

In the Supreme Court of the United States

No. 25-5187

SHANTELL LEWIS, PETITIONERS

v.

HERNAN CASTRO, ET AL.

ON PETITION FOR REHEARING

TO THE UNITED STATES COURT SUPREME COURT

PETITION FOR REHEARING

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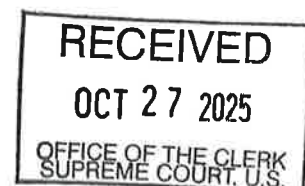


TABLE OF AUTHORITIES

CASES:

Applicable Laws and Regulations:

- 38 C.F.R. §3.400 General.**
- 38 C.F.R. §3.450 General.**
- 38 C.F.R. §3.451 Special apportionments.**
- 38 C.F.R. §3.452 Situations when benefits may be apportioned.**
- 38 C.F.R. §3.458 Veteran's benefits not apportionable.**

Holmberg vs. Holmberg, 588, 2d, 720 (1999);

Bell vs. Hood 327 U.S. 678(1946)

American Disabilities Act (ADA) 42 U.S. Code Chapter 126; Title 38 U.S.C., 511, 5301; Title 42 U.S.C. 407(a)(cl.1.) (cl.2.);

The Health Insurance Portability Accountability Act, Pub. Law 104-191(HIPAA);

Supremacy Clause,

Title 18 U.S.C. Section 242,

Separation of Powers; Declaratory Judgement Act;

Veterans Judicial Review Act (VJRA) of 1988;

Positive Law & Federal Preemption of State Jurisdiction;

Civil Rights Act of 1871; Civil Rights Act of 1866, 1980 reenactment,

Social Security Act of 1975 section 662(f) (2), 38 U.S.C. section 3101(a); 42 U.S.C. section 405.

Carey vs. Piphus, 435 U.S. 247 253(1978).

Butz vs. Economou, 438 US 478,506(1978);

United States vs. Lee, 106 US..., at 220, (1882),
Knox vs. State, 586 S. W. 2d 504 (Texas Crim. App. 1979),
Townsend vs. State, 427 S. W. 2d 55 (Texas Crim. App. 1968)
Tongol vs. Usery, 601 F. 2d 1091, 1097 9th Ct. (1979).
Blessings vs. Freestone, 520 US 329(1997).
BOLIN vs. STORY, 225 F. 3d 1234, 1239(11th circuit).
Keith Hayward vs. Curtis Drown et, al;
Mcknett vs. St. Louis & San Francisco R. Co., 292 U.S. 230, 233(1934).
Howlett vs. Rose, 496 U.S., at 382-383.
Ableman vs. Booth 62 U.S. 506 (1990).
Cooper vs. Aaron, 358 U.S. 1 (1958).
Haines vs. Kerner, et al. 404 U.S. 519, 92 S. Ct. 594, 30 L. Ed. 2d 652.
Conley vs. Gibson, 355 U.S. 41, 45 46(1957).
Dioguardi vs. Durning, 139 F. 2d 774(CA2 1944).
Estelle, Corrections Director, et al. vs. Gamble 29 U.S. 97, 97 S.Ct. 285, 50 L. Ed. 2d 251.
Marbury vs. Madison, 5 U.S. (1 CRANCH) (1803),
Reid v. Covert (1956).
Boumediene v. Bush (2007).
United States v. Virginia (1965).

Petitioner Shantell Lewis respectfully petitions for rehearing of this Court's October 6, 2025. Order denying his petition for a writ of certiorari.

3.

REASONS FOR GRANTING REHEARING

Petitioner Shantell Lewis Respectfully asks this court Grant petition for Rehearing of this court October 6th, 2025 order Pursuant to rule 44 of this court this timely petition is presented in good faith and not for delay. The grounds shall be limited to intervening circumstances of a substantial or controlling effect or to other Substantial grounds not previously presented, For the foregoing reasons, this Court should grant the petition for rehearing, vacate the order dismissing the sua sponte, for lack of jurisdiction, and restore this case to its merits docket. Rule 44.2 authorizes a petition for rehearing based on "intervening circumstances of a substantial . . . effect."

ORDER DATED Nov 11, 2025, the lower court made a big error by not ruling in the favor of the Plaintiff judgment, when the Defendants did not respond to (Doc. 5 (the Objection")) from the Plaintiffs, and the time to do so has passed. The judge in the order made an error stating that the Plaintiff Objection is due to be overruled, the report is due to be adopted and confirmed, my IFP were granted at first but when the defendants didn't response in a timely matter that's when the judge denied my IFP and Also denied my Complaint for Dismissal. In LOPER BRIGHT ENTERPRISES ET AL. v. RAIMONDO, SECRETARY OF COMMERCE, ET AL. CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT No. 22-451. Argued January 17, 2024—Decided June 28, 2024* The Court granted certiorari in these cases limited to the

question whether *Chevron U. S. A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U. S. 837, should be overruled or clarified. Under the Chevron doctrine, courts have sometimes been required to defer to “permissible” agency interpretations of the statutes those agencies administer—even when a reviewing court reads the statute differently. *Id.*, at 843. In each case below, the reviewing courts applied Chevron’s framework to resolve in favor of the Government challenges by petitioners to a rule promulgated by the National Marine Fisheries Service pursuant to the Magnuson-Stevens Act, 16 U. S. C. §1801 et seq., which incorporates the Administrative Procedure Act (APA), 5 U. S. C. §551 et seq. **Held: The Administrative Procedure Act requires courts to exercise their independent judgment in deciding whether an agency has acted within its statutory authority, and courts may not defer to an agency interpretation of the law simply because a statute is ambiguous; Chevron is overruled.** **Pp. 7–35.** (a) Article III of the Constitution assigns to the Federal Judiciary the responsibility and power to adjudicate “Cases” and “Controversies”—concrete disputes with consequences for the parties involved. The Framers appreciated that the laws judges would necessarily apply in resolving those disputes would not always be clear, but envisioned *Together with *No. 22–1219, Relentless, Inc., et al. v. Department of Commerce, et al., on certiorari to the United States Court of Appeals for the First Circuit.* **2 LOPER BRIGHT ENTERPRISES v. RAIMONDO** Syllabus that the final “interpretation of the laws” would be “the proper and peculiar province of the courts.” *The Federalist No. 78, p. 525 (A. Hamilton)*. As Chief Justice Marshall declared in the foundational decision of *Marbury v. Madison*, “[i]t is emphatically the province and duty of the judicial department to say what the law is.” *1 Cranch 137, 177*. In the decades following *Marbury*, when the meaning of a statute was at issue, the judicial role was to “interpret the act of Congress, in order to ascertain the rights of the parties.” *Decatur v. Paulding, 14 Pet. 497, 515*. Also, *In U.S. vs. Throckmorton, 98 US 61, Whereas officials and even judges have no immunity, See. Owen vs. City of Independence, 100 S. Ct. 1398; Maine*

vs. Thiboutot, 100 S. CT. 2502; and Hafer vs. Melo. 252 US 21; Officials and Judges are deemed to know the law and sworn to uphold the law; officials and judges cannot claim to act in good faith in willful deprivation of the law. They certainly cannot plead ignorance of the law, even the citizen cannot plead ignorance of the law, courts have ruled there is no such thing as ignorance of the law. Cooper vs. Aaron, 358 US 1; 78 S. CT. 1401 (1958).

The lower court which is Court of Appeals for the Eleventh Circuit willingly need that the lower court which is Middle District of Florida made a huge error, when the court of appeal for the Eleventh circuit dismissed, sua sponte, stating they lack jurisdiction. On November 1, 2024, Plaintiff Shantell Lewis, proceedings pro se, filed a notice of appeal from the district court's October 28, 2024, order dismissing the case without prejudice. Plaintiff Lewis also filed a timely motion to reconsider that motion. See Fed. R. App. P 4(a)(4). Even though the Court of Appeal knew that the District court made a huge error, the court of appeals went along and dismissed the case. Every U.S. Court of Appeals that has addressed this issue, has held that child support is a common, commercial (and civil) debt, See, U.S. v. Lewko, 269 F.3d 64, 68-69 (1st Cir. 2001) (citations omitted) and U.S. v. Parker, 108 F.3d 28, 31 (3rd Cir. 1997). Allen v. City of Portland, 73 F.3d 232 (9th Cir. 1995), the Ninth Circuit Court of Appeals (citing cases from the U.S. Supreme Court, Fifth, Seventh, Eighth and Ninth Circuits) "by definition, probable cause to arrest can only exist in relation to criminal conduct; civil disputes cannot give rise to probable cause"; Paffv. Kaltenbach, 204 F.3d 425, 435 (3rd Cir. 2000) (Fourth Amendment prohibits law enforcement officers from arresting citizens without probable cause. See, Illinois v. Gates, 462 U.S. 213 (1983), therefore, no body attachment, bench warrant or arrest order may be issued. 38 U.S.C. section 3101(a). Thus, veterans' benefits are generally not subjective to garnishment. In 1975, Congress passed the Child Support Enforcement Act, which creates an exception to the ANTI-GARNISHMENT provision of 38 U.S.C. section 3101(a) for the purpose of enforcing veterans' family support obligations section 659 of the Child

Support Enforcement Act provides in part: 42 U.S.C. section 659(a), Section 662(f)(2) of the Act, However, exempts certain governmental payments to veterans from garnishment for Child Support, including any payment by [Department of Veterans Affairs] as compensation for SERVICE-CONNECTED DISABILITY OR DEATH, Court have reached conflicting conclusions concerning the validity of The Department of Veterans Affairs interpretation of 42 U.S.C. section 662(f)(2). Some courts have held that a literal construction of the statue supports the interpretation that garnishment is not available when a veteran has waived all his or her retired pay in order to receive Department of Veterans Affairs Compensation. See, e.g., Sanchez Dieppa vs. Rodriguez Pereira, 580 F. SUPP 735(D.P.R. 1984). Other courts have held that this construction fosters anomalous results, and is inconsistent with Congress' intent in enacting the statue. See e.g. United States vs. Murray, 282 S. E. 2D 372(GA. CT. APP. 1981). In Holmberg vs. Holmberg, 588, 2d, 720(1999); The Court ruled that Child Support Statue in Minnesota violates the separation of powers doctrine. It permitted child support officers to practice law. Therefore, the statue is Unconstitutional; the court went on stating that Child Support is not a JUDICIAL process but an Administrative tribunal. And that Child Support order has no appeal. Michael Taylor vs. Robert Riojas, 592, U.S. 5 TH Ct. (2020) " The Court concluded that " Thus, even without intervention, qualified immunity would not be available in any further case. It is time for an overhaul of Qualified Immunity. In Butz vs. Economou, 438 U.S. 478,506(1978); United States vs. Lee, 106 U.S., at 220, (1882). A governing principle of our Constitutional democracy is that "[all] the officers of the government from the highest to the lowest, are creatures of the law, and are bound to obey it" No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. Also Knox vs. State, 586 S. W. 2d 504(Texas Crim. App. 1979), Townsend vs. State, 427 S. W. 2d 55(Texas Crim. App.1968). The court stated "We must keep in mind the rule of statutory construction that when two interpretations are possible, one constitutional and the

other not, the constitutional interpretation must prevail. See e.g. Marbury vs. Madison, 5 U.S. (1 CRANCH) (1803), Where courts have stated that Landmark decision that established that the U.S. Constitution is actual law, not just a statement of political principles and ideals. It defines the boundary between the Constitutionally to separate the executive and legislative branches of the federal government. Established the principle of judicial review that this court have the power to strike down laws, statues, and some government actions that they find to violate the Constitution of the United States. As best we can tell, the requirements that a State operate its child support program in "substantial compliance" with Title IV D was not intended to benefits individual children and custodial parents, and therefore, it does not constitute a federal right. It is not an entitlement; the standard service is simply a yardstick for the Secretary to measure the system-wide performance of a State's Title IV-D program. Thus, the Secretary must look to the aggregate services provided by the State, not to whether the needs of any particular person have been satisfied. Blessing vs. Freestone, 520 U.S. 329(1997). Even where state officials are administering a federally funded program, the state officials are still acting under color of state law. See. Tongol vs. Usery, 601 F. 2d 1091, 1097 9th Ct. (1979).

4.

CONCLUSION

U.S. v. Throckmorton, 98 US 61 WHEREAS, officials and even judges have no immunity See, Owen vs. City of Independence, 100 S Ct. 1398; Maine vs. Thiboutot, 100 S. Ct. 2502; and Hafer vs. Melo, 502 U.S. 21; officials and judges are deemed to know the law and sworn to uphold the law; officials and judges cannot claim to act in good faith in willful deprivation of law,

they certainly cannot plead ignorance of the law, even the Citizen cannot plead ignorance of the law, the courts have ruled there is no such thing as ignorance of the law Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958). "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it

For the foregoing reasons, and those stated in the petition for a writ of certiorari, the Court should grant rehearing, hold the petition pending the Court's decision, and then grant the petition and review the judgment below.

Respectfully Submitted'

x. Shantell Lewis

x *Shantell Lewis*

Dated; October 17, 2025

Address; 7707 S. Orange Ave
P.O. Box # 592402
Orlando FL, 32859



DEPARTMENT OF VETERANS AFFAIRS

August 13, 2025

SHANTELL LEWIS
7707 S ORANGE
PO BOX 592402
ORLANDO FL 32859

In Reply Refer To: 377/BEST/JB
File Number: 595464954
Lewis, Shantell

Dear Shantell. Lewis:

We made a decision regarding the claim of an apportioned amount of your VA Disability Compensation Benefit Payments from Jesica Nelson Custodian of Josiah Jean Baptiste.

After reviewing all evidence submitted, we have determined that an apportionment claim for your benefits is denied because the evidence shows that an apportionment would cause undue hardship upon you.

An Apportionment claim is a contested claim. Please be advised that Claimants have 60 days – not one year – to appeal a decision to BVA on a contested claim. Decision review options outside of an appeal to BVA do not exist for decisions on contested claims.

Applicable Laws and Regulations:

- 38 C.F.R. §3.400 General.
- 38 C.F.R. §3.450 General.
- 38 C.F.R. §3.451 Special apportionments.
- 38 C.F.R. §3.452 Situations when benefits may be apportioned.
- 38 C.F.R. §3.458 Veteran's benefits not apportionable.

NEW EVIDENCE
Exhibit A

File Number: 595464954
Lewis, Shantell

Evidence Considered, In Making Our Decision, We Considered:

VA Form 21-0788 dated July 29, 2024, from Claimant on July 29, 2024.
Court Denial of suspension/termination of child support Josiah from Claimant on July 29, 2024.
Josiah - Jessica sole parent listed on Birth Certificate from Claimant on July 29, 2024.
Paternity results Shantell biological father of Josiah from Claimant on July 29, 2024.
Report & Receipt of Hearing Officer & Final Judgement on Petition for Paternity/Arrears Jessica for Josiah Signed 7/26/24 from Claimant on July 29, 2024.
DNA results Claimant on July 29, 2024.
Development for surpassed expenses to Claim dated August 7, 2024.
VA Due Process letter for apportionment Claim dated August 8, 2024, to Veteran.
Past due rent dated August 16, 2024, from Claimant.
Food assistance approved date August 16, 2024, from Claimant
Tax statements from Claimant for 2024 dated August 16, from Claimant
Statement from Marie, Josiah's grandmother dated August 16, 2024, from Claimant.
Rent Late notice date August 14, 2024, from Claimant on August 16, 2024.
Childcare expense August 23, 2024, from Claimant on August 23, 2024.
VA Due Process letter for apportionment Claim dated September 11, 2024, to Veteran.
Child Support program past due notice of Veteran Shantell dated October 5, 2024, from Claimant on October 19, 2024.
Subsequent Development Letter sent to Claimant on November 25, 2024.
Updated VA Form 21-0788 dated December 3, 2024, from Claimant on December 3, 2024.
Childcare statement received from Claim on December 3, 2024.
Maria Jean Baptiste, Jessica's Mother, statement of support to Daughter and Grandchild dated December 3, 2024, received from Claimant on December 3, 2024.
School tuition statement received from Claimant on December 3, 2024.
Fill in receipts received from Claimant on December 9, 2024.
Energy statement dated January 7, 2025, from Claimant on January 10, 2025
Hardship report dated September 17, 2024, received January 14, 2025.
Correspondence/Photographs/Documents received January 17, 2025, from Claimant
Water bill receipts from Claimant from January 25, 2025.
Work hours reported from Claimant on February 10, 2025.
VA Form 21-0788 dated May 2, 2025, from Veteran on May 12, 2025.
VA Form 21-0788 dated July 28, 2025, from Veteran on July 30, 2025.
Apportionment Decision dated August 12, 2025

What You Should Do If You Disagree With Our Decision

If you do not agree with this contested claim decision, you have 60 days from the date of this letter to seek further review in order to preserve your earliest effective benefit date.

Please see the enclosed VA Form 20-0998, Your Right To Seek Review Of Our Decision. It explains your options for an additional review. You may obtain any of the required applications by downloading them from www.va.gov/vaforms or by contacting us. You can also learn more about the disagreement process at www.va.gov/decision-reviews. If you would like to obtain or

File Number: 595464954

Lewis, Shantell

access evidence used in making this decision, please contact us as noted below. Some evidence may be obtained by signing in at www.va.gov.

If you would like to obtain or access evidence used in making this decision, please contact us by telephone, email, or letter as noted below letting us know what you would like to obtain. Some evidence may be obtained online by visiting VA.gov.

What Is VA.gov?

VA.gov provides electronic resources in a self-service environment to Service members, Veterans, and their families. Use of these resources often helps us serve you faster! Through the VA.gov website you can:

- Submit claims for benefits and/or upload documents directly to the VA
- Request to add or change your dependents
- Update your contract and direct deposit information and view payment history
- Track the status of your claim or appeal
- Obtain verification of your military service, civil service preference, or VA benefits
- And much more!

Enrolling in VA.gov is easy. Just visit www.va.gov for more information. If you submit a claim in the future, consider filing through VA.gov. Filing electronically, especially if you participate in our fully developed claim program, may result in faster decision than if you submit your claim through the mail.

If You Have Questions or Need Assistance

If you have any questions, you may contact us by telephone, e-mail, or letter.

IF YOU	HERE IS WHAT TO DO.
Telephone	Call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the federal number is 711.
Use the Internet	Send electronic inquiries through the Internet at http://www.va.gov .
Write	VA now uses a centralized mail system. For all written communications, put your full name and VA file number on the letter. Please mail or fax all written correspondence to the appropriate address listed on the attached <i>Where to Send Your Written Correspondence</i> .

File Number: 595464954
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If you are looking for general information about benefits and eligibility, you should visit our website at <http://www.va.gov> or search the Frequently Asked Questions (FAQs) at <http://www.va.gov>.

We sent a copy of this letter to ROBIN E HOOD, who you have appointed as your representative. If you have questions or need assistance, you can also contact your representative.

Thank you for your service,

Regional Office Director

Enclosure(s): VA Form 20-0998

Where to Send Your Written Correspondence

CC: ROBIN E HOOD
501 Riverside Ave
Suite 1200
Jacksonville FL 32202