

IN THE SUPREME COURT OF THE UNITED STATES

C. A. No: 24-6912

TALLEY et al.,

PETITIONER(S),

v.

HORN et al.,

RESPONDENT(S).

*ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
C. A. No: 24-1734 and C. A. No: 24-1917*

PETITION FOR REHEARING

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Documents prepared and submitted: June 27, 2025



QUESTION PRESENTED

This Court's denial of certiorari is an unlawful denial of due process.

The question presented:

How are constitutional rights of the citizen guaranteed by the U.S. Constitution when the scope and application vary based on interpretation and legal precedent?



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*ON PETITION FOR A WRIT OF CERTIORARI
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PETITION FOR REHEARING

RESPECTFULLY COMES NOW, Petitioners, Kenneth R. Talley, and Kristina K. Talley, *pro se*, ask to file a Petition for Rehearing, Motion to Allow Evidence, and Motion for Leave to Proceed *In Forma Pauperis* for the reasons set forth as follows: In the presence of these extraordinary circumstances, this Court may grant a petition for rehearing pursuant to Rule 44. This petition for rehearing is a request for this Court to reconsider its decision on the merits of the case. The petitioners are exempt from Rule 38(b), as they are proceeding *in forma pauperis*. This petition states its grounds briefly and distinctly and is served as required by Rule 29. This petition is presented together with certification of a party unrepresented by counsel, it is presented in good faith and not for delay. It may be determined that this petition for rehearing is submitted timely and in good faith, as well as in a format that is in compliance with Rule 44, Rule 33, and Rule 34. Petitioners note where a forensic doctor determined "... he was not competent to represent himself during his past legal



proceedings,” see (App. D, Page 13, Line 20). Petitioners maintain that during state legal proceedings, criminal acts were carried out against the elderly petitioner by individuals acting under the “color of law” in violation of § 242. Respondent, Patricia Griffin, and Co-respondent, Judge Mark Conner, cannot invoke judicial immunity, using the Eleventh Amendment, for acts that violate a litigant’s civil rights, see Robert Craig Waters, *Tort & Insurance Law Journal*, Spr. 1986 21 n3, p509-516, where the specific article cited and found on pages 509-516 of the mentioned issue, the author contributes to the petitioner’s usage of tort law outlined in the original civil action. Kenneth’s rights under the Fifth Amendment must be applied *before* the respondents may claim an act for which they are entitled to receive immunity under the Eleventh Amendment.

OPINIONS BELOW

1. Petitioners indicate whether the opinions of the lower courts in this case have been published, and if so, the citation for the opinions. Published citation for the opinion: Talley v. Horn, 277 A.3d 937 (Del. 2022).

Appendix A United States Court of Appeals for the Third Circuit, Order, C.A. No. 24-1734 and C.A. No. 24-1917, Appeals, Dismissed (App. A)

Appendix B United States Court of Appeals for the Third Circuit Order, C.A. No. 24-1734 and C.A. No. 24-1917, Reargument, Denied (App. B)

Appendix C Neuropsychological Evaluation Robert L. Mapou, Ph.D. (App. C)

Appendix D Psychological Evaluation Laura Cooney-Koss, Psy.D. (App. D)

Appendix E Declaration of Indigency and Order(s) Granted / Denied (App. E)

Appendix F Affidavits of Elder Abuse, Work and Record Keeper (App. F)

Appendix G Delaware Court of Chancery C.A. No. 2021-0011-PWG (App. G)

Appendix H Delaware Superior Court C.A. No. S22C-12-013-MHC (App. H)



JURISDICTION

2. This petition for rehearing is seeking review of multiple judgments invoking Rule 12.4. This petition seeks review of the denial dated June 2, 2025, by the U.S. Supreme Court in case No. 24-6912. This petition also seeks rehearing of the order(s) dated September 19, 2024, by the United States Court of Appeals for the Third Circuit in case No. 24-1734 and case No. 24-1917, (App. A) for which timely motions for reargument were denied on October 18, 2024, (App. B). This petition properly lists the date that the orders were entered, September 19, 2024, and as applicable, the date of the orders respecting rehearing, and October 18, 2024, as required by Supreme Court Rule 14.1(e). Petitioners timely file this petition on June 27, 2025.

This petition seeks review of a judgment dated October 4, 2022, by the Delaware Court of Chancery in case No. 2021-0011-PWG, (App. G), and February 3, 2023, by the Delaware Superior Court in case No. S22C-12-013-MHC, (App. H), invoking Rule 12.4, this Court has jurisdiction under 28 U.S. Code § 1254. This Court has authority with regard to evidence from experts and may issue subpoenas, as stated in Article III. This Court is the final expositor of the Constitution, exercising its role in marking the boundaries of authority between government and citizen, as per Article III.

Petitioners invoke this Court's Rule 12.4 and jurisdictional powers, as established by the Constitution, the Judiciary Act of 1789, with this Court's decisions serving as the final word on matters of federal law and the Constitution.



CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

3. Petitioners abide by the Constitution, adopted by our Founding Fathers on September 17, 1787, and ratified by the states on June 21, 1788, as the supreme law of the land, as stated in Article VI, Clause 2. Petitioners request a review, pursuant to the Judiciary Act of 1789 and Article III of the Constitution. Kenneth objects to the denial of help at trial and provides evidence of competency from a forensic doctor, see (App. D), see *Johnson v. Avery*. The constitutional basis for federal subject-matter jurisdiction is found in Article III of the U.S. Constitution and 28 U.S.C. § 1331.

I. PJM Open Access Transmission Tariff

4. Respondent, Delaware Electric Cooperative, Inc., via President, Rob Book, violated the PJM Master Tariff. Petitioners cite the Federal Power Act (FPA) as it applies to utility companies by granting the Federal Energy Regulatory Commission (FERC) jurisdiction over the conditions of service. The utility company is required to provide non-discriminatory access to the electricity grid. The utility company did not follow the state laws or federal regulations based on the PJM Open Access Transmission Tariff. State regulations outlaw disconnection, where termination of the service adversely affected the petitioner's health and if they have a medical condition. Petitioners complain that a subject matter expert is required to interpret these laws as they pertain to the PJM Open Access Transmission Tariff, and Respondent, Delaware Electric Cooperative, Inc. via Rob Book President.



STATEMENT

5. Kenneth was found to be an incompetent plaintiff by a forensic doctor, where he lacks the legal capacity to represent himself in a court of law.

II. State trial court proceedings.

6. This petition seeks review of multiple judgments invoking Rule 12.4, see 2021-0011-PWG, (App. G), and S22C-12-013-MHC, (App. H). Petitioners provide forensic evidence that demonstrates "Mr. Talley's reading, spelling, and writing skills were found to be far lower than his intellectual abilities and were only at the first to second-grade level." (App. D, Page 8, Line 2)

III. State supreme court proceedings.

7. Petitioners have an interlocutory appeal in progress by the state supreme court, civil action number 429,2024.

IV. Federal court proceedings.

8. The federal appellate court has appellate jurisdiction and its ruling in this case may be appealed to this Court. Petitioners argue that § 242 is valid, the criminal statute may confer a private right of action. This Court's decision in *Turner v. Rogers* (2011) upheld the right to counsel. Kenneth did not have the opportunity to be heard before final judgment, see *Postal Telegraph Cable Co. v. Newport*, 247 U.S. 464, 476 (1918); *Baker v. Baker, Eccles & Co.*, 242 U.S. 294, 403 (1917); *Louisville & Nashville R.R. v. Schmidt*, 177 U.S. 230, 236 (1900). Kenneth, was denied ADA accommodations. Kenneth's interest is within the Fourteenth Amendment's protection of property, see



Board of Regents v. Roth, 408 U.S. 564, 569–71 (1972). Private utilities can only terminate service for cause such as nonpayment of charges, where Respondent, Delaware Electric Cooperative, Inc., via Rob Book President, is required to follow procedures to resolve disputes prior to terminating service, see Memphis Light, Gas & Water Div. v. Craft, 436 U.S. 1 (1978).

REASONS FOR GRANTING THE PETITION

I. The issues presented in this petition are extraordinary and require this Court's prompt resolution.

9. An impartial decisionmaker is an essential right in civil proceedings, see Goldberg v. Kelly, 397 U.S. 254, 271 (1970). Respondent, Patricia Griffin, was not impartial and petitioners complain after finding out this judicial officer cannot be disciplined by the Delaware Court on the Judiciary.

II. Disputed questions of competency reserved for experts.

10. Petitioners note as per the forensic evaluation, "Mr. Talley's struggles in court related to his literacy, comprehension, and communication." (App. D)

III. Errors in the application of law and procedure.

11. Petitioners cite errors in the application of law and procedure as follows: Adequate remedy in other courts as per 10 Del. C. § 342; Power of courts as per 10 Del. C. §6501; Construction of contract before or after breach as per 10 Del. C. §6503; Statute of Limitations as per 10 Del. C. §7901, Right of Entry; Review as per Del. R.



Civ. P. Super. Ct. 126, and as per Del. R. Civ. P. Super. Ct. 19, and as per Del. R. Ch. Ct. 21; General provisions as per Del. R. Civ. P. Super. Ct. 26; Discovery as per Del. R. Civ. P. Super. Ct. 26(b); Production of documents as per Del. R. Civ. P. Super. Ct. 34. Requests for admission as per Del. R. Civ. P. Super. Ct. 36, also within the scope of Rules of the Supreme Court of the State of Delaware, Rule 26(b), including the genuineness of documents; and as per Del. R. Civ. P. Super. Ct. 81, Ejectment.

IV. Errors in the submission of evidence.

12. The elderly petitioner filed a complaint which includes the denial of due process, negligence, elder abuse, and the intentional infliction of emotional distress, see Appendix F Affidavits of Elder Abuse, Work and Record Keeper. (App. F)

CONCLUSION

13. Expert forensic evidence confirms Kenneth's inability to act as a lawyer and provides sufficient background information to support this petition for rehearing. This Court may decide to review the federal appellate court decision(s) as well as the state court decision(s) in order to correct errors in law or fact.

WHEREFORE, Petitioners file a Petition for Rehearing, Motion to Allow Evidence, and Motion To Proceed *In Forma Pauperis*. Where this Court may find that the appellate court erred in its decision, petitioners ask this Honorable Court to allow relief that it deems just and proper, where this Petition for Rehearing may be granted and decisions of lower courts summarily reversed.

IN THE SUPREME COURT OF THE UNITED STATES



Respectfully submitted,

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IN THE SUPREME COURT OF THE UNITED STATES



KENNETH R. TALLEY, and)
KRISTINA K. TALLEY,)
Petitioners,)
v.)
JUDITH C. HORN, DARREN W. HORN, SR.,)
DARREN W. HORN, JR., KEVIN R. TALLEY,)
COURT OF CHANCERY OF THE STATE OF) C.A. No. 24-6912
DELAWARE, PATRICIA W. GRIFFIN,)
SUPERIOR COURT OF THE STATE OF)
DELAWARE, JUDGE MARK H. CONNER,)
COMMUNITY LEGAL AID SOCIETY, INC.,)
OLGA BESKRONE, SERGOVIC CARMEAN)
WEIDMAN MCCARTNEY OWENS, P.A.,)
DAVID WEIDMAN, and DELAWARE)
ELECTRIC COOPERATIVE, INC., via ROB)
BOOK, PRESIDENT,)
Respondents.)
)
Scott S. Harris, Clerk)
Supreme Court of the United States)
Washington, D. C. 20543)

PROOF OF SERVICE

I, Kenneth R. Talley, and I, Kristina K. Talley, do swear or declare that on this date, June 27, 2025, as required by Supreme Court Rule 29, caused copies of: (1) PETITION FOR REHEARING, MOTION TO ALLOW EVIDENCE, And MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*; and (2) this Proof of Service, to be served on each party to the above proceeding or that party's counsel, and on every other person required to be served. Summons were filed with the United States Supreme Court by depositing a box containing the above documents in the United States mail properly addressed with first-class postage prepaid. Each petitioner declares under penalty of perjury that the foregoing is true and correct. The names and addresses of those served are as follows:

Executed on June 27, 2025

IN THE SUPREME COURT OF THE UNITED STATES



This proof of service, in the form of a declaration pursuant to 28 U.S.C. § 1746, has been served on the following Respondents via the address provided:

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