

No. 17-7098

IN THE SUPREME COURT OF THE UNITED STATES

Edgar J. Dietrich — PETITIONER

vs.

GROSSE POINTE PARK, MI, ET AL.

— RESPONDENT

PETITION FOR REHEARING OF

DENIAL OF WRIT OF CERTIORARI

Edgar J. Dietrich, Pro Se

15832 Windmill Pointe

Grosse Pointe Park, MI 48230

(313) 471-0702

DEPT OF JUSTICE

RECEIVED

FILED

MAR 16 2018

OFFICE OF THE CLERK
SUPREME COURT U.S.

RECEIVED

MAR 27 2018

OFFICE OF THE CLERK
SUPREME COURT U.S.

INTRODUCTION

This Court denied Certiorari on 2/20/2018. Dietrich timely seeks rehearing, asserting grounds not previously presented.

REASONS FOR REHEARING

This Motion is presented pursuant to S.C. Rule 44 and presents substantial grounds not previously presented.

Dietrich presented the facts of the matter in his Petition Seeking Certiorari.

The following substantial grounds were not previously presented:

1. The District Court and Sixth Circuit Court of Appeals have so far departed from procedural fairness that they have denied Dietrich his 5th and 14th Amendment rights to Due Process
2. In the extralegal action of seizing the irrevocable trust which Dietrich had legally formed and passed to his children years prior, including assets which had vested

in Dietrich's children, the respondents to this action offended Dietrich's property rights; his children's property rights; Dietrich's right to provide for his children and leave an estate; interfered with Dietrich's managerial obligations to the business; Dietrich's tax obligations to various governments; and harmed the rights of third party artwork consignee's whose property was seized.

1. The District Court and Sixth Circuit Court of Appeals have so far departed from procedural fairness that they have denied Dietrich his 5th and 14th Amendment rights to Due Process

Respondent's actions in this matter largely involved the seizure of an operating business owned by an irrevocable trust, which in turn was owned by Dietrich's sons, all as part of Petitioner Dietrich's federal bankruptcy matter.

The actions of the Sixth Circuit Court of Appeals and District Court continue an established practice of denying Dietrich any meaningful access to the Courts, by constantly and consistently dismissing Dietrich's pleadings – multiple pleadings attempting to rectify errors and illegality on the part of the trustee and associated parties to Dietrich's bankruptcy have been dismissed out-of-hand, under Rule 12 motions from the putative Defendants. Put plainly, the Court sides

absolutely with the trustee, and does not give any weight or credence to Dietrich's claims. PLAINLY, THE COURTS HAVE CLEARLY SIDED WITH THE TRUSTEE AND DID NOT GIVE ANY WEIGHT OR CREDENCE TO DIETRICH'S VALID CLAIMS.

The effect of this denial is to deny Dietrich access to the Courts, as well as denying Dietrich's rights to Due Process. This Court has held that "Procedural due process imposes constraints on governmental decisions which deprive individuals of "liberty" or "property" interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment.", Mathews v. Eldridge, 424 U.S. 319 (1976).

Dietrich has a right to access the courts, and to procedural and substantive Due Process, and this Court should intervene to enforce those rights.

2. In the extralegal action of seizing the irrevocable trust which Dietrich had legally formed and passed to his children years prior, including assets which had vested in Dietrich's children, the respondents to this action offended Dietrich's property rights; his children's property rights; Dietrich's right to provide for his children and leave an estate; interfered with Dietrich's managerial obligations to the business; Dietrich's tax obligations to various governments; and harmed the rights of all third party artwork consignee's whose property was seized.

Although Dietrich had placed the aforementioned art gallery in an irrevocable trust for his children well BEFORE any contemplation of his future bankruptcy – and well before any statutory lookback period (e.g. 11 U.S.C. 548), respondents in this action acted extralegally to seize those assets, and harmed a panoply of rights in so doing.

LaChateau Art Gallery was an operating business, owned by an irrevocable trust, which was vested to Dietrich's adult children. Dietrich, a 93-year old honorably discharged veteran of World War II and army volunteer, who was wounded in action in the Asian theatre during that conflict, had used legal and proper estate planning mechanisms in planning for his children's inheritance.

Dietrich acted as general manager of the business, and as such had a fiduciary obligation to the business, and the business customers – largely persons who had placed their art for consignment sale.

As such Dietrich had obligations to the company, to the trust, to the consignees, to the State of Michigan and Federal government, to his sons – the putative beneficiaries of the trust.

Respondents, in their extralegal actions, absolutely shredded every one of these obligations, and Dietrich's right to shoulder those obligations, in seizing a large asset from an irrevocable trust years after the assets had

accrued to the trust and Dietrich's children. Further, nearly every customer of the business was harmed, when their art was seized and sold.

This Honorable Court should intervene and correct this terrible situation, with an exercise of its supervisory powers.

SUMMARY

In this matter, compelling reasons to hear this appeal do exist and the decision below has offended the principles of Supreme Court Rule 10 at part 10(a), in that the Sixth Circuit has

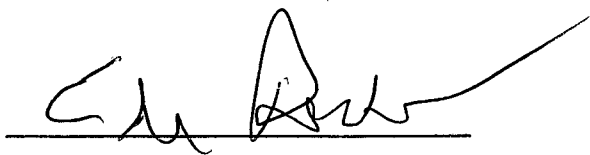
“so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power,”

(id), by failing to make any of its own determinations, and has merely relied on (e.g. sanctioned) the District Court's departure from the Supreme Court's directives and guidance in when and where assets of an irrevocable trust may be seized, and when and how property may be seized.

CONCLUSION

The Petition for Writ of Certiorari should be granted.

Respectfully submitted,

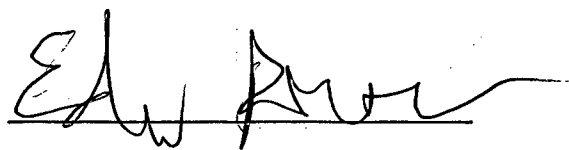
A handwritten signature in black ink, appearing to read 'Edgar J. Dietrich', written over a horizontal line.

Edgar J. Dietrich

Petitioner, Pro Se

RULE 44 CERTIFICATION

“Pursuant to SC Rule 44, I, Edgar Dietrich, certify that this motion is it is restricted to the grounds specified in paragraph Rule 44(2) and that it is presented in good faith and not for delay.”

A handwritten signature in black ink, appearing to read 'Edgar J. Dietrich', written over a horizontal line.

Edgar J. Dietrich

Petitioner, Pro Se