

No. 19-1419.

SUPREME COURT OF THE UNITED STATES

Michael A. Henry-Bey,

Petitioner,

vs.

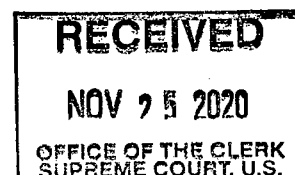
Castro, et al.,

Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the
Federal Circuit in Case No. 20-1125.

AMENDED PETITION FOR REHEARING.

Michael Anthony Henry-Bey
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AMENDED PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44.1, the petitioner, **Michael Anthony Henry-Bey**, in propria persona, sui juris, respectfully files this amended petition for rehearing of the Court's decision denying Petition for a Writ of Certiorari, dated, October 5, 2020. The petitioner moves this Court to grant this petition for rehearing and consider his case with merits briefing and oral argument. Pursuant to Supreme Court Rule 44.1, this petition for rehearing is filed within 25 days of this Court's decision in this case.

REASONS FOR GRANTING THE PETITION

GROUND I: THE PETITION SHOULD BE GRANTED SINCE PETITION WAS UNCONTESTED.

(1.) Due to the law of presumption and acquiescence, the Respondents are guilty of Abandonment of their claim of innocence, via, Failure to Prosecute/ Failure to Defend. Legal Maxim: "A claim not contested, stands true." Legal Maxim: "A claim bought in law that is not contested or rebutted, then stands true. Hence silence to a controversy is considered consent to any judgment." Legal Maxim: "He who does not deny, admits." "Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading. . . We cannot condone this shocking behavior by the IRS. Our revenue system is based on the good faith of the taxpayer and the taxpayers should be able to expect the same from the

government in its enforcement and collection activities.” U.S. v. Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932.

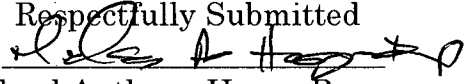
GROUND II: THIS COURT SHOULD NOT DENY PETITION WITHOUT FIRST RESOLVING THE SUBSTANTIAL AND IMPORTANT FACTUAL ISSUES IN THIS CASE WITH FULL BRIEFING AND ARGUMENT.

(2.)In this case, the unrebutted/ uncontested evidence (petition) presented, establishes that the Federal Circuit had jurisdiction to hear the petitioner’s appeal, or either should have transferred the appeal to the Court having proper jurisdiction, in accordance with 28 U.S.C. Section 1631- Transfer to Cure Want of Jurisdiction, which states as follows: *“Whenever a civil action is filed in a court as defined in Section 610 of this title or an appeal, including a petition for review of administrative action, is noticed for or filed with such a court and that court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court (or, for cases within the jurisdiction of the United States Tax Court, to that court) in which the action or appeal could have been brought at the time it was filed or noticed, and the action or appeal shall proceed as if it had been filed in or noticed for the court to which it is transferred on the date upon which it was actually filed in or noticed for the court from which it is transferred.”*

(3.)These are precisely the type of factual issues that need to be resolved in full briefing and argument and for this reason, rehearing is appropriate. See Schweiker v. Hansen, 450 U.S. 785, 791 (1981) (Marshall, J., dissenting) (summary disposition only appropriate in cases where “law is settled and stable, the facts are not in dispute, and the decision below is clearly in error”).

CONCLUSION

Mr. Henry-Bey respectfully requests that this Court grant this amended petition for rehearing and order full briefing and argument on the merits of this case.

Respectfully Submitted
By: 
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USC13 No. 19-1419.

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CERTIFICATE OF COMPLIANCE WITH DECLARATION.

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Dated: 11/20/2020

CERTIFICATE OF COMPLIANCE.

The petitioner hereby certifies that this foregoing Amended Petition for Rehearing complies with the Rules of the Supreme Court of the United States, Rule 44 (1)(2), since it is presented in good faith and not for delay; and the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

Respectfully Submitted
By: Michael A. Henry-Bey
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VERIFICATION

STATE OF Florida

SS. **DECLARATION OF COMPLIANCE**

COUNTY OF Palm Beach

I, **Michael Anthony Henry-Bey**, pursuant to title 28, USC Section 1746 (1) and executed "Without the United States," I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on, 11/20/2020, by: Michael Henry-Bey