

NO. 17-7431

IN THE
SUPREME COURT OF THE UNITED STATES

ROBERT WILLIAMS – PETITIONER,

VS.

Timothy Blanchard, Felice Bowen,

John Collins, Emily Francos

Janet Pfefffer all of the U.S.

Department of Education Office For Civil Rights

RESPONDENTS

THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

PETITION FOR REHEARING

Robert Williams
P.O. Box 246
Bronx, NY 10467

PETITION FOR REHEARING

1. Pursuant to Rule 44.1 Petitioner constitutionally petitions this court for rehearing.

REASONS WHY CERTIORARI MUST BE GRANTED

PRELIMINARY STATEMENT

“A human rights treaty is an international agreement that imposes binding obligations to protect and promote rights and freedoms on States that officially accept it (commonly through ratification or accession)”. The United States of America is referred to as a state party to the applicable treaties.

Under the Fourteenth Amendment the United States Supreme Court acknowledges a citizen has a constitutional property interest right within public educational institutions. Due process rights exist under this amendment. *Goss v Lopez* 419 U.S. 565 (1975).

The Fourteenth Amendment also acknowledges the individual states of The United States must protect the right to education and cannot violate this right. More, State and Federal Government in the United States of America is responsible for protecting the right to education.

Any underlying adjudication that fails to weigh Robert Williams has a fundamental Human Right and Constitutional Right to education that government cannot violate for humanitarian reasons puts the United States Government in an unfavorable position within the realm of humanity. Public record should not reflect that a citizen in the United States of America has been denied his right to education and the legal system allowed this to happen currently in history or failed to correct a basic human fundamental right.

International human rights law lays down obligations which governments are bound to respect. The United States Constitution also lays down obligations that government must respect found in the Bill of Rights. As here, the Fifth Amendment Due Process Clause.

The obligation to respect means that government must refrain from interfering with or curtailing the enjoyment of human rights. “The obligation to protect requires States to protect individuals and groups against human rights abuses”. The obligation to fulfill means government must take positive action to facilitate the enjoyment of basic human rights.

Government’s domestic legal system must provide the principle legal protection of human rights guaranteed under international law and the United States Constitution under the Bill of Rights.

“Where domestic legal proceedings fail to address human rights abuses, mechanisms and procedures for individual and group complaints are available at the regional and international levels to help ensure that international human rights standards are indeed respected, implemented, and enforced at the local level”.

Under the circumstances, as here, The United States Department of Education and the United States Federal Court Tribunals ignored petitioner has a fundamental right to education. Moreover, government cannot violate this right to education for humanitarian reasons. Further, in their language they never weighed this right. The Universal Declaration of Human Rights Article 26 "Everyone has the right to education" (Rehearing Appendix at A-7).

Since the Rule of Law undeniably acknowledges governments cannot violate this human right for humanitarian reasons the underlying District Court Sua Sponte Dismissal and without a notice of hearing of the courts intention, the courts unsubstantiated conclusion that petitioner's complaints were untimely to the Department of Education Office of Civil Rights, the courts denying reconsideration and certified an appeal would not be taken in good faith violates the Rule of Law. (Rehearing Appendix at B-9-11). The District Court pits itself against a basic human fundamental right.

Since the Rule of Law irrefutably acknowledges governments cannot violate this human right for humanitarian reasons the Second Circuit Appellate Court conclusion also violates the Rule of Law for failure to adhere to a basic human fundamental right. (Writ of Certiorari Appendix at A-1). The Second Circuit also pits itself against humanity.

The Legal system of The United States of America is engaged in an act that does a disservice to the world and everyone who has fought to create equal rights and justice for all within the realm of humanity and the United States of America.

The Complaint filed in this action administratively acknowledges petitioner's right to education was not protected by The Department of Education Office for Civil Rights although petitioner filed timely documents as they requested. At this point, the right to education, since government cannot violate this right, becomes the government's responsibility to adhere to the Rule of Law. (Rehearing Appendix at C-12-26).

In previous legal actions, among other things, petitioner commenced legal action against the State Government of New York, for denying the right to education. The Federal legal system failed to respect, honor and adjudicate in a manner consistent with the fundamental human right to education. The United States Supreme Court also failed to get involved when the action surfaced to this court. *See {Williams v City University of New York, Brooklyn College, cert denied, 136 S.Ct. 253 (Mem) (Oct. 5, 2015), reh. Denied, 136 S. Ct. 589 (Mem) (Nov. 30, 2015)}*.

Now, in this legal Bivens action commenced against the Federal Government for failure to protect petitioner's fundamental human right to education, the Federal legal system again failed to respect, honor and adjudicate in a manner consistent with governments cannot violate this right under any circumstances.

Notwithstanding, this right to education has surfaced to this court again giving this court multiple opportunities in respect of humanity and the fundamental human right to education legitimately permissible and granted to all for humanitarian reasons.

Since every federal district judge and appellate circuit court would not adjudicate in a manner consistent with the underlying courts of this action, it also becomes a human right violation of Article's 6, 7 and 8 of The Universal Declaration of Human Rights. (Rehearing Appendix at A-3). It also violates the petitioner's Fifth Amendment Due Process Clause and Equal Rights Under Law.

CONCLUSION

'Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace of the world" must not just be cosmetic in nature, under the United States Government, it must be honored and correct those who, for whatever trivial reasons, lack courage to correct themselves or lose sight of what is demanded of them. This standard of correction must be available always to follow the creator and his laws of nature for a just society. Therefore. Pursuant the presented humanitarian standards this petition must be granted.

Respectfully

Robert Williams

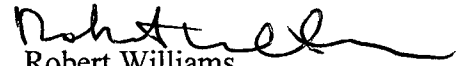
Dated:

April 12, 2018

CERTIFICATION

I Robert Williams certify that the grounds of this Petition for Rehearing are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

This Petition for Rehearing is presented in good faith and not for delay.


Robert Williams

Dated:

April 12, 2018

**Additional material
from this filing is
available in the
Clerk's Office.**