

No. 25–1041

In the Supreme Court of the United States

ANTHONY B. LEWIS,

Petitioner,

v.

HCA FLORIDA LAWNWOOD HOSPITAL,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Whether a district court may divest litigant of his 1-time right to amend, as per Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure, a hotly contested federal civil rights complaint. This petition for rehearing seeks immediate re-review and reversal of the Eleventh Circuit's order affirming the district court's dismissal order, because the said dismissal order clearly divested the Petitioner of his 1-time right to amend the pleadings, as a matter of right, as per Rule 15(a)(1)(B) of the Fed. R. Civ. P. Moreover, the totality of circumstances give rise to a reasonable inference that the said dismissal order violated the Petitioner's right to sue and to give evidence as per Sections 1 and 2 of the Civil Rights Act of 1866.

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PETITION FOR REHEARING

Petitioner respectfully seeks a writ of certiorari to review the judgment of the Eleventh Circuit.

STATEMENT OF THE CASE AND ARGUMENT

Fed. R. Civ. P. 15 (a)(1)(B) states: “A party may amend its pleading once as a matter of course within... 21 days after service of a motion under Rule 12(b)... whichever is earlier.” However, in this case, the district court violated the Petitioner’s one-time right to amend his pleadings under this Rule. The Eleventh Circuit had no legal authority to uphold the district court’s denial.

In every other circuit, Rule 15(a)(1)(B) is strictly enforced. However, in this case, both the district court and the Eleventh Circuit did not enforce this rule of procedure under circumstances that give rise to a reasonable inference that these institutions simply did not like the substance and nature of the Petitioner’s federal civil rights complaint, which is designed to redress a unique class: black physicians in the United States. Moreover, the district court’s dismissal was based upon Rule 15(a)(2), which is a “leave of court” dismissal, as distinguished from a Rule 15(a)(1)(B), which is a “matter of right” dismissal.

This Court should therefore re-review and reverse the decision below.

CONCLUSION

WHEREFORE, this Court should grant certiorari.

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CERTIFICATION OF COUNSEL

Pursuant to S. Ct. R. 44.2, Roderick Andrew Lee Ford, attorney for petitioner, certifies as that the petition for rehearing is restricted to the grounds set forth in S. Ct. R. 44.2. I further certify that the petition for rehearing is presented in good faith and not for delay. See, e.g., Barber v. Barber, 62 U.S. 582, 590-593 (1858), regarding "federal equity jurisdiction." FRCP 15(a)(1)(B)(matter of right)

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