

No. 17-6363

In the
Supreme Court of the United States

LUCILLE R. KELLEY
Petitioner,
v.
ALDINE INDEPENDENT SCHOOL DISTRICT
Respondent

On Petition for Writ of Certiorari
To the United States Court of Appeals
For the Fourteenth Circuit

PETITION FOR REHEARING

Lucille R. Kelley
Prose
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December 29, 2017

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PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44, Petitioner respectfully petition this Court for Rehearing of its December 4, 2017 order denying Petitioner's Writ of Certiorari.

Since December 13, 2010, Petitioner has been persistent in seeking **JUSTICE** in her cause. At the then age of 76 Petitioner slipped on food while working as a Substituted Teacher. The fall resulted in Petitioner sustaining injuries all over her body. Those injuries have been documented, and presented to the Courts.

Petitioner has had (TWO) Attorneys to assist her in her cause, however, both attorneys terminated themselves from her cause, without informing Petitioner as to why. The Attorneys' termination letters were submitted to the Courts. Petitioner has made attempts to retain other Attorneys, but to no avail. Petitioner had the assistance from the Texas Workers' compensation Ombudsman who assisted Petitioner in the Contested Hearing. Petitioner Appealed the Hearing Officer's Decision.

As noted in the Hearing Officer's Decision dated November 26, 2013, Page (5) par (1) Petitioner's Compensable Injuries had been accepted by the carrier, and their own assigned Designated Doctor Carter accepted Petitioner injuries to her back and neck due to her accident on December 13, 2010. (see page 3.) In addition, the Hearing Officer failure to mention that the Designated Doctor Roybal was under investigation for issuing inaccurate Impairment Ratings on injured Employees, nor were the other medical opinions submitted by Petitioner to the District Court ruled on. The Medical condition after Petitioner's surgery on her foot. Petitioner lost the ability to walk, stand, and sit without the assistance of others, and placed in a Rehab. Center.

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Petitioner still require the use of a cane, and have pain daily in her back and neck.

The clarification of Doctor Roybal's response, Doctor Roybal was to clarify in his opinion issued on Petitioner's foot, there were no mention of Petitioner's back, and neck. As noted, Doctor Roybal made an inaccurate statement (page 5 par. 1) Doctor Roybal considered, and rated the entire compensable injury", not so Petitioner's back, and neck were omitted although, other medical opinions including their own designated Doctor Carter related those injuries to her fall.

The Supreme Court granted a "Writ of Certiorari" to Robert v. Sea-Land Service, Inc (10-1399) (2012), 132S.Ct 132 S. Ct 1350 182L.Ed 2d 341

Petitioner pray that the same Decision be granted to the Petitioner.

2.

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FACTUAL AND PROCEDURAL BACKGROUND OF CASE

- A.** Proceeding as follows:
On December 13, 2010 Petitioner sustained injuries to her back, and neck, as well as, other body parts. However, Petitioner back, and neck injuries were issued a zero Impairment Rating by the Designated Doctor.
- B.** Petitioner brought this Case to Texas District Court to correct an erroneous opinion.
- C.** The District Court, and the Contested Hearing Officer failure to mention Disciplinary action against the Designated Doctor assigned to give an opinion on Petitioner's Impairment Rating.
- D.** Petitioner was denied a New Trial, although Petitioner was in compliance with Rule 59. See *Morse v. Champlin Refining Co.* 58F (2) 32 (283 U.S. 494 (1931))
- E.** The District Court, and the Contested Hearing Officer failure to rule on the second Doctor's Impairment Rating. The second Impairment Rating Doctor issued a 21% whole body rating whereas Doctor Roybal issued a 4% whole body rating.
- F.** The District Court suppressed undisputed evidence presented to the Court by Petitioner. U.S. Constitution 14th Amendment, the excluded evidence presented to the Court, but not to the Jurors. Petitioner is praying that the Court will give her a second chance.
- G.** Petitioner had submitted a Complaint against the Designated Doctor to the Texas Medical Board, complaining about his medical opinion given on Petitioner
- H.** The District Court failure to acknowledge that Texas Risk Management Fund acceptance of Petitioner's injuries to her back, and neck, allowing treatments for the Compensable Injuries.
- I.** In seeking Justice, Petitioner did not have an Expert Witness nor an Attorney to represent her at The Contested Hearing, District Court, Appeals Court, and now in the Federal Court.
- J.** Petitioner did not receive Due-Course-of Law per Tex. Const. Art. 1-19

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**REASON OR REASONS FOR GRANTING PETITIONER'S PETITION
FOR REHEARING:**

Since the District Court denied Petitioner a New Trial which could had allowed Petitioner to present evidence to a Jury pertinent to her cause Petitioner's evidence was in the possession of the District Court, and Petitioner at the Trial but not presented to the Jurors by neither. This Court should grant this Petition to the Petitioner to correct an injustice. Petitioner would consider it a great honor to have the rare opportunity to have her case heard by the Supreme Court.

December 29, 2017

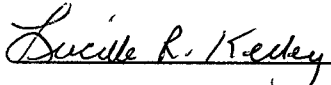
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Prayer

Petitioner respectfully pray that the Petition for Rehearing be considered for review or as an alternative refer this case back to the Texas District Court for a "New Trial".

CONCLUSION

For the foregoing reasons, the Justices of this Court should grant the Petitioner the Petition for Rehearing by vacating the order denying Petitioner the Writ of Certiorari by acknowledging Petitioner's case on its merits it so deserve, and sending Petitioner's case back to the Texas Trial Court for Retrial.



Lucille R. Kelley

Respectfully submitted,

By

LUCILLE R. KELLEY

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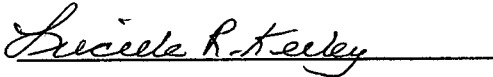
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RULE 44 CERTIFICATE

Case No. 17-6363

Undersigned by Lucille R. Kelley Pro se, hereby certifies that the foregoing Petition for Rehearing in Case No. 17-6363 Lucille R. Kelley v. Aldine Independent School District was dated December 29, 2017, and post marked December 30, 2017, time 9:09 a.m., received by the Supreme Court's Clerk on January 9, 2018. Due to some unknown reason or reasons beyond Petitioner's control. The Petition for Rehearing Case No. 17-6363, Lucille R. Kelley v. Aldine Independent School District was late on its arrival to the United States Supreme Court. Per Petitioner's receipt delivery date should have taken (2) days. The Petition for Rehearing was presented in good faith, and not for delay. See attachment

Date: January 15, 2018



Lucille R. Kelley

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Sent by: U. S. Postal Service Certified Mail No. 7007 1490 0003 8072
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