

**CASE NO. 24-973**

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**IN THE SUPREME COURT OF THE  
UNITED STATES OF AMERICA**

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**JUSTIN SAVAGE,**

**Petitioner**

**v.**

**HENRY COUNTY SCHOOL DISTRICT,**

**Respondent**

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**ON PETITION FOR WRIT OF CERTIORARI  
TO THE ELEVENTH CIRCUIT COURT OF APPEALS**

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**PETITION FOR RE-HEARING**

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## **CORPORATE DISCLOSURE**

The Corporate Disclosure Statement in the petition for a writ of certiorari remains unchanged.

**List of Proceedings**

- (a) Justin Savage v. Henry County School District, No. 1:22 -CV-0175-CAP-LTW,  
Northern District Court of Georgia Judgment entered October 11, 2023
- (b) Justin Savage v. Henry County School District, No. 1:22 -CV-0175-CAPLTW,  
Northern District Court of Georgia Judgment entered May 29, 2024
- (c) Justin Savage v. Henry County School District, No. 23-13771-CC, 11th  
Circuit Court of Appeals Judgment entered May 29, 2024
- (d) Justin Savage v. Henry County School District, No. 23-13771-CC, 11th  
Circuit Court of Appeals Judgment entered August 12, 2024
- (e) Justin Savage v. Henry County School District, 23-13771-CC, United States  
Supreme Court Order entered May 19, 2025

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## PETITION FOR REHEARING

Petitioner, Justin Savage (“Petitioner”) respectfully petitions this Honorable Court for rehearing of its Order dated May 19 2025, denying his petition for a writ of certiorari. In support of this request, Petitioner submits that the Court’s decision overlooked or misapprehended critical aspects of the case, which warrant further examination. The issues presented are of substantial legal significance, and a reevaluation of the petition is necessary to ensure justice is served and to address errors that may have led to an unjust outcome. Petitioner submits that a rehearing is in the interest of both fairness and the proper development of the law.

## REASONS FOR GRANTING RE-HEARING

The Petitioner respectfully seeks a rehearing pursuant to Rule 44 of the Rules of the Supreme Court of the United States, based on significant intervening circumstances that materially affect the Court’s prior denial of certiorari issued on May 19, 2025. Specifically, a critical-decisions in *In re the Marriage of A.M. and R.Y.*, D084344 (Super. Ct. No. 23FL004284C), issued by the Court of Appeal, Fourth Appellate District, Division One, State of California on April 30, 2025—have since emerged. These rulings substantially alter the legal landscape and reinforce constitutional principles that directly bear upon the procedural deficiencies raised in the Petitioner’s case. Rehearing is warranted to prevent inconsistent outcomes and ensure that the rule of law is uniformly applied.

Under *Gondeck v. Pan American World Airways, Inc.*, 382 U.S. 25 (1965), this Honorable Court has expressly held that “intervening circumstances of substantial effect” justify the grant of rehearing. In *In re the Marriage of A.M. and R.Y.*, the California Appellate Court emphasized the imperative of reasoned decision-making, particularly in matters affecting substantive rights. The court held that judicial orders—especially those denying relief—must state the rationale for the decision to ensure that parties are afforded their full rights to review and challenge under applicable law. The absence of a stated basis for denial in judicial decisions not only impairs transparency but also violates the procedural fairness embedded in constitutional guarantees.

This newly emerged rulings underscore and reaffirm this Honorable Court’s own longstanding precedent in *Clay v. United States*, 403 U.S. 698 (1971) (“*Clay*”), where the Court held that a decision lacking a stated rationale is inherently deficient. In *Clay*, the Appeal Board’s denial of a conscientious objector exemption without indicating its grounds rendered the conviction reversible. The Court reasoned that when it is impossible to determine which ground formed the basis of the denial, due process requires reversal—citing *Sicurella v. United States*, 348 U.S. 385 in support of this fundamental proposition.

In the present case, the Eleventh Circuit Court of Appeals issued its final decision on August 12, 2024, dismissing the Petitioner’s petition for rehearing



rehearing without providing any reasons. This silence directly contradicts the foundational principle articulated in *A.M. and R.Y., Clay*, and *Sicurella*—that litigants must be informed of the legal and factual basis for adverse decisions to protect their right to due process. The Petitioner was thereby denied a meaningful opportunity to understand or challenge the basis of the Court’s ruling, violating core constitutional protections.

This Court’s denial of certiorari on May 19, 2025, risks entrenching a troubling precedent that diminishes procedural safeguards and permits appellate courts to dismiss rehearing petitions without any accountability or explanation. Such practices threaten the consistency and integrity of the justice system, especially when they affect rights protected by the Fifth and Fourteenth Amendments to the United States Constitution, which both provide that no person shall be deprived of life, liberty, or property without due process of law.

In view of the material significance of *In re the Marriage of A.M. and R.Y.*, the prior denial of certiorari stands on a now-flawed foundation. The Petitioner respectfully submits that rehearing is warranted to ensure consistency in the application of due process principles, uphold statutory and constitutional protections, and prevent a miscarriage of justice. The case raises important federal questions concerning the denial of procedural fairness, the arbitrary dismissal of rehearing petitions, and the erosion of transparency in judicial decisions.

Accordingly, Petitioner respectfully urges this Honorable Court to grant the instant petition for rehearing to prevent further injustice and affirm its commitment to equal protection, due process, and the fair administration of justice.

**I. COURT OF APPEAL'S FAILURE TO RENDER A REASONED DECISION CONSTITUTES MANIFEST VIOLATION OF PETITIONER'S DUE PROCESS AND CONSTITUTIONAL RIGHTS**

That the Court of Appeals' dismissal of the rehearing petition without offering any stated reasons constitutes a manifest violation of the Petitioner's due process and constitutional rights. The core tenet of procedural fairness requires that courts render decisions with clear, reasoned explanations to allow litigants a meaningful opportunity to understand, accept, or challenge the outcome. In this instance, the absence of a reasoned ruling deprived the Petitioner of the ability to ascertain the basis for denial, particularly where substantial evidence had been provided demonstrating the inaccuracy of the factual premises underlying the original judgment and confirming the Petitioner's lawful and compliant conduct.

The Petitioner had duly filed a petition for rehearing on June 17, 2024, in response to the Court's May 29, 2024, opinion, which erroneously suggested misconduct on the Petitioner's part despite uncontroverted evidence to the contrary. That petition was supported by verifiable documentation from state agencies and former officials of the Respondent School District, all affirming the Petitioner's eligibility for certification and the accuracy of the application process. Despite this

compelling evidentiary record, the Court of Appeals summarily dismissed the rehearing petition without elaboration. This silence is not merely a procedural omission—it materially undermines the Petitioner’s rights under the Fifth and Fourteenth Amendments of the United States Constitution.

The denial of a rehearing petition without explanation directly conflicts with the due process principles recognized by judicial authorities requiring courts to provide the rationale behind their decisions, particularly when such decisions affect substantive rights. Courts must avoid arbitrary dismissals and ensure transparency in adjudicative processes, as emphasized in precedents such as *State v. Levh*, 166 Ohio St. 3d 365, and *In re Stewart*, 552 F.3d 1285 (11th Cir. 2008). The unexplained dismissal in the Petitioner’s case reflects a failure to meaningfully engage with the record or consider the evidence presented, thereby depriving the Petitioner of a fair and informed judicial process.

This omission also contravenes USCS Supreme Ct. R. 10, which identifies circumstances warranting review, including where a United States Court of Appeals has decided an important question of federal law in a manner that conflicts with relevant decisions of this Court or fails to address it altogether. The procedural defect in this case—namely, the refusal to provide a reasoned ruling—presents precisely the kind of constitutional deficiency that Rule 10 seeks to address.

Moreover, the Court of Appeals failed to acknowledge or address the

substantial procedural irregularities highlighted by the Petitioner, including the retaliatory context of the termination following the sexual harassment complaint, the verified accuracy and timeliness of the clearance documents, and the clear findings of no criminal history by competent authorities. The silence in the Court's order not only leaves these critical facts unaddressed but also deprives the Petitioner of any guidance to pursue further legal remedies or review.

Accordingly, this Honorable Court is urged to grant the instant petition for rehearing to correct the deprivation of due process rights, ensure consistent application of federal constitutional standards, and restore the integrity of judicial proceedings in cases where life-altering rights—such as employment, reputation, and professional certification—are at stake. The Petitioner's petition raises pressing questions about judicial accountability and transparency, and warrants full consideration through the grant of rehearing.

**II. THE MATERIAL EVIDENCE PRESENTED BY PETITIONER HAS NOT BEEN ADDRESSED BY THE COURT OF APPEAL AND THE SUPREME COURT AS WELL**

That the Court failed to consider substantial and material evidence directly relevant to the issues underlying the proceedings, resulting in a denial of due process. The judgment dated May 29, 2024, was grounded in the unsubstantiated presumption that the Petitioner submitted fraudulent documentation, a conclusion unsupported by the factual record and contradicted by verified evidence presented

throughout the proceedings. The Georgia Bureau of Investigation and the Assistant Attorney General expressly confirmed that the Petitioner had no criminal history or conviction, and the Petitioner had submitted all required background documentation, including the FBI/GBI fingerprint clearance. This evidence is not ancillary—it addresses the core question of the Petitioner’s eligibility for employment and certification.

Despite this, the court declined to engage with or even acknowledge the presented documents and testimony confirming the Petitioner's clearance status and certification. This includes the Clearance Certificate ID issued to the Petitioner and verified by the Attorney General’s office, as well as corroborating statements from multiple former district officials and investigators. These facts directly rebut the Respondent’s contentions and fundamentally alter the context in which the allegations against the Petitioner should be assessed. In *Richardson v. State*, 331 Mont. 231, 2006 MT 43, 130 P.3d 634 (Mont. 2006), the Court recognized that withholding critical evidence reflects a disregard for the judicial process and prioritizes procedural advantage over substantive justice. The Respondents' failure to address or disclose these materials is of similar concern.

Moreover, the Petitioner draws attention to post-termination conduct by Respondent’s counsel, including multiple settlement overtures made in 2021 and 2022. These communications—especially the acknowledgment by Julie Oinonen

that “Plaintiff will prevail under sexual harassment retaliation claims”—constitute an implied recognition of liability and undermine the presumption that the Petitioner’s claims lacked merit. The repeated attempts to settle further corroborate that the Respondents were aware of the Petitioner’s valid certification and procedural compliance, despite their current posture.

Further, the Petitioner’s official Separation Notice confirms that fingerprint clearance was approved on July 23, 2020, prior to the commencement of employment on July 27, 2020. This documentary evidence aligns with the verification by the Attorney General’s office and contradicts the Respondents’ assertion of procedural deficiency. In *State v. Heft*, 2009 Ohio 5908 (Ohio Ct. App. 2009), the appellate court emphasized that decisions should not be based on unsubstantiated allegations that lack support in the record. Here, the Petitioner has submitted record-based proof that was simply not evaluated.

Lastly, although from the criminal law context, the principle enunciated in *Brady v. Maryland*, 373 U.S. 83 (1963), is instructive: the suppression or disregard of exculpatory evidence—such as the verified absence of any criminal history—undermines the fairness of proceedings. The withholding or failure to address such evidence in civil adjudications, especially when related to reputation, employment, and constitutional protections, is similarly prejudicial. The Court’s silence on these critical materials has impaired the Petitioner’s right to a full and

fair adjudication. A rehearing is therefore warranted to correct this omission, to consider the complete evidentiary record, and to ensure adherence to the due process protections guaranteed by law.

### **III. FAILURE TO ADDRESS EVIDENCE ON RECORD IS A VIOLATION OF THE DUE PROCESS OF THE PETITIONER**

The failure of the Georgia Professional Standards Commission, the Administrative Law Judge, and subsequently the courts, to address critical evidence on record constitutes a violation of the Petitioner's right to due process under the Fifth and Fourteenth Amendments to the United States Constitution. The fundamental premise of due process mandates not only the opportunity to be heard but also the fair and reasoned consideration of the evidence presented by a party. In this matter, the Commission and the courts disregarded substantive and uncontested documentary evidence submitted by the Petitioner—namely, the July 23, 2020 fingerprint background check from the Georgia Bureau of Investigation and corroborating letters from the Rockdale County Sheriff's Office—clearly demonstrating the absence of any criminal record. This evidence was supported further by testimony and deposition from key former school district personnel affirming the Petitioner's clearance status and certification.

The Commission's denial of the Petitioner's clearance certificate relied heavily on a clerical error in the initial clearance application. That error, however,

was timely and correctly addressed through a second, corrected clearance application bearing a “No” response to the relevant question and reflecting a clear background check. Both versions of the clearance application explicitly state on the first page that the fingerprint background check revealed no reportable problems. Nevertheless, the Commission ignored the corrected version and based its adverse determination on the original error, thereby rendering the denial procedurally and substantively flawed.

Following the Petitioner’s filing of a sexual harassment complaint against an administrator, retaliatory actions were initiated, culminating in the unjust denial of his clearance. These retaliatory actions included disregarding the corrected and notarized application, pressuring individuals within the district responsible for facilitating the Petitioner’s certification, and misrepresenting facts in subsequent proceedings. This conduct suggests a predetermined motive to obstruct the Petitioner’s professional standing rather than an impartial evaluation based on factual evidence.

The Eleventh Circuit Court of Appeals, in its Order dated May 29, 2024, adopted the erroneous factual premise that the Petitioner had a criminal history and had acted dishonestly, despite overwhelming contrary evidence on record. When the Petitioner sought rehearing, the Court summarily denied the request without explanation, denying the Petitioner a meaningful opportunity to address



the Court's misapprehensions of fact and law. Such a denial, issued without reasons, contravenes the principles laid down in *Clay*, *Sicurella*, and *A.M. and R.Y.*, which affirm that judicial bodies must disclose the rationale for their decisions, particularly where constitutional rights are implicated.

Moreover, the Respondent's reply brief dated February 22, 2024, diverted attention from the merits of the case to alleged procedural conduct, relying on an unsigned and typewritten explanation purportedly authored by the Petitioner. The Petitioner consistently denied authoring the statement, and there is no evidence to establish its authenticity. Crucially, the document was not signed, and the Petitioner testified that he neither composed nor submitted it. The chain of custody for the document also remains unverified, as it was handled by school district personnel before its submission to the Commission. The corrected application, duly notarized and submitted through the proper channel, clearly indicated "No" to the pertinent question and was ignored in its entirety by the Commission and the reviewing authorities.

Therefore, the Petitioner's claim warrants rehearing as it raises a significant constitutional issue: the deprivation of a professional certification based on inaccurate and unverified information, despite the presence of conclusive and verified exculpatory evidence. The denial of consideration to this evidence, compounded by a summary appellate rejection without any stated reasons, reflects

a systemic disregard for procedural safeguards and underscores the need for this Honorable Court to intervene to uphold the constitutional guarantees of due process, transparency, and fairness.

## CONCLUSION

In light of the substantial constitutional implications, the emergence of critical appellate precedent, and the unaddressed material evidence on record, the Petitioner respectfully urges this Honorable Court to grant the instant petition for rehearing. The unexplained denial of rehearing by the Court of Appeals and this Court's prior denial of certiorari—despite the presence of verifiable, exculpatory evidence and intervening legal authority—constitute a denial of due process and undermine the principles of transparency and reasoned adjudication. The ruling in *In re the Marriage of A.M. and R.Y.* reinforces the constitutional requirement that judicial decisions, especially those affecting substantive rights, must be supported by articulated rationale. This requirement has not been met in the present case, leaving the Petitioner without a meaningful opportunity to understand or challenge the adverse determinations made against them.

Moreover, the evidentiary record—including official certifications, investigative findings, and corroborative testimony—remains wholly unaddressed, contrary to fundamental procedural safeguards enshrined in the Fifth and Fourteenth Amendments. When considered alongside relevant and binding

precedent, including *Clay*, *Sicurella*, and *Brady*, it becomes clear that the Petitioner has been deprived of a fair and informed adjudicative process. A rehearing is necessary not only to rectify these procedural deficiencies, but to ensure the consistent and principled application of constitutional protections across jurisdictions.

Accordingly, to prevent a miscarriage of justice and to reaffirm this Court's longstanding commitment to due process, fairness, and judicial accountability, the Petitioner respectfully prays that the Court grant the petition for rehearing.

A handwritten signature in black ink, appearing to be 'P. J. Z.', written in a cursive style.

6/12/2025

**CERTIFICATE OF PETITIONER**

I hereby certify that this petition for rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 44.2.

This 12<sup>th</sup> day of June, 2025

Respectfully Submitted

Justin Savage  
Stockbridge, GA  
Email: 2100bm@gmail.com  
626-376-1651

  
6/12/2025

**CERTIFICATE OF SERVICE**


I now certify that on June 12, 2025, I served the preceding Rehearing Petition writ of certiorari on counsel for Respondent, Grant McBride, who represents the Henry County School District via certified mail at the following address:

2200 Keys Ferry Court, McDonough, GA 30253

This 12<sup>th</sup> day of June, 2025

Respectfully Submitted,

Justin Savage  
Southwest Stockbridge, GA  
Email: 2100bm@gmail.com  
626-376-1651

  
6/12/2025

**CERTIFICATE OF COMPLIANCE**

Case No. 23-13771-CC

Justin Savage

v.

Henry County School District

Pursuant to Rule 33.1 (h) of the Rules of this Court, I certify that the accompanying Rehearing, which was prepared using Century Schoolbook (12-point typeface, contains 2,675 words, excluding Certificate of Service, Certificate of Compliance, and Notarized Affidavit. This certificate was prepared in reliance on the word-count function of the word-processing system (Microsoft Word) used to prepare the document.

I declare under penalty of perjury that the foregoing is true and correct.

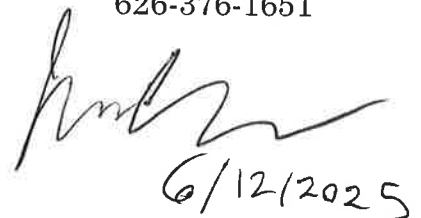
This 12<sup>th</sup> day of June, 2025

Respectfully Submitted,

Justin Savage  
Stockbridge, GA  
30281

Email: 2100bm@gmail.com  
626-376-1651

16.



6/12/2025

Notarized Affidavit

Date: June 12, 2025

My legal name is Justin Savage ("Affiant") and acknowledge I am:

Age: N/A

Address: N/A

Being duly sworn, herby swear under oath that the rehearing petition

Under penalty of perjury, I hereby declare and affirm that the above-mentioned statement is to the best of my knowledge, true and correct.

Affiant's Signature: [Signature]

Date: 6/12/2025

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Notary Signature Lucia Gordon

Notary Seal



06.12.2025