

NOTICE OF MOTION FOR REHEARING AFTER DENIAL OF PETITION FOR  
CERTIORARI ON OCTOBER 6, 2025

Hereby note that Dr. Christopher Binetti, PhD, Plaintiff-Petitioner, is filing this Motion for Rehearing After the Denial of his Petition for the Writ of Certiorari by the Supreme Court of the United States, asking the Court to give petitioner a hearing before this Court, under the rule of the Supreme Court, 44.1 and 44.2.

BRIEF IN SUPPORT OF PLAINTIFF-PETITIONER'S MOTION FOR REHEARING  
OF HIS PETITION FOR WRIT OF CERTIORARI

Petitioner-Plaintiff Dr. Christopher Binetti humbly moves for rehearing on his petition for writ of certiorari for two reasons, which was denied on October 6, 2025. Firstly, in light of the Supreme Court's recent hearing on a redistricting case, *Louisiana v. Callais, et al.*, on October 15, 2025, after the date of denial of the Petitioner-Plaintiff's Writ of Certiorari, it is clear that the Supreme Court is going to act on redistricting which involves racial discrimination and there is no reason for the Court to not extend protections against a State's unconstitutional gerrymandering to ethnicity. Secondly, the decision in *Ames v. Ohio Department of Youth Services*, decided earlier this year by this Court, is an applicable case of which Petitioner-Plaintiff, who is pro se, was unaware at the time of the first brief for the Petition. Taken together, the two cases set a clear precedent that is applicable in this case and it would be unfair to not avail the Petitioner-Plaintiff of this future clear precedent.

*Louisiana v. Callais, et, al.* was heard after the date of denial of the Petition, and thus, under Rule 44.1 and Rule 44.2, it is particularly applicable to this Motion for Rehearing. The Court is clearly going to rule against racial gerrymandering in *Louisiana*. In my case, the State of New Jersey is using ethnic gerrymandering to harm the voting rights of Italian Americans in New Jersey. The State does not even deny it. On the face of it, overt ethnic gerrymandering, in order to accommodate the unconstitutional inclusion of unauthorized immigrants in redistricting, is similar to, but even more egregious than the racial gerrymandering in *Louisiana*. As noted in Petitioner-Plaintiff's original brief, ethnic discrimination by the State is held to the similar standard as racial discrimination by the State- strict scrutiny. There is no reason to disallow racial gerrymandering in *Louisiana*, but to allow New jersey's unconstitutional ethnic gerrymandering in New Jersey.

In addition, New Jersey's unconstitutional inclusion of unauthorized immigrants is defended as essentially a racial gerrymandering. Thus, even if the Court ignores its clear jurisprudence that ethnic gerrymandering is equal to racial gerrymandering, New Jersey claims elsewhere, not in its papers in this case specifically, that by unconstitutionally including people of an unauthorized nature, that it is including more people of a certain "race", which could also be viewed as an ethnic category- Hispanic/Latino people. This is supposed to create more majority-minority districts, which is the kind of racial gerrymandering that the Court is about to strike down in *Louisiana*. Either way, the inclusion of unauthorized immigrants in redistricting in prohibited, either as ethnic gerrymandering or racial gerrymandering. The State makes

no defense on either assertion, nor does it hide its discriminatory animus against Italian Americans.

*Ames v. Ohio Department of Youth Services* addresses the other part of the Petitioner-Plaintiff's case. In this case, of which Petitioner-Plaintiff was unaware at the time his initial brief due to being pro se, the concept that "reverse discrimination" cases need to meet a higher threshold was rejected unanimously by the Court. However, the standard in New Jersey has not changed. The lower courts consistently erred by subconsciously applying a "reverse discrimination" analysis to allegations of discrimination and retaliation by an Italian American plaintiff. When an Italian American plaintiff complains of ethnic discrimination, it is not a "reverse discrimination" case this was briefed at the State level, but the State courts ignored this and improperly imposed the heightened scrutiny to an Italian American plaintiff in a discrimination and retaliation case. This included dismissing constitutional claims.

In sum, if we read *Louisiana* and *Ames* together, states cannot systemically discriminate against an ethnic group, in this case Italian Americans, in order to achieve a political end, even if it is constitutional. However, the ends to be achieved by the State of New Jersey are not constitutional. Its ethnic or racial gerrymandering scheme here is to allow unauthorized immigrants to be included in redistricting in order to (implicitly) disenfranchise a disfavored ethnic group- Italians- and to (explicitly) favor Hispanics/Latinos. Petitioner-Plaintiff believes that Hispanic-Latino voters are not actually benefitting from the unconstitutional gerrymandering, but that is the stated reason for it. Whether we believe the State or the Petitioner-Plaintiff, the gerrymandering is still blatantly unconstitutional.

Also, the State Court's dismissal with prejudice of an Italian American's suit about systemic discrimination by the State is a dangerous precedent, in which the states will ignore *Ames* in the worst way possible and create double standards for some ethnic groups, like Italian Americans, when they seek standing, as opposed to traditional minorities, which the State favors. The State, including the State Courts, cannot and must not be allowed by this Court to discriminate against Italian Americans when it comes to standing. The lower courts have implied, if not explicitly stated, that the State can use DEI to discriminate against Italian Americans. While the Petitioner-Plaintiff is trying to have Italians included in New Jersey's DEI programs and not to get rid all of DEI and affirmative action in employment, this discriminatory use of DEI in New Jersey against Italian Americans violates the spirit of *the Students for Fair Admissions* cases and the spirit and letter of *Ames*.

For the foregoing reasons, Petitioner-Plaintiff humbly requests a rehearing, or in this case, a hearing, including oral arguments, on the merits of this case.

First Certification of Plaintiff-Petitioner

I, Dr. Christopher Binetti, PhD, the Plaintiff-Petitioner in this case, do hereby certify that my motion for rehearing is based upon new cases, both one being heard by the Court after the denial of the writ of certiorari in this case and one of which the pro se plaintiff was unaware. One of the cases is an intervening case, which will clearly soon be ruling precedent and which was not heard until after denial of writ certiorari in this case.

Second Certification of Plaintiff-Petitioner

I, Dr. Christopher Binetti, PhD, the Plaintiff-Petitioner in this case, do hereby certify that all of the above statements are true to the best of my ability and knowledge and that if any of the above statements are willfully false, I am subject to punishment under the law. In addition, I certify that this Petition deals with substantive issues for the Supreme Court and is filed in good faith and is not intended to delay or annoyance. I also certify that this Motion for Rehearing is in good faith and is not intended for delay or annoyance.

/s Christopher Binetti

Appendix- Table of Authorities Cited in this Case

*Louisiana v. Callais*, U.S. Supreme Court number No. 24–109 (2025)

*Ames v. Ohio Department of Youth Services*, U.S. Supreme Court number No. 23–1039,  
official citation 605 U.S. \_\_\_\_ (2025) (2025)

*Ex Parte Young*, 209 U.S. 123 (1908)

*Frontiero v. Richardson* 411 U.S. 677 (1973)

*Students for Fair Admissions, Inc. v. President and Fellows of Harvard  
College*, 60 U.S. (2023)

*Students for Fair Admissions, Inc. v. University of North Carolina et al*, 600 U.S.  
(2023)