence (see Petitioner Appendix A2-3-4) in compliance to proceeding and statements in DC Court Of Appeal June 27,2022(The Remand and Vacate ORDER under THE DC LAW ACT 2021)the agency disallowed without cause or any prior notice.

This Perjury and Fraud committed by respondent in violation of DC Code§ 47-4106. {Fraud and false statements} left applicant with no due process and punished by denying his licensure without even any chance to present his evidence or case . As he was fraudulently stripped of his constitutional granted right or at least a due process as the US Constitution granted its Citizens and also per DC Law statutes in the D.C. code 3-1205.14(a) : Revocation, suspension, or denial of license or privilege; civil penalty; reprimand.(a) Each board, subject to the right of a hearing as provided by this subchapter, and to have at least a meaningful opportunity to present his case and supporting evidence.

Moreover, on appeal of Petitioner of agency denial order to DC Court of appeal (Hazem Garada v DC Board Of Med) No 23-AA-971 , DC Court disallowed any evidence that was not included in hearing record of Oct 26,2022 by DC Board Of Med including all Applicant Licensure supportive written documents Ex.23 showing a full unrestricted reinstatement by Virginia Med

Board in Aug 1998 after it fully reviewed June 1998 OHIO Med Board 6 Months suspension citing Ohio Medical Finding" applicant has no clear lead Intension to Fraud the Board, and he answered the question as he understood it "(petition App :applicant Excluded Exhibits8,9 10,16,17,18,19,20,21,22,23) applicant excluded submitted list 1-33).(petitioner Appendix A1)

Respondent continuing with his Fraud on DC Court Of Appeal: in 2023 filed for summary judgment alleging the Board denied licensure due to OHIO Med Action and it provide applicant all the opportunity to be heard (see agency order).when in fact Not even a single evidence Ex. 23, ever allowed from Applicant regarding his June 1998 OHIO licensure application or VA Med Board fully granting reinstatement in Aug 1998 or any evidence of OHIO Med Board Finding " applicant has no clear intension to Fraud the Board, but he answered the question as he understood it".

DC Court Of Appeal which only allowed review of agency record on appeal affirmed agency denial order not even considering any grounds that applicant evidence Ex. 23 that contradicts OHIO Summary Judgment is even allowed "(petitioner appendix A2-A3-A4-A5) .And not considering it's own error that respondent Exhibits (see Excluded Ex. 23) submitted in DC Board hearing Oct,26,2022 DID NOT HAVE any applicant licensure exhibits ,(Petition Appendix : Appendix A1 :Petitioner's only allowed Exhibits: A-K per Agency),overlooking respondent fraudulent Perjury or fraud filings and proceedings is a clear Court critical damaging error that violated Federal laws that protect due process to applicant as also violates DC Code § 47-4106. Fraud and false statements and D.C. code 3-1205.14(a) by granting respondent Summary judgment based on 1998 OHIO Med Board order when :

1- DC Court disallowed any evidence outside the agency hearing (Petitioner Appendix A3)

2-The DC Agency Hearing Exhibits (Appendix A1) Didn't have any Licensure OHIO documents)

3-Applicant relevant Exhibits all were excluded by the Board and DC Court that shows OHIO Medical Board Findings documents clearly stating (applicant did not have any clear intention to Fraud the Board as he answered the question as he understood it".

4-DC Court allowed respondent perjury and fraud to proceed in its filing even that it ordered the granting of remand and vacate of DC denial order June 27,2022 to have applicant case reviewed in proceedings consistent with respondent's statement !

Petitioner has no other legal avenue for relief of this perjury and fraud committed and allowed to proceed violating DC Fraud Code as well as petitioner's constitutional rights . As Only This Honorable Highest Court has the power to review and correct this violation. As Affirmed By Honorable Justice Amy Coney Barrett on May,22,2025 :

On May 22, 2025, the US Supreme Court issued a unanimous decision in *Kousisis v. United States*, providing clarity on the scope of the federal wire fraud statute, 18 U.S.C. § 1343. In a opinion authored by Justice Amy Coney Barrett, the Court held that a defendant may be convicted of wire fraud for inducing a victim to enter into a transaction under materially false pretenses—even if the defendant did not intend to cause, and the victim did not suffer, a net economic loss.

" The Supreme Court has the power to review ,correct and vacate any state agency or lower court that stems from a fraudulent deceptive filing or proceedings especially when it violates petitioner constitutional and state rights and violate The Laws Of The United States Of America's judicial system that demand no party or a state agency or an officer of the Court shall file deceptively, or misrepresent or attempt to deceive any court".

Respondent perjury falls under DC Code: Code of the District of Columbia § 47-4106. Fraud and false statements:

(a) A person who willfully makes and subscribes, delivers, or discloses a return, statement, list, account, or other document required under this title, or under regulations made under authority thereof, which he or she does not believe to be true and correct as to every material matter, shall, in addition to other penalties provided by law, be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned not more than 180 days, or both, together with costs of prosecution.

(b) A person who willfully aids or assists in, procures, counsels, or advises the preparation or presentation under, or in connection with, a matter arising under this title, or under regulations

made under authority thereof, of a return, affidavit, claim, list, account, or other document, which is fraudulent or is false as to any material matter, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim, list, account, or document, shall, in addition to other penalties provided by law, be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$5,000, or imprisoned not more than 180 days, or both, together with costs of prosecution.

(c) A person who willfully makes and subscribes, delivers, or discloses a return, statement, list, account, or other document required under this title, or under regulations made under authority thereof, which he or she does not believe to be true and correct as to every matter, shall, in addition to other penalties provided by law, be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$3,000, or imprisoned not more than 180 days, or both, together with costs of prosecution.

(d) A person who willfully aids or assists in, procures, counsels, or advises the preparation or presentation under, or in connection with, any matter arising under this title, or under regulations made under authority thereof, of a return, affidavit, claim, list, account, or other document, which is fraudulent or is false as to any matter, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present the return, affidavit, claim, list, account, or document, shall, in addition to other penalties provided by law, be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$3,000, or imprisoned not more than 180 days, or both, together with costs of prosecution.

The Supreme Court had always stood against Fraud ,Deception and False statements made in cases it reviews and in which the state agency **ABUSED ITS POWERS** . As Also Found in circuit court guidelines: " The standard of review of agency action is summarized to whether the agency acted within its statutory powers, whether the parties were afforded procedural due process, and whether the agency's decision was supported by substantial evidence. See Urella v. Kentucky Bd. of Medical Licensure, Ky., 939 S.W.2d 869,873 (1997)(citing Kentucky State Racing Commission v. Fuller, Ky., 481 S.W.2d 298 (1972)); Kentucky Bd. of Nursing v. Ward, Ky. App., 890 S.W.2d 641, 643 (1994)."

CONCLUSION

Petitioner humbly, for the foregoing reasons, prays the Court grant rehearing for a writ of certiorari.

Hazem Garada
Respectfully submitted

June, 7, 2025

Certificate Of Service

A Copy of above response has been mailed via Secured US mail carrier to D.C Board Of Medicine counsel on record's address On_June07,2025

Hazem Garada, MD

Date June07 2025

Hazem Garada

Certificate Of Compliance With Rule 44.2 of The United States Supreme Court

This is to certify that the above attached REHEARING PETITION is being submitted IN GOOD FAITH and FOR NO DELAY on the allowed grounds under rule 44 of The Supreme Court Of The United States.

Respectfully

Hazem Garada

June 7,2025

Hazem Garada