

No. 17-1626

In the Supreme Court of the United States

HAMID R. ASSADIAN,

Petitioner,

—v—

REZA "RAY" PARSI A/K/A MOHAMMAD REZA
TAGHIZADEH, TELE-FREE IRAN, MANATEL
COMMUNICATION & ENERGY, INC.,

Respondents.

On Petition for Writ of Certiorari to the
Court of Appeal of California,
Fourth Appellate District, Division Three

PETITION FOR REHEARING

HAMID R. ASSADIAN
PETITIONER PRO SE
1101 DOVE ST., SUITE 255
NEWPORT BEACH, CA 92660
(949) 436-8494
HRASSADIAN@GMAIL.COM

OCTOBER 25, 2018

SUPREME COURT PRESS ♦ (888) 958-5705 ♦ BOSTON, MASSACHUSETTS

TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES	ii
PETITION FOR REHEARING	1
REASONS FOR GRANTING THE PETITION	3
CONCLUSION.....	4
RULE 44 CERTIFICATE	5

TABLE OF AUTHORITIES

	Page
CASES	
<i>Erickson v. Pardus</i> , 551 U.S. 89 (2007)	2
<i>Estelle v. Gamble</i> , 429 U.S. 97 (1976)	2
<i>Haines v. Kerner</i> , 404 U.S. 519 (1972)	2
<i>Halbert v. Michigan</i> , 545 U.S. 605 (2005)	2
<i>Schacht v. United States</i> , 398 U.S. 58 (1970)	2
STATUTES	
28 U.S.C. § 1746	5
JUDICIAL RULES	
Sup. Ct. R. 44	1, 5



PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44, Petitioner respectfully petitions this Court for rehearing of its October 1, 2018 order denying the writ of certiorari in this case.

Petitioner's writ of certiorari was originally assigned to Justice A. Kennedy. This honorable seat has been vacant for quite some time and was vacant as of October 1, 2018 when Petitioner's writ of certiorari is denied. Petitioner is not privy to the true nature of the votes leading to the denial of the writ of certiorari in this case but Petitioner asserts that his constitutional rights are ignored when the designated honorable justice has been absent for a long period leading to the date of the denial of the writ of certiorari.

Petitioner further asserts that constitutional rights of petitioners are ignored when the US Supreme Court only selects a "limited" number of writs of certiorari based on "national issues" or this honorable Court's schedule, calendar, and resources as stated on this Court's website. The US Supreme Court is the ultimate authority to uphold the constitution and the laws of the United States of America and as such, this Court should have the necessary resources to hear all cases with merits where manifest error and therefore injustice has occurred and all lower states and federal courts have failed to uphold the principals of justice without exceptions. Such cases can get queued up irrespective of this Court's annual calendar limitations. Awaiting justice is substantially better than ignoring injustice.

This honorable Court and the US Court of Appeals of the Federal Circuit have proven over and over again that the ultimate goal is to uphold justice where the lower legal system has failed the Petitioner. In Petitioner's case before the US Court of Appeals of the Federal Circuit, one of the honorable justices demonstrated his awe by stating:

" Was this case litigated under US laws in US Courts?! From fundamental stand points, it's incomprehensible."

Petitioner begs the leniency typically afforded pro se litigants, that unfortunate lack of affordability of experienced Supreme Court counsel should not deprive Petitioner of his day in this Court. As the Court has recognized on several occasions, "[n]avigating the appellate process without a lawyer's assistance is a perilous endeavor for a layperson." *Halbert v. Michigan*, 545 U.S. 605, 621 (2005); *see also*, 7 *e.g.*, *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (emphasizing that "[a] document filed pro se is 'to be liberally construed'"); *Estelle v. Gamble*, 429 U.S. 97, 106 (1976) (same); *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972) (same). That is no less true of the process before this Court. Accordingly, this Court can and should excuse unintentional failures of the Petitioner to properly set the case for a writ of certiorari before the Supreme Court when they result from the difficulties inherent in proceeding pro se. *Schacht v. United States*, 398 U.S. 58, 64 (1970) ("The procedural rules adopted by the Court for the orderly transaction of its business . . . can be relaxed by the Court in the exercise of its discretion when the ends of justice so require.").



REASONS FOR GRANTING THE PETITION

The issues presented here are of profound nationwide importance and it will address a key issue for all state and federal courts whether one superior [or federal] court judge can completely ignore or overrule the stated decision and ruling of another superior [or federal] court judge in the same court at the same level. To leave the questions presented unresolved would needlessly prolong the prevailing uncertainty on issues that recur constantly and that affect millions of people in all fifty states. The full nine-member U.S. Supreme Court can settle this issue permanently saving substantial judicial resources in the already backlogged state and federal courts.



CONCLUSION

For the foregoing reasons, this Court should grant the petition for rehearing, vacate the order denying the writ of certiorari, and allow this case to proceed before this Honorable Court accordingly.

Respectfully submitted,

HAMID R. ASSADIAN
PETITIONER PRO SE
1101 DOVE ST., SUITE 255
NEWPORT BEACH, CA 92660
(949) 436-8494
HRASSADIAN@GMAIL.COM

OCTOBER 25, 2018

RULE 44 CERTIFICATE

I, Hamid R. Assadian, Petitioner Pro Se, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

1. This petition for rehearing is presented in good faith and not for delay.
2. The grounds of this petition are limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

HR Assadian

Signature

Executed on October 6, 2018
Date

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California ORANGE
County of ORANGE

On OCT 6 2018 before me, J.B. Swan III, Notary Public
(Date) (Please Insert Name and Title of the Officer)

personally appeared HAMID R. ASSADIAN
(Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) appear subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his their authorized capacity(ies), and that by his her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]
(Signature of Notary Public)

