

7/11
NO. 17-9374

IN THE

FILED

OCT 18 2018

OFFICE OF THE CLERK
SUPREME COURT, U.S.

SUPREME COURT OF THE UNITED STATES

HOWARD A. CARTER PETITIONER

V.

THE UNITED STATES RESPONDENT

ON PETITION FOR WRIT OF CERTIORARI
PETITION FOR REHEARING

PETITION FOR WRIT OF CERTIORARI

PRO'SC HOWARD A. CARTER
48 OVERLOOK DRIVE
LUBEC, ME

15450-1050

IN THE SUPREME COURT OF THE UNITED
STATES

Re: HOWARD A. CARTER

v.

KATHLEEN G. KADE, et al.

NO. 17-9374

RECEIVED

OCT 23 2018

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Petition for Rehearing in Accord
with Rule 44

1. Petitioner seeks judgment on the merits timely within 25 days after entry of consideration or decision of this petition.
2. Petitioner is seeking to proceed in forma pauperis in accordance with Rule 39 in compliance with 28 U.S.C. 1746
3. Petitioner pro'se asserts a motion of leave to proceed in forma pauperis was sought in all prior court actions + leave was granted
4. Petitioner pro'se is an inmate confined in an institution + is not represented by counsel in which case the original motion suffices

5. Petitioner is presenting cases + motion in accord with Rule 44 pursuant to Rules 39 1 + 2 provisions of Rule 29.2 accompanied by proof of services that is restricted to specified grounds that is presented in a good faith effort + not for delay
6. This petition briefly + distinctly do state the grounds accompanied by a certificate stating that the grounds are limited to intervening circumstances of a substantial controlling effect + of other substantial grounds not previously presented
- 28 U.S.C. 2403 A + B 28 U.S.C. 1655 28 U.S.C. 2675A
- 18 U.S.C. 985 JURISDICTION on which equitable declaratory + injunctive relief is sought subsection (1) - (5) of subdivision (A) whether the party opposing the class has acted or has refused to act on grounds generally applicable to the class thereby making final equitable + declaratory relief appropriate with respect to class where both monetary + other relief is sought subdivisions A + B + (C) monetary recovery + equitable relief sub 6 + 7

6.1A. Policy Rule + Regulation Futures Violations
Past & Present + Ongoing recurring egregious
conduct from public policy remedy by
legislative intent Prohibit by acts of Congress
KAMMER V SCIENTIFIC CONTROL CORP
534 F.2d 1088 3rd Cir 1976

7. The code of professional responsibility the
findings of fact + conclusions of law limited
to particular issue to form relief
Prosecution DOC + Parole Board + medical
the class action + disposition of the claims
of all members in one action outweighs
the individuals right to self exclusion
The rights of class members are dependent on
the resolution of questions of constitutional
statutory or contractual construction for the
benefits of judicial economy
Special circumstances an injunction case +
action for monetary relief
8. Rule 1713 Fed R 23 d OFFICERS + DIRECTORS AS
the COURT + rules directs selected members
NOTICE the courts may police the
representatives party

9. Rule 1714 No class action shall be compromised settled or discontinued without the approval of the court after a hearing if an action has been certified as a class action notice of the proposed compromises settlement or discontinuance shall be given to all members of the class in such manner as the court may direct Rule 1714 P.R.C.P. 2230 + 231(c)

The court should conduct a careful inquiry before approving a request for discontinuance before certification

10. Rule 1715 Judgment except by special order of the court is Judgment by default or on the pleadings or by summary Judgment may be entered in favor of or against the class until the court has certified or refused to certify the action as a class action a Judgment entered in an action certified as a class action shall be binding on all members of the class except as otherwise directed by the courts in all cases the Judgment shall be framed by the court & shall specify or describe the parties who are bound by its terms

11. Rule 1715 was never been a determination by the court Rule 1710(b) provisions fees judicata collateral estoppel
Hoolick v. Protestant States Hospital
24 P.R. CMWth CT 218 354 n.d. 609 (1967)
the results achieved + benefits expended by the attorney in the litigation the magnitude complexity + uniqueness of the litigation + the quality of the services rendered whether the receipt of a fee was contingent on success the court is authorized under existing applicable law to fix the amount of counsel's fees it shall consider unreimbursed medical expenses automatically payable directed by court order very expensive of on going treatment

12. Rule 1910.25 special direct special injunction unlawfully seized liberty rights funds + property privileges + immunities
a petition for contempt alleging failure to comply with an order entered shall be treated in an expedited manner on which was intended to rely on at trial the mental examination cost of the evaluation an order directing evaluations the evaluations

- 12.4. Themselves completed + the reports provided to the courts by counsel + for sanctions a consent order to contest the right to select
13. No judgment was entered by default petitioner seeks judgment as a matter of law on the pleading with an opportunity to development of the record + present the facts in accordance of applicable procedures to conform to the law as determined by the rules access to records to show + prove my rightful custody
14. Petitioner seeks the enforcement provisions to compel officials to act + contempt proceedings
- 1915.13 not limited to the types of select cataloged
- a disobedience party with contempt applicable to this pending action the failure to appear on a show of cause
- 23.P.S. 6101 et seq.
- Petitioner seeks protection from the Abuser Act

15. Rules ~~2101~~ 2101 ACTION means any civil action or proceeding at law or in equity brought in or appealed to any court which is subject to these rules

Rules 237.1 Notices Rules 4+5 28.U.S.C. 1715
Special Notices 18.U.S.C. 985 Pa.C.S.A 1035(b)

A patterned practices + procedures of custom
A cause of action exists + a private
right of action that has been authorized
by states + Federal statutes A.D.A. Title II
Pa. R.C.P. NO 76 Commonwealth Constitution
of 1968 ART I Sect II 1.Pa.C.S. 2310

The Commonwealth + Political subdivisions as
parties or entity Rules 2229 permissive
Joinder Judicial codes 42.Pa.C.S. 8542
exceptions to governmental immunity Rules 2102(a)
Garcia v Com of Pa. et al, 131
Commonwealth Ct. 327 570 A.2d 137 (1990)

Rules 2248 Petitioner seeks declaratory judgment
waiving sovereign immunity Commonwealth
as defendant 1978

General assembly waived immunity party
involved defendant agency Kathleen G Kunkle
Chapter 88 Sect 761 Commonwealth party Rules 85
1968 ART V SECTION 10 C Pa. Constitutions

16. Rule 2950 Confession for money Judgment
Judgment satisfied Rule 2951 with estate
Rule 2232 Judicial code the act of assembly
creating the Board of claims section 1
of the act may 20th (1937)
Individual capacity trustees subject to
liability to enforce a Joint liability or
several liability
17. Rule 2176 Corporation or entity Public
quasi-Public or private corporation
insurance association or exchanges
Registered entity district
18. Petitioner seeks a Supreme Court writ of
summons subpoena duces tecum to produce
designated materials governmental agency
entity testimony requirement to testify
Rule 4009 Production of documents relevant
19. Rule 4014 Request for admissions matters that
relate to statements or opinions of fact
or on the application of law to the facts
including the genuineness authenticity or
correctness execution signing & seal of any
public record so certified to the court for
inspection matters admitted 45 days after the
original process to admit or deny after
reasonable inquiry the sufficiency of the
answer or objection conclusively established

20. Rule 4019 sanctions fails to serve answers
refuses to be sworn to answer a court order
of civil contempt

These codes of Judicial conduct adjudication
responsibilities DR 7-107 These codes of
Professional responsibility
Canon 3 (A) 7 These codes of Judicial conduct
Officers of the court administration
responsibilities that calls for disciplinary
measures based on the merits
Disqualification of personal knowledge
bias + prejudice of material witness

21. Petitioner asserts that all officials was
acting in an official capacity acting
under color of Law + officers + did
draw a wage of services on which
Petitioner has paid his fees to the
court for a fair adjudication on the
merits on which will grant relief
The certified public record will show
+ prove found upon the courts + that
Petitioner claims raised for review
has not been determined in any
court in the United States

22. The willful failure to appear before the SUPREME COURT

The willful violation of any other provision of the enforcement rules

grounds for discipline

acts or omissions by a person subject to these rules individually or in concert with any other person constitutes misconduct + shall be grounds for discipline

PA. R. D.C. The code of Professional Responsibility

rules of Professional conduct

verified statements of fact + by signatory subject to penalties relating to willful falsification to authorities

23. Petitioner seeks a review on a facial attack on the certified Public Record on which a duty to disclose is mandated + required by law to negate guilt on which no obligation is imposed in which all defendants + coconspirators are in default to interfere on
Petitioner seeks 1st 4th 5th 6th 8th 9th + 14th amendments for relief.

23. SECTION 10(C) OF ARTICLE IV of the PA. CONST.
RULE 201 JURISDICTION OF MISCONDUCT
CIVIL CONTEMPT OF THE SUPREME COURT
24. PETITIONER seeks the enforcement protection
exclusive JURISDICTION of this COURT for
a facial attack on the certified public
record submitted for proof of the vexation
of this litigation caused by the impediment
of government officials
25. PETITIONER seeks a IMPARTIAL Judgment on
the claims presented on his unlawful
LIBERTY RESTRAINT that his arrest &
CONVICTION IS UNCONSTITUTIONAL null & void
& cannot be enforced in the COURT of
law as CONSTITUTIONALLY valid or legal
26. PETITIONER request this COURT to take
JUDICIAL NOTICE of the signatures & seal
IS LACKING TO AUTHORIZES PETITIONER'S
ARREST & CONVICTION IS ACCORDANCE
with applicable PROVISIONS OF LAW
27. CEC 7-5 TO ENCOURAGE & AID TO COMMIT
CRIMINAL ACTS

28. How To Violate the law + how To avoid
Punishment Prohibited Illegal conduct
Under the law + Disciplinary rules
DR 9-101(C)

To assist in conduct known to be illegal
or fraudulent

DR 7-102 (A) 6 The creation + preservation
of evidence which is known to be
obviously false evidence

29. Petitioner seeks a permanent injunction by
order of the court 2361 section 1335 to enforcement
protection on the involuntary judgment
Petitioner seeks judgment on the merits to
vacate + discharge from his unlawful liberty
restraint

28.U.S.C. 2401 Petitioner has a legal disability
that has not ceased

28.U.S.C. 2403(A)(B) A constitutional question
act of congress affecting the public
interest necessary for a proper
presentation of the facts + law relating
to the question of constitutionality on
a statute of the state affecting the public
-s interest applicable provisions of law
+ the facts relating to a question of
constitutionality

30. PETITIONER seeks cost + fees 28. U.S.C. 2412

PETITIONER seeks Judgment under 28. U.S.C. 2414 + 2517 all officials acted in bad faith addition to any relief provided in the Judgment proceedings for judicial review of the agency actions that was not substantially justified determined on the basis of the record including the record with respect to the action of failures to act by the agency upon which the civil action is based which is made in the civil action for which fees + other expenses are sought

PETITIONER asserts that the prevailing party during the course of the proceedings did engage in conduct which has unduly + unreasonably protracted the final resolution of the matter in controversy conduct that obstructed the courts discharge of the courts business directed against the dignity of the court a willfulness disregarded for the courts order

in re dodson 572 U.S. 328 (1990)

111 S.Ct. 247 (1990)

31. abuse prevention act civil contempt + criminal proceedings entitled to a jury trial common law statute provides for imprisonment statutorily designated punishable by fine forfeiture suppression or other civil penalty ARTICLE I
32. a warrant is ordinarily required for a seizure a pattern of dilatory practices on the governments part a lackadaisical attitude of serious delay involving intentional noncompliance
33. the guilt determining process was undermined + prejudices petitioner's ability to prepare an adequate defense the ability to defend was compromised by the prosecutions suppression of all discovery upon request to timely provide petitioner with any testimony of all of the states witnesses material documentary on which petitioner could not impeach the false testimony of all the findings of fact to contest by cross-examination a statutory + of a constitutional violation to prejudice petitioner's rights to a fair trial to deprive petitioner of due process of law + the equal protection of law petitioner asserts that the state has failed to protect his U.S. constitutional secured

33. u. protected guaranteed entitled substantial rights and obligation of oath a duty of responsibility + contract breach from the impugning of contracts + treaties the non-compliance of a function of a duty that must be performed without exception a mandate of a duty imposed by regulation required by law for a wage drawn in an official capacity drawing a wage of disservice while acting under color of law + office on which the irreparable harm loss + injury did occur that could of been prevented 42 U.S.C. 1985 3
a legal liable standing of federal 28 U.S.C. 1655

34. The ends of justice is a cause of action to protect the interest of justice from a miscarriage of justice that serves as injustice petitioner seeks dismissal of the indictment a direct impediment of a statutory violation that is not ruled legal lawful or constitutional a 1st 4th 5th 6th 8th 9th + 14th violation an excessive delay can compromise a trials reliability in undeniable ways
Doggett v. U.S. 112 S.Ct 2682 (1992)