

No. 24-1315

IN THE  
Supreme Court of the United States

**PETITION FOR REHEARING**

By:

ANDY DESTY,

*Petitioner-Appellant,*

v.

SANTANDER CONSUMER USA, INC.,

*Respondent-Appellee.*

**ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT- FROM APPEAL NO. 24-13606-D**

ANDY DESTY

*Sui Juris of Record*

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*Representing Self as Petitioner in Good Faith and not for Delay*

October 9, 2025

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## QUESTIONS FOR REHEARING

**Have** the decisions of Chief Justice Marshall in *Cohens v. Virginia*, 19 U.S. 264 (1821) interpreting the Due Process Clause, the Equal Protection Clause of the Constitution codified in the 2<sup>nd</sup>, the 4<sup>th</sup>, the 5<sup>th</sup>, and the 14<sup>th</sup> Amendments, 42 U.S.C. § 1983, been extinguished or overruled by this Honorable Court permit Santander Consumer USA, Inc. to continue to create controversies arising under the Constitution without due process of law decisions?

**Whether** this Court's decisions, in passing by this Petitioner's Writ of Certiorari (SCOTUS case No. **24-1315**), interpreting the Treason Clause of the Constitution codified in Article III Section 3, 18 U.S.C. § 2381, including *Cohens v. Virginia*, 19 U.S. 264 (1821); and *Cramer v. United States*, 325 U.S. 1 (1945), permit this Honorable Court to DENY this case without due process and adhered to Santander Consumer USA Inc., an enemy of the United States' Constitution, giving Aid and Comfort to Santander and allowed Santander to continue its use of deprivation of constitutional provisions without due process?

**Has** the authority or ruling of this Court in *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952) been extinguished or overruled by any court on this land?

**What** will this Petitioner say to his minor children about their school properties taken by this Respondent if this Honorable Court decides not to attend to this case?

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**According** to Chief Justice John Marshall, if this Honorable Supreme Court was truly established by Article III Section 1 of the Constitution for the United States to overturn laws that violate the Constitution in the landmark case of ***Marbury v. Madison***, 5 US (2 Cranch) 137, 174, 176 (1803), why is that the same Supreme Court for the United States bypassed and DENIED to attend to this case (SCOTUS case No. **24-1315**) that raised several constitutional violations and issues, isn't that treason to the Constitution?

### **CORPORATE DISCLOSURE STATEMENT**

Santander Consumer USA, Inc. is a national and international corporation bank, a financial institution that lends its own credit to individuals and entities and becoming surety for them. Santander started its operations in 1995 in the United States and legally founded in 1997 with its current business address showing 1601 Elm St., Dallas, Texas 75201 - Tel: 888-222-4227, Fax: 214-237-3549. Santander has a total liabilities and equity in assets [as- sets] of **143,347,488** in 2023. ***See*** for evidence <https://www.santanderconsumer.com/wp-content/uploads/2024/05/Consolidated-Financial-Statements-Dec-2023.pdf> at page 11. As of 2025, Santander's financial group projected an annual revenue with over \$7.6 billion and has no parent company and no

public held corporation holds 10% or more of its shares in Petitioner's opinion.

**LAWFUL AUTHORITIES WITH**  
**DEFINITIONS INVOLVED**

**CASE LAWS:**

***Cohens v. Virginia***, 19 U.S. 264 (1821)

*"The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the constitution. We cannot pass it by because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it if it be brought before us. We have no more right to decline the exercise of jurisdiction, which is given, than to usurp that which is not given. The one or the other would be treason to the constitution."*

***Marbury v. Madison***, 5 US (2 Cranch) 137, 174, 176 (1803)

*"All laws which are repugnant to the Constitution are null and Void."*

***Cramer v. United States***, 325 U.S. 1 (1945)

*"Treason against the United States, shall consist only in levying War against them, OR in adhering to their enemies, giving them Aid and Comfort."*

***Youngstown Sheet & Tube Co. v. Sawyer***, 343 U.S. 579 (1952)

*"The President cannot take possession of private properties without authorization from Congress or the Constitution."*

## **CONSTITUTIONAL CLAUSES AND PROVISIONS INVOLVED**

***The Due Process Clause***, U.S. Const. Amends V, XIV.

*“No person shall be **deprived** of life, liberty (liber- ty), or prop- erty, without due process of law. (The Bill of Rights)”*

***The Equal Protection Clause***, U.S. Const. Amend. XIV.

*“No state can deny equal protection of the law to any- one within its jurisdiction, without due process of law. (The Bill of Rights)”*

***The Privileges and Immunities Clause***, Article IV § 2 Cl.1 of the U.S. Const.

*“No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States and of the State wherein they reside, without due process of law. (The Bill of Rights)”*

***The Full Faith and Credit Clause***, U.S. Const. Article IV § 1, and § 2 Cl. 1.

*“All States within the United States have to respect the public acts, records, and judicial proceedings of every other state where Full Faith and Credit shall be given.” (The Bill of Rights)”*

***The Treason Clause***, U.S. Const. Article III § 3 Cl.1.

*“**Treason** against the United States, shall consist only in levying war against them, OR in adhering to their Enemies, giving them Aid and Comfort.”*

## **STATUTORY PROVISIONS IN QUESTION**

42 U.S.C. § 1983, 18 U.S.C. § 2381





**PETITION FOR RECONSIDERATION  
ON PETITION FOR WRIT OF CERTIORARI**

Petitioner-Appellant, Andy Desty, *in propria persona*, a perfect Ashlar, one of the “We the People,” respectfully submits, in good faith and not for delay, his Extraordinary Nature of Petition for Rehearing of an order denying his Petition for a Writ of Certiorari **pursuant to** this Court’s Rule 44.2, under the authority and decision taken in *Cohens v. Virginia*, 19 U.S. 264 (1821) to review fraud upon the District court and to reverse decisions showing in **Appendices** A, B, C, D docketed in this Court’s case No. **24-1315**.

This Honorable Court erroneously DENIED Petitioner’s Writ of Certiorari on October 6, 2025, without due process, without any specific reasons, opinions, or investigation for the denial.

Consideration by the full Court is therefore necessary to secure and maintain uniformity of the Court’s decisions.

This Honorable Court established the principle in *Cohens v. Virginia*, 19 U.S. 264 (1821) that it **MUST** exercise its jurisdiction when cases come before it, meaning this Court cannot refuse to attend to this case No. **24-1315**. The decision must affirm that this Court’s power to review decisions taken in lower courts cannot conflict with the United States Constitution.

Further, the Court ruled in multiple judgments under Article III of the Constitution that Judicial authority and power were vested in it to review **all** cases especially when constitutional rights and provisions are violated.

The Court did not address or decide on the questions presented in the Petition for a Writ of Certiorari in SCOTUS case No. **24-1315**. The Petition for a Writ of Certiorari mentioned several constitutional violations and thefts that may cause harm and damages to people where one of the properties stolen or unlawfully taken by this Respondent was a 9-millimeter firearm that belonged to the above-named Petitioner, and only God knows where this firearm is actually located. Right now, no one knows if anyone got shot by this firearm while being under the possession of this Respondent.

So, the Court did not indicate or reveal to the Court of Appeals for the Eleventh Circuit what lawful standard of review should have been taken or applied to resolve this issue, especially after all the money this Petitioner spent in this case to resolve this issue with evidence of the facts presented to all three courts in good faith.

Rehearing and granting of Petitioner's Writ of Certiorari requests are mandated as resolution of the unaddressed constitutional issues have important, outcome determinative implications for the serious issues presented in this petition.

Therefore, Petitioner invokes [in- vokes] the grounds for granting this Petition **pursuant to** Rule 44.2, as presented in subsequent Sections, which include overlooked meritorious points and extraordinary intervening circumstances of a substantial or controlling effect or to other substantial grounds that were not previously presented.

## GROUNDS FOR GRANTING THIS PETITION

1. This Petition for Rehearing on Petition for a Writ of Certiorari must be granted because it delivers compelling reasons and arguments that emphasize this Court's Judicial discretion guided by principles of law **pursuant to** Rule 10 of this Court.
2. This Petitioner, Andy Desty, claimed that his property interests have been taken without just compensation in violation of the Takings Clause of the Fifth Amendment.
3. The Respondent, Santander Consumer USA, Inc., **still** has this Petitioner's proper- ties in its possession that were unlawfully taken in public sight without the owner's consent.
4. This Petition must be granted as Petitioner needs to know what should he do to retrieve ALL properties taken by this Respondent.
5. The United States Supreme Court's case No. **24-1315 must be attended and decided** according to Chief Justice John Marshall in *Cohens v. Virginia*, 19 U.S. 264 (1821). (**See** section of *Lawful Authorities with Definitions Involved* stated above for evidence)
6. If the United States Supreme Court decide not to attend to this SCOTUS case No. **24-1315** with whatever doubts, with whatever difficulties, it will be treason to the United States Constitution according to *Cohens v. Virginia*, 19 U.S. 264 (1821).
7. The Respondent, Santander Consumer USA, Inc., cannot and was not supposed to take possession of the Petitioner's private properties without authorization from Congress or the Constitution. (See *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952))
8. The Due Process Clause of the Fifth and Fourteenth Amendments for the Constitution made it clear that

*“No person shall be deprived of life, liberty, or **property** without due process of law.”*

9. The Court’s denial of Petitioner’s Writ of Certiorari conflicts with one of this Court’s Chief Justices’ decisions and orders in *Marbury v. Madison*, 5 US (2 Cranch) 137, 174, 176 (1803), and in *Cohens v. Virginia*, 19 U.S. 264 (1821), and must be reversed.
10. The Court’s denial of Petitioner’s Writ of Certiorari offers no ground for serious judicial review of a terminus of the Respondent’s preference policy over the rule of law.
11. Respondent, Santander Consumer USA, Inc., does NOT have any contract with this Petitioner showing their signature that gave them the right to take Petitioner’s properties without any form of consent and notice.
12. Respondent, Santander Consumer USA, Inc. conspired with the state of Georgia including a third party under the name of *National Vehicle Recovery of Georgia, Inc.* and committed “Eminent Domain” that predates the Constitution without compensation. The private properties that were taken by the Respondent rightfully belonged to the Petitioner and Petitioner’s family.
13. Compensation is due under the Takings Clause.
14. This Court condemns violations of the Takings Clause.
15. The State of Georgia and the Respondent, Santander Consumer USA, Inc. must follow the Rule of Law.
16. This Petitioner spent so much money in the United States District Court, the United States Court of Appeals, and the United States Supreme Court, representing himself in truth and in good faith, with clean hands, trying so hard to find justice to retrieve

these properties. Instead of providing justice to this Petitioner and resolving these constitutional issues, these United States Courts rather committed FRAUD and refused justice and due process in this case after all the evidence and the facts presented to them. (*See* U.S. District Court for the Northern District of Georgia **Case No. 1:23-CV-05454-SDG**, and U.S. Court of Appeals for the Eleventh Circuit **Case No. 24-12425-J** for evidence)

17. The Respondent's decision of takings for the purpose of its economic development, satisfied this Petitioner use requirement of the Fifth Amendment.
18. The description of the properties taken were: **(1)** a 9-millimeter firearm 9x19mm Parabellum, **(2)** Petitioner's legal documents, **(3)** a 2019 Volkswagens Atlas with VIN: 1V2LR2CA2KC549296, **(4)** Petitioner's children school belongings, **(5)** Petitioner's children clothing. These properties are still under the possession of the Respondent, Santander Consumer USA, Inc.

### **STATEMENT OF THE ISSUES ASSERTED TO MERIT CONSIDERATION**

**On January 19, 2023**, Petitioner-Appellant, Andy Desty, filed a Complaint as a class action lawsuit at the U.S. District Court for the Northern District of Georgia Atlanta Division against the Respondent-Defendant, *Santander Consumer USA, Inc.*, seeking to resolve issues of: **(1)** validation of contract and debt claimed by Respondent, **(2)** deprivation of properties without just compensation, **(3)** violation of the Privacy Act without any form of consent and contract as invasion of privacy by conspiring, sharing and receiving personal data information related to the above-named Petitioner with third parties under the names of *National Vehicle Recovery of Georgia, Inc., Equifax, Inc., Experian, Transunion, etc.*, **(4)** violations of the Rule of Law

and of the U.S. Supreme Court's rulings and decisions, (5) conspiracy against rights, (*See U.S. District Court for the Northern District of Georgia* Case No. 1:23-CV-00289)

This Respondent does not have any right under the law to repossess or to take Petitioner's properties especially without any form of consent or notice. There was no authorization from Congress, nor from the Constitution nor any lawful decisions taken from any court of the United States allowing this Takings.

Therefore, Petitioner moves this Honorable Court under the BILL OF RIGHTS for the United States of America Constitution to GRANT this Petition for Rehearing on this Petitioner's Petition for a Writ of Certiorari WITHOUT PREJUDICE.

**It is therefore reasserted that an extraordinary remedy or compensation for the past flagrant errors, and damages brought in this case due to Santander Consumer USA, Inc.'s erroneous acts, with all the Petitioner's suffering and pain, this Honorable Court must respectfully and immediately grant and reward Petitioner his request of around \$10 Million United States Dollars as payment from Santander Consumer USA, Inc. without having Petitioner to wait to initiate a separate lawsuit on Santander Consumer USA, Inc.**

**STATEMENT OF ANY FACTS NECESSARY TO ARGUMENT OF THE ISSUES**

**Fact 1-** The Respondent NEVER presented to the courts any evidence showing that Petitioner truly owed Respondent any money for the properties taken.

**Fact 2-** The Respondent, Santander Consumer USA, Inc. is an enemy to the United States because this action of takings violates several Constitutional Constraints of the United

States Constitution, not only in this case, but also in several precedents set by this Court.

**Fact 3-** Petitioner, Andy Desty, cannot be deprived of properties without due process of law, nor shall his private properties be taken for private economic use or public use without just compensation. (*See* the Fifth Amendment to the United States Constitution)

**Fact 4.** If Respondent, Santander Consumer USA, Inc. made it clear in writing that it had a loan agreement with this above-named Petitioner, Respondent **MUST** provide to this Court where and how it ended up loaning its credit to this Petitioner, and not its money.

### **CONCLUSION**

Petitioner expresses a belief that based on reasoned and precedented judgments of this Court, the decision denying this case without attending to it, is contrary to the landmark decisions and interpretations of the chief justice in *Marbury v. Madison*, 5 U.S. 264 (1821), *Cohens v. Virginia*, 19 U.S. 264 (1821), and that consideration by this Honorable Court is necessary to secure and maintain uniformity of decisions in this Court: *Andy Desty v. Santander Consumer USA, Inc.* Case Number: 24-1315.

WHEREFORE, Plaintiff prays that this Honorable Court grants this **PETITION FOR REHEARING** and consider this case on the merits.





Respectfully submitted and signed on October 9, 2025.

All Petitioner's Unalienable Rights Reserved Without Prejudice under the BILL OF RIGHTS, UCC 1-308, and Without Recourse.

By:

A red ink signature, appearing to be "Andy Desty", is written over a horizontal line.

Andy: Desty  
c/o 227 Spring Creek Way  
Douglasville, Georgia [30134]  
[godkeyboard@gmail.com](mailto:godkeyboard@gmail.com)


**CERTIFICATE OF GOOD FAITH  
OF PARTY UNREPRESENTED BY COUNSEL**

**Pursuant to** the U.S. Supreme Court Rule 44, I, Andy Desty, hereby certify on this 9<sup>th</sup> day of October 2025, UNDER PENALTY OF PURJURY that this Petition for Rehearing on Petition for a Writ of Certiorari is **true** and **correct** to the best of my knowledge and ability, and is based on grounds that are limited to intervening circumstances of a substantial or controlling effect and to other substantial grounds not previously presented, and all information provided herein are submitted in good faith and not for delay.

Respectfully submitted and signed on October 9, 2025.

All Petitioner's Unalienable Rights Reserved Without Prejudice under the BILL OF RIGHTS, UCC 1-308, and Without Recourse.

By:



---

Andy Desty  
c/o 227 Spring Creek Way  
Douglasville, Georgia [30134]  
[godkeyboard@gmail.com](mailto:godkeyboard@gmail.com)

No. 24-1315.

IN THE  
**Supreme Court of the United States**

ANDY DESTY,  
*Petitioner-Appellant,*  
v.

SANTANDER CONSUMER USA, INC.,  
*Respondent-Appellee.*

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**PETITION FOR REHEARING**

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**On Petition for a Writ of Certiorari (U.S.C.A. Appeal No. 24-13606-D)**

**CERTIFICATE OF SERVICE**

UNDER PENALTY OF PERJURY, I, Andy Desty, Petitioner, hereby declare and certify on this 9<sup>th</sup> day of October 2025, that this foregoing Petition for Rehearing on Petition for Writ of Certiorari is true and correct due to my knowledge and evidence of the facts presented herein, to the applicable laws stated above, and submitted in good faith and not for delay. I hereby certify that a true and correct copy of this foregoing was signed by Petitioner and mailed to the United States Supreme Court Clerk and to the Respondent, through his/its attorney or representative of record via First Class Mail to the referenced contact below:

**The Clerk of the UNITED STATES SUPREME COURT**  
Office of the Clerk of U.S. Supreme Court  
1 First Street, NE  
Washington, DC 20543-0001

**SANTANDER CONSUMER USA, INC.**  
c/o Matthew T. Covell, Esq., c/o Holland & Knight LLP.  
1180 West Peachtree Street NW, Suite 1800  
Atlanta, GA 30309 - Tel: 404-817-8500 - Fax: 404-881-0470



Andy Desty, *sui juris en lex*, Petitioner.

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No. 24-1315

IN THE  
**Supreme Court of the United States**

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**PETITION FOR REHEARING**

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On Petition for a Writ of Certiorari (U.S.C.A. Appeal No. 24-13606-D)  
By

ANDY DESTY,

*Petitioner-Appellant,*

v.

SANTANDER CONSUMER USA, INC.,

*Respondent-Appellee.*

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**CERTIFICATE OF COMPLIANCE**

This Petition complies with the word or type-volume limitations of 2,993 **pursuant to** Rule 33.1(g)(h)(i) of the United States Supreme Court and is submitted in good faith and not for delay **pursuant to** Rule 44, and the All-Writs Act, 28 U.S.C. § 1651.

UNDER PENALTY OF PERJURY, I, Andy Desty, Petitioner-Appellant herein, hereby declare and affirm on this 9<sup>th</sup> day of October 2025 that this foregoing Petition for Rehearing on Petition for a Writ of Certiorari is true and correct due to my ability and evidence of the facts presented to this Court and with the applicable laws stated thereof.



Andy Desty, *sui juris en lex*, Petitioner.

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**AFFIDAVIT OF COMPLIANCE OF PETITION**

STATE OF Georgia )  
 ) ss.  
COUNTY OF Douglas )

BEFORE ME personally appeared Andy Desty who, being, by me first duly sworn and identified in accordance with the Rule of Law, deposes and says:

1. My name is Andy Desty.
2. I have read and understood the attached foregoing Petition filed herein, and each fact alleged therein is true and correct of my own personal knowledge.
3. I am the Petitioner-Affiant in this SCOTUS case No. **24-1315**.
4. I have caused the preparation of the foregoing AFFIDAVIT IN COMPLIANCE with 28 U.S.C. § 1746.
5. IN WITNESS WHEREOF, I have hereby affixed my signature this 9<sup>th</sup> day of October 2025 in the State of Georgia.

FURTHER THE AFFIANT SAYETH NAUGHT.

  
All Rights Reserved  
without prejudice  
UCC 1-308  
Andy Desty, Affiant/Petitioner

SWORN TO and subscribed before me Kenia Ramoz, Notary

Public, this 9<sup>th</sup> day of October 2025.

  
Notary Public

Zavion Fisher  
Witness name:

My commission expires: March 16, 2029

Witness signature 



Seal:

