

NO. 24-6577

IN THE

SUPREME COURT OF THE UNITED STATES



Anthony Cunningham, PETITIONER

V.

UNITED STATES POSTAL SERVICES et al, RESPONDENT

PETITION FOR REHEARING

ANTHONY CUNNINGHAM 15018 KREMS AVE.

MAPLE HTS. OHIO 44137

216 972 8189

ANTHONYCUNNINGHAM78@gmail.com

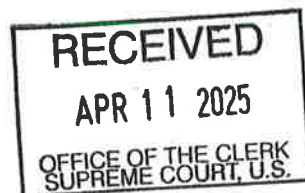
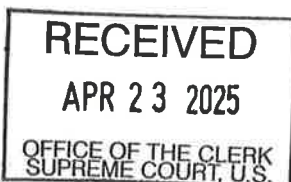


TABLE of CONTENTS

SECTION

PAGE

TABLE of
AUTHORITIES ii

GROUND for
REHEARING 1

ARGUMENT 5

CONCLUSION 8

Table of Authorities

CASES

ANDERSON V. CITY OF BESSEMER CITY 470
U.S. 564 (1985) 257

UNITED STATES V. OLEO ROWER CO., 353 U.S.
98 (1957) 368

CITIZEN UNITED V. FEDERAL ELECTION COMMISSION
558 U.S. 310 (2010) 67

STATUTES

28 U.S.C. § 1257(a) 7

18 U.S. CODE § 371 3

RULES AND CONSTITUTIONAL

PROVISIONS

U.S. CONST. AMEND. 1 67

SUP. CT. R.

44.2 148

Grounds for Rehearing

THIS PETITION IS FILED PURSUANT TO SUPREME COURT RULE 44.2 WHICH PERMITS REHEARING WHEN THE COURT HAS "OVERLOOKED OR MISAPPROHENDED A MATERIAL FACT OR LAW." REHEARING IS WARRANTED IN THIS CASE FOR THE FOLLOWING REASONS:

1. MATERIAL EVIDENCE WAS SUPPRESSED BY THE APPELLATE COURT.

THE APPELLATE COURT FAILED TO CONSIDER THAT A KEY WAS NOT QUALIFIED TO CONDUCT INTERVIEW AND THIS FACT WAS CRITICAL TO THE CREDIBILITY AND ADMISSIBILITY OF THE RECORD THE COURT'S OMISSION MISREPRESENTS THE ACTUAL WEIGHT AND VALUE OF THE EVIDENCE USED TO DECIDE THE CASE

2. PROCEDURAL DEFAULTS WERE IGNORED

TWO DEFAULT JUDGMENT WERE FILED AT THE TRIAL LEVEL: ONE BECAUSE THE DEFENDANT FAILED TO RESPOND TO THE SUMMONS WITHIN THE REQUIRED 60-DAY PERIOD

Grounds for Rehearing

AND THE OTHER DUE TO UNJUSTIFIED DELAY IN THE DELIVERY OF THE SUMMONS. THESE DEFAULTS WENT UNACKNOWLEDGED IN THE APPELLATE DECISION, LEADING TO A RULING THAT MISREPRESENTS THE PROCEDURAL HISTORY AND UNDERMINES THE FOUNDATION OF THE APPEAL

3 FACTUAL RECORD WAS DISTORTED

THE APPEAL COURT REWROTE OR REWORDED THE FACT, EXCLUDING JUDICIALLY ACKNOWLEDGED DEFAULT AND REPLACING THEM WITH UNSUPPORTED FINDINGS THIS IS INCONSISTENT WITH THE STANDARD OF REVIEW Laid OUT IN ANDERSON V. CITY OF BESSEMER CITY, 470 U.S. 564 (1985) WHICH PROHIBITS APPELLATE COURT FROM SUBSTITUTING THEIR OWN VIEW OF THE FACTS WITHOUT A FINDING OF CLEAR ERROR.

Grounds for Rehearing

4 THIS COURT OVERLOOKED THESE ERRORS
WHEN DENYING CERTIORARI

THE PETITION FOR CERTIORARI RAISED
THESE ISSUES, YET THE COURT DENIED
REVIEW WITHOUT ACKNOWLEDGING THEM
AS IN UNITED STATES V. OHIO POWER CO.,
353 U.S. 98 (1957) WHERE REHEARING
WAS GRANTED AFTER MATERIAL OVERSIGHT,
THAT FACTS HERE JUSTIFY THE SAME RELIEF
18 U.S. CODE § 371 - CONSPIRACY TO COMMIT OFFENSE

• IF MULTIPLE PEOPLE ARE INVOLVED IN CREATING
OR USING FRAUDULENT DOCUMENTS, THEY MAY
BE CHARGED WITH CONSPIRACY

GROUND FOR REHEARING

Brief Summary

THE APPELLATE COURT'S DECISION REST ON A MISAPPREHENSION OF BOTH FACT AND LAW RELEVANT TO THE UNDERLYING MATTER THE FACT GOES DIRECTLY TO THE CREDIBILITY. THESE ARE NOT PROCEDURAL TECHNICALITIES THEY ARE MATERIAL FACTS DEMONSTRATING BAD FAITH AND LACK OF PROPER DEFENSE WHICH THE APPELLATE COURT EXCLUDED OR MISCHARACTERIZED IN ITS RULING A SUBSTANTIAL LEGAL OVERSIGHT THAT WARRANTS RECONSIDERATION UNDER RULE 44.2

Argument

THIS PETITION FOR REHEARING IS BROUGHT UNDER SUPREME COURT RULE 44 ON THE BASIS THAT THE COURT HAS OVERLOOKED OR MISAPPREHENDED CRITICAL FACTUAL AND LEGAL ISSUES - SPECIFICALLY, THE APPELLATE COURT'S SUPPRESSION OF RELEVANT EVIDENCE AND ITS DISTORTION OF THE FACTUAL RECORD.

FIRST,

THE LOWER COURT'S DECISION CONTRADICTS THE PRINCIPLES SET OUT IN *ANDERSON V. CITY OF BESSEMER CITY* 470 U.S. 564 (1985) WHERE THIS COURT EMPHASIZED THAT APPELLATE COURTS MUST DEFER TO FACTUAL FINDINGS UNLESS CLEARLY ERRONEOUS. IN THIS CASE, THE APPELLATE COURT NOT ONLY FAILED TO DEFER - IT ACTIVELY REWROTE THE FACTS AND EXCLUDED MATERIAL EVIDENCE FROM CONSIDERATION, LEADING TO A FUNDAMENTALLY FLAWED OUTCOME.

Argument

SECOND.

THE CONSTITUTIONAL IMPLICATIONS OF THIS SUPPRESSION AND DISTORTIONS IMPLICATE THE FIRST AMENDMENT AND DUE PROCESS PROTECTIONS, AS HIGHLIGHTED IN *CITIZEN UNITED V. FEDERAL ELECTION COMMISSION*, 558 U.S. 310 (2010). WHEN COURTS ALTER THE FACTUAL RECORD TO JUSTIFY A RESULT, IT THREATENS THE INTEGRITY OF JUDICIAL PROCEEDINGS AND UNDERMINES THE RULE OF LAW.

FINALLY,

AS IN *UNITED STATES V. OREGON POWER CO.*, 353 U.S. 98 (1957) THIS COURT HAS THE AUTHORITY TO CORRECT SUCH ERRORS THROUGH REHEARING WHEN IT BECOMES CLEAR THAT THE LEGAL FRAMEWORK WAS MISAPPLIED. THE RECORD IN THIS CASE DEMANDS THAT SAME LEVEL OF SCRUTINY AND CORRECTION.

Argument

"THE FACTUAL FINDING IN THIS CASE, LIKE THOSE IN ANDERSON V. CITY OF BESSMER CITY, 470 U.S. 364 (1985) SHOULD NOT BE DISTURBED UNLESS CLEARLY ERRONEOUS. THE COURT'S DECISION MISAPPREHENDED KEY FACTS THAT WERE NOT PROPERLY WEIGHED" 28 U.S.C. § 1257 (a)

"IN CITIZEN UNITED V. FEDERAL ELECTION COMMISSION 558 U.S. 310 (2010) THE COURT AFFIRMED THE CENTRALITY OF FIRST AMENDMENT PROTECTION IN THE CONTEXT OF PUBLIC DISCOURSE. THE PRESENT CASE RAISES SIMILAR CONCERNS THAT WERE NOT ADEQUATELY ADDRESSED IN THE COURT DECISION"

PETITIONER RESPECTFULLY REQUEST THAT THE COURT GRANT THIS PETITION FOR REHEARING UNDER RECONSIDER THE JUDGMENT IN LIGHT OF THESE SIGNIFICANT LEGAL AND FACTUAL OVER SIGHTS.

CONCLUSION

FOR THE FOREGOING REASON, PETITIONER RESPECTFULLY SUBMITS THAT THIS COURT SHOULD GRANT REHEARING UNDER SUPREME COURT RULE 44.2 THE APPELLATE COURT'S SUPPRESSION OF CRITAL EVIDENCE, DISTORTION OF MATERIAL FACT, AND FAILURE TO ACKNOWLEDGE PROCEDURAL DEFAULTS CONSTITUTE A CLEAR MISAPPREHENSION OF THE RECORD. THESE ERRORS DIRECTLY IMPACTED THE OUTCOME AND RAISE SERIOUS CONSTITUTIONAL CONCERNS UNDER THE FIRST AMENDMENT AND DUE PROCESS.

AS IN UNITED STATES V. OHIO POWER CO., WHEN THE COURT HAS PREVIOUSLY OVERLOOKED A MATERIAL POINT OF LAW OR FACT IT HAS NOT HESITATED TO CORRECT THE RECORD THROUGH REHEARING

PETITIONER ASKS THIS COURT TO DO THE SAME HERE IN THE INTEREST OF JUSTICE

RESPECTFULLY SUBMITTED,



APRIL 8, 2025

**** CERTIFICATE OF SIGNATURE ****

I hereby certify that this Petition for
Rehearing was prepared and signed by me
the Petitioner and that the contents
are true and correct to the best of my
knowledge and belief

Respectfully submitted

A handwritten signature in blue ink, appearing to read 'Anthony Cunningham', with a large, stylized loop at the end.

ANTHONY CUNNINGHAM

April 8, 2025

**** CERTIFICATE PURSUANT TO SUPREME COURT
RULE 44.2 ****

I HEREBY CERTIFY THAT THIS PETITION FOR
REHEARING IS PRESENTED IN GOOD FAITH AND IS
LIMITED TO INTERVENING CIRCUMSTANCES OF A
SUBSTANTIAL OR CONTROLLING EFFECT OR TO OTHER
SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED

RESPECTFULLY SUBMITTED,


ANTHONY CUNNINGHAM

APRIL 21, 2025