

No. 17-9488

IN THE SUPREME COURT OF THE UNITED STATES

**Calvette Brown
(Appellate)**

Vs.

**Illinois Department of Human Service,
United States Department of Education
(Appellees)**

On Writ of Certiorari from the Seventh Circuit Court of Appeals

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Washington, DC. 20530-0001
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PETITION FOR REHEARING

Pursuant to Rule 44 of this Court, Calvette Brown (pro se), an American, via U.S.C Title 8, section 1401 (b) hereby respectfully petitions for rehearing of this case before a full nine-Member Court. This case whether a breach of contract/hearing officers overstepping authority (2) violations of due process clauses, (3) American with disabilities Act, (4) civil rights violations (5) and human rights violations (6) equal pay (7) civil Rico statute harassment, discrimination violations of the United States Constitution inflicted upon the Appellate (Calvette brown) allowed by the Appellees (Illinois Department of Human services, United States department of Education during protected activity.

Among other things, in opposition to the district court ruling, the United State department of Education ruled in favor of the Appellant and directed the State of Illinois to negotiate a settlement on all matters concerning the case 17-9488 in favor of the Appellant which caused a variance between state and federal agencies. The Appellees challenged the favorable ruling stating the appellate was barred from filing suit in the district court under the 11th amendment

sovereign immunity clause. On 16, July of 2017, the district court entered a judgement to dismiss the case citing the breach of contract case was predicated on whether or not there were violations of the United States Constitution. After expediting the appeal, seventh Circuit affirmed the decision. On May 25, 2019 the Appellant filed for a writ for certiorari in this court. On October 1, 2018 the writ was denied with eight Members participating in the decision.

2. Ordinarily, it is exceedingly rare for this Court to grant rehearing. But when this Court has conducted plenary review and then affirmed by vote of an equally divided court because of a vacancy rather than a disqualification, the Court has not infrequently granted rehearing before a full Bench. “[R]ehearing petitions have been granted in the past where the prior decision was by an equally divided Court and it appeared likely that upon re-argument a majority one way or the other might be mustered.” Stephen M. Shapiro et al., *Supreme Court Practice* § 15.6(a), at 838 (10th ed. 2013). “The small number of cases in which a full Bench can rehear a case decided by an equal division probably amounts to the largest class of cases in which a petition for rehearing after decision on the merits has any chance of success.” *Id.* at 839. For example, the government petitioned for rehearing in *United States v. One 1936 Model Ford V-8 DeLuxe Coach*, 305 U.S. 666 (1938), after this Court divided equally in a case when there was a vacancy due to Justice Cardozo’s death, but before the vacancy was filled. This Court granted the petition, *ibid.*, then heard the case after Justice Frankfurter was confirmed. 307 U.S. 219 (1939). This Court similarly granted petitions for rehearing before a full Bench in a series of cases decided 4-4 after Justice McReynolds’ retirement caused a vacancy in 1941; 1 after a leave of absence by Justice Jackson caused a temporary vacancy in 1945; 2 and after Justice Jackson’s death caused a vacancy in 1954. 3 See also, e.g., *Pollock v. Farmers’ Loans & Trust Co.*, 158 U.S. 617 (1895) (similar for absence due to illness); *id.* at 601-606 (reproducing petition for rehearing discussing earlier cases); *id.* at 606-607 (granting rehearing). In such situations, the Court has not infrequently held the case over the Court’s summer recess, holding oral arguments months later. For example, in *Halliburton Oil Well Cementing Co. v. Walker*, 327 U.S. 812, the Court granted rehearing in February 1946, *ibid.*, and heard reargument 240 days later in October 1946, see 329 U.S. 1 (1946). See also, e.g., *MacGregor v. Westinghouse Elec. & Mfg. Co.*, 329 U.S. 402 (1947) (reargument 248 days after rehearing granted); *Bal- 1 Baltimore & Ohio R.R. v. Kepner*, 313 U.S. 597 (1941); *Toucey v. New York Life Ins. Co.*, 313 U.S. 596 (1941); *New York, Chi. & St. Louis R.R. v. Frank*, 313 U.S. 596 (1941); *Commercial Molasses Corp. v. New York Tank Barge Corp.*, 313 U.S. 596 (1941). 2 See *MacGregor v. Westinghouse Elec. & Mfg. Co.*, 327 U.S. 812 (1946); *Bruce’s Juices, Inc. v. American Can Co.*, 327 U.S. 812 (1946). 3 *Indian Towing Co. v. United States*, 349 U.S. 926 (1955); *Ryan Stevedoring Co. v. Pan-Atl. Corp.*, 349 U.S. 926 (1955); *Baltimore & Ohio R.R. v. Kepner*, 314 U.S. 44 (1941) (175 days later). The need for rehearing is also more pressing here than in *Friedrichs v. California Teachers Ass’n*, 136 S. Ct. 1083, reh’g denied, No. 14-915, 2016 WL 3496857 (June 28, 2016), and in *Hawkins v. Community Bank of Raymore*, 136 S. Ct. 1072, reh’g denied, No. 14-520, 2016 WL 3461626 (June 27, 2016).. The issues that warranted certiorari in *Friedrichs* and *Hawkins* may freely recur in other cases, however, and thus there was no need for this Court’s review in those particular vehicles. By contrast, the validity of the immediate case at hand is unlikely to arise in any future case. instead should be the final arbiter of these matters through a definitive ruling. By granting certiorari and scheduling argument for the 2018 Term, there is a strong need for definitive resolution by this Court. See Pet. 33-34 (noting interests of the government and individuals in a prompt resolution This Court therefore should grant rehearing to provide for a decision by the Court when it has a full complement of Members, rather than allow a non-

precedential affirmance by an equally divided Court to leave in place issues of nationwide importance and of such significance.

For the foregoing reasons, the petition for rehearing should be granted. Respectfully submitted.

This day November 2, 2018 by [Signature]
4CC-3087207

UNITED STATES SUPREME COURT

1 First Street, NE Washington, DC 20543

CERTIFICATE OF COUNSEL

Case no. 17-9488

Calvette Brown (Appellant/Petitioner/Plaintiff)

Vs.

Illinois Department of Human Services, United States Department of Education
(Appellees/Defendants/Respondents)

FOR RECONSIDERATION/ REHEARING FOR A WRIT OF CERTIORI

I, Calvette Brown(Pro Se), an American, U.S.C Title 8.Sec. 1401(b) (herein and hereafter referred to as the Appellant) ask/request/move/pray and certify that this matter should be tried or reheard in the court identified above for the reasons specified below:

- a. Rehearing is warranted on grounds of new information that followed denial of Writ of Certior in case # 17-9488. The allegations against the honorable judge Brett Kavanaugh and the slander against his reputable name was an inherent and deliberate act to obstruct Justice was intended to delay his installation for that purpose only. These acts have been prevalent in like manner since the inception of the current case # 17-9488. The intended purpose of the scandal was to withhold Justice Kavanaugh from being installed just long enough for the court to deny case #17-9488. This political gamesmanship hindered the case from his fair judgement. Had Justice Kavanaugh not been harassed and withheld from his seat, he would have been in position to insert his fair judgement to grant Writ of Certior on case #17-9488 thereby balancing the other fair Justices and Chief Justice. This truth has been confirmed by a proven cycle in the immediate case and revelations from Jesus Christ, Our Lord and Savior.
- b. This reconsideration is timely with the denial of Writ of Certior on Case #17-9488 being October 1, 2018 and is within the 25 day time frame for filing for rehearing.
- c. The action arose in the zip code of: 60067
- d. The action concerns real property/interest currently located in the zip code of: 60067
- e. This request for reconsideration/ rehearing for on a writ of Certior is invoked under rule 44 of this court and is submitted in good faith and not for delay.

I certify (or declare) that the foregoing is true and correct.

Submitted by Calvette Brown UCC 308/207 This day

10/10/2018
11/2/2018