

No. 25-5369

IN THE
SUPREME COURT OF THE UNITED STATES

C. Holmes, MD

Petitioner,

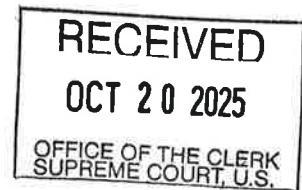
v.

Anne Milgram, individually and
in official capacity as
Administrator of DEA,

Respondent.

MOTION FOR RECONSIDERATION

C. Holmes, MD
P.O. Box 187
Sullivans Island, SC 29482
843.883.3010



The petitioner respectfully makes this motion for reconsideration with abeyance pending resolution of the denial of *IFP* filing and dismissal regarding review of denial of substantial rights including unreasonable interference with patients' access to healthcare and patients' physician of choice, unreasonable interference with the practice of one's profession, not to mention support and maintenance of petitioner's family and petitioner, unreasonable interference with continuity of medically necessary healthcare for established and future patients, and/or other important public issues including but not limited to, intervening new case law in *Loper Bright et al. v. Raimondo et al.*, No. 22-451. See attached affidavit.

Significantly and materially, intervening change in case law including *Loper Bright et al. v. Raimondo et al.*, No. 22-451 supports reconsideration of motion for leave to file *IFP* and/or reversal of dismissal which is respectfully requested. Further, the case was filed in the district court with Case No. USDC-SC 2:22-cv-03758-BHH and the 2019 Rules of the Supreme Court were then in effect with no pertinent change in the 2023 Rules of the Supreme Court. The lower appellate court nor the district court made frivolous/malicious claims of frivolity/malice. To the extent there is ambiguity, the rule of lenity supports the intended beneficiaries, that is, the citizens of this great country, including the petitioner and the petitioner's position. As set forth in the petition for a writ of certiorari, there has been no adjudication on the merits. *See Neitzke v. Williams*, 490 U.S. 319, 328 (1989) ("When a complaint raises an arguable question of law, which the court ultimately finds is correctly resolved against the plaintiff," the complaint fails to state a claim but is not frivolous.). *See Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 402, 110 S.Ct. 2447, 110 L.Ed.2d 359, 58 USLW 4763 (1990)(the lack of any legal requirement other than the talismanic recitation of "'frivolous' will foreclose meaningful review (emphasis supplied)). Accordingly, frivolity/malice is a threshold matter in the lower appellate court and affirmance of the lower appellate court's determination of no frivolity/malice is respectfully requested. "The touchstone of due process is protection of the individual against arbitrary action of government," *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), or denial of fundamental procedural fairness, see, e.g., *Fuentes v. Shevin*, 407 U.S. 67, 82 (1972) (the procedural due process guarantee protects against "arbitrary takings"). *County of Sacramento v. Lewis*, 523 U.S. 833, 118 S.Ct. 1708, 140 L.Ed.2d 1043 (1998). *See Moore v. Moore*, 376 S.C. 467, 657 S.E.2d 743 (2008) (procedural due

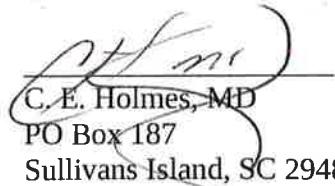
process requires (1) adequate notice; (2) adequate opportunity for a hearing; (3) the right to introduce evidence; and (4) the right to confront and cross-examine witnesses). See U.S. Const., Article I, sec. 9 and 10; U.S. Const. amend. I, IV, V, VII, and XIV. *Hicks v. Feiock*, 108 S.Ct. 1423, 485 U.S. 624, 99 L.Ed. 721, 56 U.S.L.W. 4347 (1988).

Moreover, without being disagreeable, there is disagreement with the October 6, 2025, unsubstantiated, conclusory dismissal based on Rule 38.9 of the Rules of the Supreme Court of the United States (RSCOTUS hereafter). See supporting affidavit attached hereto. The petitioner respectfully disputes unsigned, conclusory, frivolous/malicious claims of frivolity and/or malice and respectfully requests reversal and/or adequate explanation with specificity and opportunity to respond and defend. In the *Navistar* case, the Fourth Circuit ruled that a rehearing of a predetermined outcome is no substitute for a pre-decision hearing because State and Federal Constitutional, statutory, and/or case law confirm a meaningful opportunity to respond or be heard is required before a determination on the merits of the issue: A predetermined outcome, by definition, lacks impartiality and is reversible as a matter of law. See *Hathcock v. Navistar Intern. Transp. Corp.*, 53 F.3d 36 (4th Cir. 1995); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009); Toal *et al.*, *Appellate Practice in South Carolina*, Third Ed. (2016), p. 240-241. Accordingly,

For substantial justice affecting substantial rights, the petitioner respectfully requests this Court grant this motion for reconsideration with reversal of denial of IFP, reversal of dismissal, and/or adequate explanation with specificity and opportunity to respond and defend.

Respectfully submitted,

Dated 10/14/25


C. E. Holmes, MD
PO Box 187
Sullivans Island, SC 29482
843.883.3010

No. 25-5369

IN THE
SUPREME COURT OF THE UNITED STATES

C. Holmes, M.D.

Petitioner,

v.

Anne Milgram, individually and
in official capacity as
Administrator of DEA,

Respondent.

AFFIDAVIT

C. Holmes, MD
P.O. Box 187
Sullivans Island, SC 29482
843.883.3010

Personally came and appeared before me, Notary Public, C. Holmes, who upon being duly sworn did depose and say the following:

1. I am the petitioner, of legal age, and competent to state the matters herein.
2. This affidavit is submitted in support of Supreme Court of the United States Case No. 25-5369.
3. This matter is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.
4. The claims, defenses, and other legal contentions are submitted in good faith.
5. The claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.
6. The factual contentions have evidentiary support or, as specifically identified herein including but not limited to, secreted or hidden wrongdoing, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.
7. The denials of factual contentions are warranted on the evidence or are reasonably based on belief or lack of information.
8. Continued on the following page.

FURTHER THE AFFIANT SAITH NOT.

Subscribed and sworn to before me,
Notary Public, this 14th day
of October, 2025.



(Signed and Sealed)

NOTARY PUBLIC
My commission expires: May 15, 2033

No. 25-5369

**IN THE
SUPREME COURT OF THE UNITED STATES**

C. Holmes, MD,
Petitioner,

v.

Anne Milgram, in official capacity
as Administrator of DEA and
individually,
Respondent.

PROOF OF SERVICE

I hereby certify that a true copy of the above document was served upon
counsel of record for the defendant by regular first class mail postage pre-paid on
this date at this address: U.S. Atty. for the District of South Carolina, Asst. U.S.
Atty., 151 Meeting St., Suite 200, Charleston, SC 29401.

Dated 10/14/25


C. Holmes
PO Box 187
Sullivans Island, SC 29482
843.883.3010

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

October 6, 2025

Ms. C. Holmes
PO Box 187
Sullivans Island, SC 29482

Re: C. Holmes
v. Terrance C. Cole, Administrator, Drug Enforcement
Administration
No. 25-5369

Dear Ms. Holmes:

The Court today entered the following order in the above-entitled case:

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

Sincerely,



Scott S. Harris, Clerk