

No. 24-763

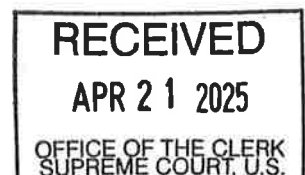
In The
Supreme Court of the United States

In re BO ZOU—*Petitioner*

ON PETITION FOR WRIT OF PROHIBITION AND/OR
WRIT OF MANDAMUS TO THE UNITED STATES
COURT OF APPEALS FOR THE TENTH CIRCUIT

PETITION FOR REHEARING

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PETITION FOR REHEARING

Pursuant to Rule 44 of this Court, Petitioner hereby files the petition for rehearing of this case before a full Nine-Member Court. Petitioner moves this Court to grant this petition for rehearing because of following substantial grounds:

1. This Court should have safeguarded the U.S. laws and Constitution, and Federal Rules of Civil Procedure and corrected the evident and clear errors and violation of laws, Constitution and court rules of lower courts. However, this Court openly violate the U.S. laws to support the manifest error of law or facts, extremely manifest injustice and seriously contrary to law made by the district court and the Tenth Circuit Court of Appeals. So, the district court and the Tenth Circuit Court of Appeal may arbitrarily trample and insult U.S. laws and Constitutions to cover up Defendant Linde Engineering North America Inc.'s guilt and criminal acts in perjury, falsification of documents, and contempt of the court, and refused to produce documents, refused deposition, etc. The U.S. laws and Federal Rules of Civil Procedure have been blasphemed and insulted due to this Court's permission and ignorance.

2. This Court should not violate the U.S. law to support the district court and the Tenth Circuit Court of Appeals by ignoring the significant appearance of impropriety and the conflict of interest existing for district judge John D. Russell to hear his former client's case after he left his former law firm only one month.

3. That the Tenth Circuit Court of Appeals wrongfully explain the case law and never address the most important facts of high degree of antagonism to deny Petitioner's appeal and knowingly depart from the course of the judicial proceedings over and over should not be supported or covered up by the Supreme Court of the United States.

The petition for rehearing is filed in good faith and within 25 days of this Court's decision in this case. Petitioner states detailed grounds to support the rehearing as follows:

I. This Court openly support the district court and the Tenth Circuit Court of Appeals' intentional violation of the U.S. laws and Constitutions, and Federal Rules of Civil Procedures and court rules in hearing Petitioner's cases.

Petitioner filed the discrimination case against Defendant Linde Engineering North America, Inc. on October 18, 2019. Since then, the district court openly and blatantly trampled and insulted the U.S. laws and Constitution, and Federal Rules of Civil Procedure to abuse its discretion to help and cover up Defendant's perjury, falsification of documents, and contempt of the court by refusing to produce documents, etc. The U.S. laws and court rules, facts and evidence were arbitrarily misrepresented or ignored by the district court.

Petitioner has filed four appeals to the Tenth Circuit Court of Appeals and the Supreme Court of the United States, respectively. But, the Tenth

Circuit Court of Appeals openly and knowingly violated Federal Rules of Appeal Procedure dismissed Petitioner's appeal cases (Case Nos. 20-5099, 24-5087) and denied Petitioner's cases (Case Nos. 21-5002, 24-5119) to help and cover up Defendant's guilt and crime in perjury, falsification of documents, and contempt of the court by abusing its discretion to knowingly and erroneously explain U.S. laws and case laws to refuse to disqualify magistrate judge and district judge. The Circuit judge Gregory A. Philips even continuously reviewed Petitioner's three cases. Former Chief judge Timothy M. Tymkovich of the Tenth Circuit Court of Appeals reviewed Petitioner's two cases with Circuit judge Gregory A. Philips to deny or dismiss Petitioner's cases. Also, Circuit judge Nancy Louise Moritz continuously reviewed Petitioner's two cases.

It is this Court's help and covering up to make the lawsuit experience more than 5 years because the district court pended the case more than three years without a reason. The district court need more time to cover up its bias against Petitioner and its open violation of U.S. laws and court rules to help Defendant and cover up Defendant's perjury, falsification of documents and contempt of the court and other violations of court rules and laws.

The Court must correct its erroneous denial of Petition for writ of Prohibition/Mandamus because district judge John D. Russel is not qualified for hearing Petitioner's case. District judge John D. Russel left his former law firm only one month and immediately hear his former client's case.

II. This Court should not violate the U.S. law to support the district court and the Tenth Circuit Court of Appeals by ignoring the significant appearance of impropriety and the conflict of interest existing for district judge John D. Russell to hear his former client's case after he left his former law firm only one month.

The Court should know that a judge is generally disqualified from hearing cases involving a client of his former law firm, as it creates a potential conflict of interest due to the judge's prior access to confidential information about the client, potentially impacting their ability to remain impartial in the current case; and could appear to be biased, and even if the judge had no direct involvement in the specific case while at the firm; this is often referred to as "imputed disqualification". Even if the judge does not consciously use confidential information, the mere appearance of a conflict of interest can undermine public trust in the judicial system.

a. Defendant has been the client of Gable & Gotwals since 1990's or much earlier. Gable & Gotwals has represented Defendant in all employment discrimination cases against Defendant in Tulsa and throughout the Nation, solely except this Case. District judge John D. Russell was a shareholder and director of Gable & Gotwals in Tulsa, OK from 2015 until early January, 2024. District judge John D. Russell has the knowledge of disputed evidentiary facts in this Case concerning the proceeding. Judges may not hear cases in which they have either personal knowledge of the disputed facts, or a personal bias concerning a party to the

Case. Judge John D. Russell should be disqualified from the case as the trial judge. Even if the judge did not personally handle the client's case while at the firm, the mere association with the former client could lead to the perception of bias, which is enough to warrant disqualification.

b. Petitioner has stated in his Petition for Writ of Prohibition/Mandamus that some States' rules and opinions support judge John D. Russell's disqualification. New York State Unified Court System Opinion 24-62 issued March 24, 2024, provides that *"For two years from the date that the relationship between a judge and their former law firm completely ends, the judge is disqualified from all matters, 'involving a party the judge recognizes as a current or former client of the law firm, even though a different law firm is representing the client'."* (Opinion 16-36; see also Opinion 17-100). Essentially, the judge's prior relationship with the firm creates a potential conflict of interest that necessitates disqualification, even if the judge is not directly involved with the former firm at the time of the case; this is to maintain public confidence in the impartiality of the court.

Due to the potential for a conflict of interest and the significant appearance of impropriety, judge John D. Russell cannot hear the Case and must step down from Petitioner's Case. The Court should review and grant the Petition for rehearing, rather than permit or even connive the existence and happening of a conflict of interest and the significant appearance of impropriety.

III. That the Tenth Circuit Court of Appeals wrongfully explain the case law and knowingly never address the most important facts of high degree of antagonism to deny Petitioner's appeal and knowingly depart from the course of the judicial proceedings over and over should not be supported or covered up by the Supreme Court of the United States.

a. The Tenth Circuit Court of Appeals wrongfully explain the case law *Cf. United States v. Detemple*, 162 F.3d 279, 287 (4th Cir. 1979).

Petitioner had provided for this Court that New York State Unified Court System Opinion 24-62 issued March 24, 2024, which states that “*For two years from the date that the relationship between a judge and their former law firm completely ends, the judge is disqualified from all matters ‘involving a party the judge recognizes as a current or former client of the law firm, even though a different law firm is representing the client.’*” (Opinion 16-36; see also Opinion 17-100). Judge Stamp in case law *Cf. United States v. Detemple*, 162 F.3d 279, 287 (4th Cir. 1979) met with the requirement of two years’ relationship between judge Stamp and his former law firm. But, judge John D. Russell never meets with the requirement because he only left his law firm one month and heard the case, which involves in his former client, i.e. Defendant.

A reasonable outside observer, aware of all the facts and circumstance of this case, would harbor doubts about the impartiality of Judge John D. Russell. Because judge Russell’s “impartiality might

reasonably be questioned” in the Case, 28 U.S.C. § 455(a) mandates judge Russell’s recusal.

Moreover, now, it is not judge Russell’s “impartiality might reasonably be questioned”. Judge John D. Russell has presented that he does not have any impartiality on hearing Petitioner’s case. Judge Russell knowingly ignored and/or misrepresented the facts and evidence in his all rulings against Petitioner, especially in his order to grant Defendant judgment. Also, district judge Russell knowingly took Defendant’s false statements to grant Defendant judgment. The worst violation of U.S. laws is that judge John D. Russell knowingly ignores Plaintiff’s allegation on Defendant’s criminal acts in perjury, falsification of documents and contempt of the court, and further granted Defendant judgment. It is clear blasphemy and insult to U.S. laws and Constitution. See D.C. Case Nos. 231, 232, 235, 236, 240, 241, 249, 252.

The Court should not permit or even connive that the Tenth Circuit Court of Appeals wrongfully explained case law *Cf. United States v. Detemple*, 162 F.3d 279, 287 (4th Cir. 1979) and ignored the significant appearance of impropriety and conflict of interest resulting in judge’s impartiality might reasonably be questioned due to his relationship with Defendant, who has been the Client of his former law firm since 1990s, and judge Russell just left his former law firm only one month.

It is this Court’s connivance resulting in the open violation of U.S. laws and Constitution, and Federal Rules of Civil Procedure and the court rules by district court and the Tenth Circuit Court of

Appeals. This Court have the responsibility to correct its erroneous refusal to review Petitioner's Petition for Writ of Prohibition/Mandamus.

b. The Tenth Circuit Court of Appeals knowingly depart from the course of the judicial proceedings over and over to cover up its extremely erroneous ruling and violation of U.S. laws and Federal Rules of Appellate Procedure.

The judges in the Tenth Circuit Court of Appeals violated Federal Rules of Appellate Procedure and never signed their names in their erroneous decisions in Petitioner's four appeal cases in case Public and law experts find their erroneous decisions and their extreme unfairness and bias. All the four erroneous decisions were signed by the electronic signatures of the Clerk.

The Tenth Circuit Court of Appeals knowingly departed from the course of judicial proceedings by hiding the denial order not to release the judges' erroneous decisions on the website of the Tenth Circuit Court of Appeals to stop the Public and law experts from knowing their erroneous decisions. Petitioner's four appeal cases were dismissed or denied without posting on the website of the Tenth Circuit Court of Appeals. This Court must take measures to supervise and force the Tenth Circuit Court of Appeals to abide by the U.S. laws and court rules to make public keep confidence on the U.S. judicial system.

IV. Conclusion

This Court should grant the Petition for

Rehearing. District judge John D. Russel should be disqualified to ensure U.S. laws and Constitution, and Federal Rules of Civil Procedure to be respected and abided by. Defendant's guilt and criminal acts in perjury, falsification of documents, and contempt of the court should and must be sanctioned, rather than awarded.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Zorino", written in dark ink.

Date: April 15, 2025

CERTIFICATE OF PETITIONER

I hereby certify that this petition for rehearing is
presented in good faith and not for delay.


Petitioner