

No. 25-537

In the
Supreme Court of the United States

RAYMOND H. PIERSON, III, M.D.,

Petitioner,

v.

PHYLISS M. RUSHING, CSAA INSURANCE
SERVICES AND CSAA INSURANCE EXCHANGE,

Respondents.

On Petition for a Writ of Certiorari to the
Court of Appeal of California, Third Appellate District

PETITION FOR REHEARING

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PARTIES TO THE PROCEEDINGS

Petitioner and Plaintiff-Appellant below

- Raymond H. Pierson, III, M.D.,
a physician and orthopedic surgeon

Respondents and Defendants-Appellees below

- Phyliss M. Rushing
- CSAA Insurance Services
- CSAA Insurance Exchange

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PETITION FOR REHEARING

The Petitioner, Raymond H. Pierson, III, M. D., a self-represented party in this litigation, respectfully moves this Court for an order (1) vacating its denial of the petition for writ of certiorari, entered on January 12, 2026, and (2) granting this petition. As to the grounds which provide full support to this request, Dr. Pierson references the following:

- I. **The Ruling in the Court of Appeal of the State of the State of California Third Appellate District (Amador) Violated Long Standing Case Precedent That Only Judges Present at Oral Argument Were Permitted to Participate in the Decision of a Case Then Before the Court. Despite the Fact That Dr. Pierson Had Advanced This Issue in a Subsequent Petition for Rehearing Which Requested That the Court's Decision Be Invalidated on the Grounds That a Judge Not Present at Oral Argument Had Participated in the Decision Which Was, in Fact, Attended by an Alternative Presiding Justice Who Did Not Participate in the Decision. The Third Appellate Court Denied the Petition for Rehearing with No Comments as to This Issue Therefore Effectively Perpetrating a Fraudulent Act.**

In the Petition for Rehearing advanced before the California Third Appellate District Court, Petitioner advanced his knowledge of this impropriety of procedure. This observation that the Third Judge on the Oral

Argument panel was not a participant in the decision is a fact that was also clearly witnessed by Dr. Pierson's assistant who also attended that proceeding. Despite the advancement of those irrefutable facts in the Petition of Rehearing by Dr. Pierson, the Third District Court proceeded to affirm the Court's earlier decision and to make no comment whatsoever concerning the documented fact that long-standing California case law precedent had been blatantly violated to permit an appellate judge not present at oral argument to participate in the decision. Also, no explanation was provided as to why a judge who formally sat as a member of the three-judge oral argument panel did not participate in the decision. The Supreme Court of California had long established the case precedent in *Moles v. Regents of University of California*, 32 Cal. 3d 867, 870 which indisputably established the position that only judges present at oral argument could participate in the appeal decision. The Court stated:

At an early date in California's constitutional history, this court observed that "*whenever there is an oral argument, only the justices who were present at such argument, only the justices who were present at such argument would be authorized to take part in the decision of the cause*" *Niles v. Edwards* (1892) 95 Cal. 41, 44. *Indeed, it has been the general rule in California that "a judge not present at the argument is barred from participating in the decision"*.

Petitioner must point out that immediately on observing in the decision of the Third Appellate Court that a Justice that was not present at the oral argument had participated in the decision, with the third panel Justice who was actually present not participating, he

immediately brought the matter to the attention of the Third District Appellate Court's Assistant Clerk. At that time, Dr. Pierson requested that all evidence (record, video etc.) be retained as a critical record of this error and potential fraud by the Court. At that time Dr. Pierson was instructed by the Clerk's Assistant that he had no right of access to any of that evidence in any form.

Petitioner will acknowledge that he did not initially advance in his petition for writ of certiorari this issue of a fraud perpetrated in the appeal by the Third Appellate Court because he believed that the multiple critical issues advanced in the case fully justified this Court's granting Certiorari. In addition, it was Dr. Pierson's belief that this Court's diligent Clerks who were to review the case record would discover this critical issue which is of a type that completely undermines the credibility of all reviewing courts. Furthermore, it was believed that advancing this unsavory issue could place a pale over the entire case. With this Court's formal denial of Certiorari it now must be advanced for consideration as the perpetration of such a fraud is a threat to the credibility which the PEOPLE have in all matters considered by the courts of appeal.

II. Though It Is an Obvious Fact That This Case Had to Proceed to the Supreme Court of California Before Being Advanced to This the Nation's Highest Court, It Must Now Be Also Cited That the Supreme Court of California Also Is Implicated by Its Failure to Review or to Address the Above Referenced Third Appellate Court Fraud Which Dr. Pierson Had So Clearly Referenced in His

**Petition for Review Submitted to That Court
on November 4, 2024.**

No further discussion is required in this reference to the exceptional failure and inaction by the Supreme Court of California to fail to address the fraud perpetrated in this case by the Third Appellate District Court. (Reh.App.37a-53a). It must be restated that the failure of a State's Highest Court to address such an instance of judicial misconduct serves to undermine the credibility of all Court's not only in that state, but in all jurisdictions of the several states.

III. The Judge of the Superior Court of California in Amador County, Judge Rene Day, Who Ruled to Dismiss Petitioner's Case for Non-Attendance at Trial Despite the Fact That Dr. Pierson Was Emergently Hospitalized to Undergo an Emergency Cardiac Surgery, Had Demonstrated Prior Exceptional Prejudice to Dr. Pierson in a Related Case by Falsely Designating Dr. Pierson to Be a Vexatious Litigant and by Coincidentally Imposing an Exceptional Security Bond Requirement Which Effectively Denied Dr. Pierson's Access to the Court to Seek Redress for the Injuries Done to His Medical Practice by a Tortfeasor Negligently Driving Her Vehicle Through His Medical Office Causing Exceptional Destruction. After a Covid-19 Delayed Prolonged Appeal, Dr. Pierson Was Successful at the Appellate Level in Having That Flagrantly Wrong Decision Fully Reversed (Amador Superior Court Case# 17-CVC-10112, California Third Appellate District Court Case# C089972, Decision - August 30, 2023).

The decision of the Third Appellate Court (App.1a) to reverse all aspects of that earlier malicious and truly fraudulent decision by Amador Superior Court Judge Rene Day provides full confirmation of the fact that Dr. Pierson was previously exceptionally wronged by Judge Day with flagrant deprivation of his fundamental Federal and State constitutional rights which represent the same level of fundamental constitutional deprivation that her dismissal of the case here represents. It is important to point out that the earlier case was advanced to the Supreme Court of California and later to this U.S. Supreme Court (Case # 24-140) under this Court's *Collateral Order Doctrine* (*Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 546 (1949)) for the purpose of finding the California Vexatious Litigant Doctrine unconstitutional on the grounds that it does not maintain the minimal constitutional protections well advanced by the multiple Federal Appellate Circuits as well as to represent an effort by the California Legislature to unconstitutionally infringe upon essential judicial power.

Dr. Pierson will also acknowledge that he did not specifically reference Judge Day's prior demonstrated exceptional prejudice directed to Dr. Pierson in the related case because the matter had been previously advanced to this Court. It was Dr. Pierson's belief that the diligent efforts by this Court's Clerks in researching the petition that they would identify that critical evidence. The decision by the Court to deny the petition suggests that did not occur. It is for that reason that Dr. Pierson now must properly advance that reference by informing the Court that Judge Dr. Day has made a concerted effort now in multiple cases to deny Dr. Pierson of his fundamental constitutional rights and

property interests. Her decisions have also had the practical effect of causing the continued closure of Dr. Pierson's medical practice and thus to result in the deprivation to his many thousands of patients access to his orthopedic care in an underserved region of the California Sierra Foothills.

IV. With the Above Background Information It Is Also Important for Dr. Pierson to Inform the Court That He Was Improperly Contacted by Judge Day at an Amador County Republican Lincoln Dinner on April 14, 2018 (Reh.App.37a) Where He Refused to Continue Participation in a Discussion Which She Initiated Which Dr. Pierson Believed Represented a Judicial Effort to Manipulate the Litigation (the Related Case (Case# 17-CVC-10112)) Then Pending in Her Court in Which Dr. Pierson Was a Defendant.

This reference to improper, unjudicial and even unlawful prior conduct by Judge Day speaks for itself. It is important to state that the matter was previously cited by Dr. Pierson in his April 23, 2023, Appellant Reply Brief in that related litigation on appeal (Amador Case# 17-CVC-10112, Third Appellate District Case# C089972) in Argument #10 on pages 98-100. (Reh.App. 33a). It should be again pointed out that the case was advanced to this U.S. Supreme Court Case #24-140).

V. There Can Be No Question but That the Entirety of This Case as Well as the Related Case Which Has Previously Been Advanced to This Nation's Highest Court Demonstrate Beyond Any Doubt That Self- Represented Civil Litigants Are Treated as Individual's

Who Have No Constitutional Protections Unless Their Interests Are Advanced by a Licensed Attorney. In Fact, the Evidence Is That All Court's Completely Hold Such Unrepresented Civil Litigants in Contempt and Deprive Them of Their Rightful Constitutional Protections. There Is No Reading of the U.S. Constitution Which Would Permit Such an Interpretation.



CONCLUSION

I must plead for the mercy of this Court to utilize this and the related cases to instruct the Court's throughout this land, both State and Federal, that they must protect the fundamental rights of civil litigants whether represented by counsel or not.

Respectfully submitted,

/s/ Raymond H. Pierson, III

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March 13, 2026

RULE 44.2 CERTIFICATE

I, Raymond H. Pierson, III, petitioner pro se, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

1. This petition for rehearing is presented in good faith and not for delay.

2. The grounds of this petition are limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

/s/ Raymond H. Pierson, III
Petitioner

Executed on March 13, 2026