

IN THE SUPREME COURT OF THE UNITED STATES

----- Case No: 25-5523 -----

Petition for Rehearing Under Rule 44.2

Mohamed A. Ibrahim

Petitioner

v.

Allison L. Lynn

Respondent.

PETITION FOR REHEARING

PURSUANT TO SUPREME COURT RULE 44.2

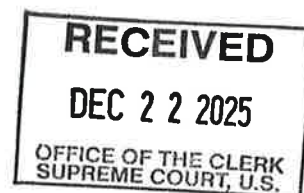


TABLE OF CONTENTS

I. INTRODUCTION AND GROUNDS FOR REHEARING.....	1
II. RULE 44.2 CERTIFICATE OF COMPLIANCE.....	2
III. QUESTIONS PRESENTED FOR REHEARING.....	3
IV. STATEMENT OF THE CASE.....	4
A- Petitioner's Documented Mental Disability	4
B. The Marital Settlement Agreement	5
C. Procedural History and Constitutional Violations	6
V. ARGUMENT.....	6
A. The Court Overlooked Controlling Authority Under Tennessee v. Lane.....	6
B. The Court Overlooked Due Process Balancing Under Mathews v. Eldridge.....	7
C. The Court Overlooked Substitute Safeguards Under Turner v. Rogers.....	9
D. Substantial Grounds Not Previously Presented: Title II Obligations.....	10
VI. MARYLAND LAW SUPPORTS FEDERAL CONSTITUTIONAL CLAIMS.....	11
A. Mental Incapacity Voids Marital Agreements.	11
B. Confidential Relationship and Burden-Shifting.	11
C. Unconscionability.	11
D. Maryland Law Reinforces Federal Due Process Requirements.....	12
VII. Petition for Rehearing Under Rule 44.....	12
VIII. APPLICATION TO THE RECORD.....	13
IX. RELIEF REQUESTED.....	13
X. The Petitioner's Attorney Misrepresentation.....	14
CONCLUSION.....	15

ii
Table of Authorities

Page No

- Blum v. Blum, 295 Md. 135 (1983)	3
- Blundon v. Taylor, 364 Md. 1, 20 (2001)	14
- Boddie v. Connecticut, 401 U.S. 371, 377-78 (1971)	2, 3, 13
- Brees v. Cramer, 322 Md. 214 (1991)	13
- Cannon v. Cannon, 384 Md. 537, 554, 568 (2005)	8, 11
- Frankel v. Board of Regents, 361 Md. 298, 313 (2000)	14
- Grannis v. Ordean, 234 U.S. 385, 394 (1914)	7
- Hresko v. Hresko, 83 Md. App. 228, 231, 233, 234, 235 (Md. Ct. Spec. App. 1990)	9, 11
- Joint Anti-Fascist Refugee Comm. v. McGrath, 341 U.S. 123, 168 (1951)	7
- Lassiter v. Department of Social Services, 452 U.S. 18, 27 (1981)	8
- Lloyd v. Niceta, 485 Md. 422, 443 (2023)	2, 3
- Mathews v. Eldridge, 424 U.S. 319, 334, Three-Part Test (1976)	1, 2, 3, 7, 12, 13, 15
- <i>McNabb v. United States</i> , 318 U.S. 332, 347 (1943) (Frankfurter, J., concurring)	7
- Tennessee v. Lane, 541 U.S. 509, 533-34 (2004)	1, 2, 3, 6, 12, 13, 15
- Turner v. Rogers, 564 U.S. 431, 564, 448 (2011)	1, 2, 3, 9, 10, 12, 13, 15
- Williams v. Williams, 306 Md. 332, 336 (1986)	11, 12
- Young v. Anne Arundel County, 146 Md. App. 526, 562 (2002)	14

U.S. Constitutional Provisions

- U.S. Const. Amend. Fourteenth Amendment XIV (14 th) and Title II	1, 3
--	------

Federal Statutes

- 42 U.S.C. § 12132	6
---------------------------	---

Federal Rules

- Supreme Court Rule 44.1	12
- Supreme Court Rule 44.2	1, 2, 12, 14

Maryland Statutes

- Md. Code Ann., Fam. Law § 8-101 et seq	14
- Md. Code Ann., Fam. Law § 12-202	14

Maryland Rules

- Md. Rule 15-501	15
- Maryland Rules of Professional Conduct 19-308.4(c)	14

REGULATIONS

- 28 C.F.R. § 35.130(b)(7)	6
----------------------------------	---

Index to AppendicesBased on The Same Appendices from The Petition for Writ of Certiorari

Page No

1- (Appendix-1) Supreme Court of MD Denied Petitioner's Informal Petition for Writ of Certiorari on 05-31-2024.....	6
2- (Appendix-2) The Appellate Court of Maryland Opinion for Case No (ACM-REG-1097-2023) Plus the Appellate Court's Fees, There is a Court Order from The Appellate Court of Maryland against the Petitioner To Pay Respondent's Attorney's fees for Overpriced and unrealistic fees For The amount of \$12,329.30	2, 13
3- (Appendix-3) Petitioner's Approval Letter from The Social Security Dept to claim his (SSI).....	1, 4, 13, 14
4- (Appendix-4) The Petitioner's Treatment letter from Phoenix Mental Health Services.....	1, 4, 13
5- (Appendix-5) (5-A) The Petitioner was diagnosed by his Neurologist with Dementia and Alzheimer's.....	1, 4, 13
5- (Appendix-5) (5-B) The Petitioner's Medical Report from his Neurologist on 05-09-2023.....	1, 4, 13
6- (Appendix-6) The Petitioner's Medical Report from his Psychiatrist on 03-21-2023.....	1, 4, 13
7- (Appendix-7) The Petitioner's Medical Report from his Neuropsychiatrist in Egypt.....	1, 4, 13
8- (Appendix-8) The Petitioner's Medical Report from his Urologist on 02-15-2023.....	1
9- (Appendix-9) Petitioner was suing himself when he filed for The Petition for Contempt.....	7
10- (Appendix-10) Respondent's Email to The Petitioner accusing him of Mental illness.....	7
11- (Appendix-11) The Petitioner's Approval Letter from MTA Mobility on 01-09-2023.....	1, 4, 13
12- (Appendix-12) The Petitioner's Attorney Misrepresentation by Threaten Petitioner Before Trial in Co-Operation with Respondent's Attorney with False data concerning Petitioner's Monthly income of \$2,295 and Petitioner has to pay Monthly Child Support of \$803 While The Fact is The Petitioner is Surviving Only on His SSI that is Only \$900 Monthly	14
13- (Appendix-13) The Petitioner without Any source of income, Surviving on The Food Stamps.....	1, 4
14- (Appendix-14) The Petitioner's Homelessness Letter.....	1
15- (Appendix-17) The Marital Settlement Agreement on 05-24-2023.....	2, 7, 13, 15
16- (Appendix-18) The Deed of the First (1st) Marital house in Maryland at: (4008 Falls Road, Baltimore, MD, 21211) That was Sold for (\$145,000) On 05-30-2018.....	2
17- (Appendix-20) The Respondent's Appraisal for The Marital House in MD at: (129 Hollow Brook Rd, Timonium, MD, 21093) , In 2023 was \$440,000 And Petitioner's Appraisal for The Year 2025 is (\$500,000)	7
18- (Appendix-21) Virginia's House Taxes Located at (1724 Mathews Terrace, Portsmouth, VA, 23704) , Showing that Petitioner Was Paying Property Taxes with Respondent jointly that makes VA House, Has become <u>Part Marital & Part Non-Marital</u>	2, 7
19- (Appendix-33) The Transcript of Proceedings for Trial Date on 05-24-2023.....	7, 13
20- (Appendix-40) Petitioner is Still Having Original Key of Marital Car Till Now (Toyota Corolla Rav4 – Silver Color)	7
21- (Appendix-47) Petitioner's Earnings from Social Security Admin is Zero (0) Dollars Last (9) Years (2016-2024)...	1, 4, 14

I. INTRODUCTION AND GROUNDS FOR REHEARING

Petitioner respectfully seeks Rehearing of this Court's Order of November 10, 2025, denying the Petition for Writ of Certiorari, Pursuant to **Supreme Court Rule 44.2**.

This Petition presents substantial grounds Not previously presented and identifies controlling federal authority that appears to have been overlooked in the denial of certiorari.

The denied Petition raised critical constitutional questions about whether Maryland state courts violated the Due Process Clause of **The Fourteenth Amendment and Title II** of the Americans with Disabilities Act (ADA) by enforcing a Marital Settlement Agreement (MSA) against The Petitioner, who suffers from documented Dementia, Alzheimer's disease, Memory impairment, Major depressive disorder, Learning difficulties, Mild cognitive impairment, and Severe depression with Social anxiety.

Grounds for Rehearing under Rule 44.2

- 1- Overlooked controlling authority: Title II access-to-courts and necessary modifications under **Tennessee v. Lane**. State courts must provide reasonable modifications to ensure access to judicial services, which includes functional participation by cognitively disabled litigants, absent here where a pro se party with dementia faced dispositive family orders without accommodations or evaluation of comprehension.
- 2- Overlooked controlling authority: Procedural due process balancing under **Mathews v. Eldridge**. Mathews requires weighing the private interest, the risk of erroneous deprivation and the value of additional safeguards, and the government's interests; in this context, minimal safeguards capacity screening, continuance, guardian ad litem, or simplified accommodations would have averted an extraordinarily high risk of erroneous deprivation at negligible cost.
- 3- Overlooked controlling authority: Substitute safeguards for unrepresented family litigants under **Turner v. Rogers**. When counsel is absent in family adjudications with serious consequences, courts must implement alternative procedures to reduce the risk of error, which implies disability-appropriate safeguards when a cognitively impaired pro se litigant enters or is held to an MSA, a duty not met here.
- 4- Substantial grounds Not previously presented: Systemic Title II obligations in family settlements. The Court should clarify how Title II reasonable-modifications mandate applies to state-court acceptance and enforcement of family MSAs involving disabled, pro se litigants, an issue of national importance not fully developed below.

Records Contains Overwhelming Evidence of Petitioner's Mental Disability at the Time of Executing the MSA on May 24, 2023:

- 1- On (June 7th, 2022) One Year before MSA signing The Petitioner was diagnosed of Major depression, manifested by sadness, Impaired concentration and memory plus disturbed sleep and isolation. (**Appendix-7**)
- 2-(March 21, 2023) Three Months before MSA signing Petitioner was diagnosed of Severe Depression & Social Anxiety (**Appendix-6**)
- 3- On (May 9th, 2023) Almost a Month before MSA signing The Petitioner was diagnosed of Memory Impairment (R41.3), Cognitive deficits, Major Depressive Disorder (F33.2) and Learning Difficulty (F81.9) (**Appendix-5**)(5-B)
- 4-On (May 24th, 2023) at Trial Petitioner was under effect of **Oxycodone HCL** which prescribed to him by his Urologist (**Appendix-8**)
- 5- On (June 21st, 2023) One Month after MSA signing The Petitioner was diagnosed of Attention-Deficit/Hyperactivity Disorder (F90.0) and Generalized Anxiety Disorder (F41.1) (**Appendix-4**)
- 6- On (April 7th, 2025) The Petitioner was diagnosed of Dementia and Alzheimer's disease. (**Appendix-5**) (5-A)

More Evidence of Petitioner's Mental Disability Throughout The Subsequent Proceedings:

- 1- The Petitioner's Approval for Supplemental Security Income (SSI) based on disability determination. (**Appendix-3**)
 - 2- The Petitioner's Approval for Food Stamps due to inability to work. (**Appendix-13**)
 - 3- The Petitioner's Approval for Mobility for Transportation for Americans with Disabilities (MTA). (**Appendix-11**)
 - 4- Comprehensive medical records from Psychiatrists and Neurologists documenting dementia, Alzheimer's, and cognitive impairment
 - 5- Social Security Administration records confirming Zero earnings for Last Nine (9) consecutive years (2016-2024), That is confirming Petitioner's Inability to maintain stable employment for Nine (9) years due to his mental disability. (**Appendix-47**)
 - 6- The Petitioner's Homelessness Letter that Documented his homelessness for Over Four (4) years (**Appendix-14**)
- Despite this extensive evidence, the Maryland courts provided No accommodations, conducted No competency evaluation, Appointed No guardian ad litem, and made No findings regarding Petitioner's capacity to understand or consent to the MSA's terms

The MSA Stripped Petitioner of His Fundamental Marital Legal Rights, including:

- 1- Disproportionate division of marital home equity (60-40 favoring Respondent) within The MSA. **(Appendix-17)**
- 2- Exclusion of **(\$90,000)** The down payment of Second Marital House in Maryland at (129 Hollow Brook Rd, Timonium, MD, 21093) **(\$90,000)** down payment of (2nd) House came from selling (1st) House 4008 Falls Rd, Baltimore, MD, 21211 **\$145,000 (Appendix-18)**
- 3- Exclusion of Virginia property valued at **\$250,000 (Appendix-21)**
- 4- Complete waiver of Alimony despite documented disability and indigency **(Appendix-17)**
- 5- Forfeiture of Retirement benefits and 401(k) Accumulated during Twelve (12) years of marriage from (2011-2023). **(Appendix-17)**
- 6- Supervised-Only visitation with children without specific schedule **(Appendix-17)**
- 7- Loss of Legal custody rights **(Appendix-17)**
- 8- Concealment of marital vehicle (Toyota Corolla Rav-4 Silver Color) that worth approximately **\$50,000 (Appendix-17 & 40)**
- 9- Non-Disclosure of over One Million Four Hundred and Forty Thousand Dollars **(\$1,440,000)** in marital funds for last Twelve (12) years from (2011-2023) **(Appendix-17)**

The Appellate Court of Maryland dismissed Petitioner's Appeal based on the doctrine of acquiescence, reasoning that because Petitioner filed a contempt petition to enforce certain provisions of the MSA, he had acknowledged its validity.

This holding ignored Petitioner's documented cognitive impairments and failed to consider whether his mental disability affected his Understanding of the legal implications of his post-judgment actions. **(Appendix-2)**

Moreover, the Appellate Court of Maryland imposed Punitive attorneys' fees of \$7,784.30 and the Circuit Court of Baltimore County imposed Punitive attorneys' fees of \$4,545 against Petitioner disabled, indigent, Pro Se Litigant with Zero income effectively denying him access to appellate review and violating the principle

Established in **Boddie v. Connecticut, 401 U.S. 371 (1971)**, that access to justice cannot be conditioned on ability to pay.

Conflicts and Reinforcement from Maryland law

Maryland jurisprudence provides a framework for invalidating separation/MSAs that are unconscionable, obtained by undue influence, or executed without capacity particularly within confidential spousal relationships and Maryland standard renders a contract voidable if a party could not reasonably understand the nature and consequences at execution; these principles underscore the federal due process claim that minimal safeguards were required here. **Lloyd v. Niceta** confirms voluntariness and fairness as predicates to enforceability, heightening the constitutional concern where a disabled, pro se signatory received no accommodations or capacity review.

ADA Title II and meaningful access

Title II prohibits excluding a qualified individual with a disability from participation in or denying the benefits of court services and requires reasonable modifications to avoid discrimination, which in the family MSA context means tailoring procedures so disabled litigants can understand, consider, and voluntarily assent to binding terms. Rehearing is warranted to reconcile the denial with Title II command and Lane endorsement of Title II as applied to state judicial services.

II. RULE 44.2 CERTIFICATE OF COMPLIANCE

Pursuant to Supreme **Court Rule 44.2**, counsel certifies that the grounds for rehearing are limited to intervening circumstances of substantial or controlling effect or substantial grounds not previously presented. Specifically, this Petition identifies:

- 1- The Court's apparent oversight of controlling authority under **Tennessee v. Lane, 541 U.S. 509 (2004)**, Regarding Title II's mandate that state courts provide reasonable modifications to ensure meaningful access to judicial services for persons with cognitive disabilities.
- 2- The Court's apparent oversight of the procedural due process framework established in **Mathews v. Eldridge, 424 U.S. 319 (1976)**, which requires balancing private interests, risk of erroneous deprivation, and governmental interests when fundamental property and family rights are at stake.
- 3- The Court's apparent oversight of **Turner v. Rogers, 564 U.S. 431 (2011)**, which mandates substitute procedural safeguards when unrepresented litigants face serious consequences in family proceedings.
- 4- Substantial grounds not previously presented regarding how Title II's reasonable-modifications mandate applies to state-court acceptance and enforcement of family settlement agreements involving disabled, pro se litigants an issue of national importance not fully developed below.

III. QUESTIONS PRESENTED FOR REHEARING

- 1- Whether state courts' enforcement of a marital settlement agreement against a party with documented dementia, Alzheimer's disease, and severe cognitive impairment without providing reasonable accommodations, conducting capacity evaluation, or appointing a guardian ad item violates the Due Process Clause of the **Fourteenth Amendment**,
As construed in **Mathews v. Eldridge** and **Turner v. Rogers**.
- 2- Whether state courts' failure to provide reasonable modifications to ensure meaningful participation by a cognitively disabled litigant in family proceedings constitutes discrimination in violation of Title II of the Americans with Disabilities Act,
As interpreted in **Tennessee v. Lane**.
- 3- Whether the Appellate Court's application of the acquiescence doctrine to a mentally disabled pro se litigant without considering how cognitive impairments affected understanding of legal proceedings violated procedural due process,
Under the **Fourteenth Amendment**.
- 4- Whether imposing substantial attorneys' fees against a disabled, indigent litigant who lacks financial means and legal representation Violates the fundamental right of access to courts recognized in **Boddie v. Connecticut**.
- 5- Whether state courts' enforcement of a marital settlement agreement against a party with Dementia and Alzheimer's without reasonable accommodations and without evaluating Mental capacity comports with due process under the **Fourteenth Amendment** and **Title II of the ADA** as construed requires substitute procedural safeguards for a disabled pro se litigant in a family proceeding with life-altering consequences.

Gaps to Cure on Rehearing

The rehearing petition should explicitly tie the petitioner documented his disabilities and pro se status to Lane holding that Title II validly enforces the right of access to courts, requiring reasonable modifications by state courts to ensure meaningful participation in judicial services. It should apply **Mathews three-factor** balancing to show that enforcing an MSA without capacity safeguards presents a high risk of erroneous deprivation of critical property and family rights, and that simple accommodations like a capacity screening, guardian ad litem, or continuance would have substantially reduced the risk at minimal governmental cost. It should further analogize **Turner requirement** of substitute procedural safeguards in civil family contexts to argue that at least rudimentary capacity and comprehension procedures were constitutionally required when a disabled pro se litigant faced dispositive consequences without counsel or accommodations.

Maryland Law Support to Underscore Federal Error

Maryland recognizes that a separation or marital settlement agreement may be set aside for incapacity, fraud, duress, undue influence, failure of disclosure, or unconscionability, with **Blum v. Blum** and subsequent cases providing a roadmap for invalidation where consideration is grossly inadequate and terms are oppressive, especially in a confidential relationship. Recent Maryland authority confirms the mental incapacity standard that a contract is voidable when a signatory is unable to understand in a reasonable manner the nature and consequences at the time of execution and the burden shifting that arises in confidential spousal relationships, which the lower courts failed to Apply here despite extensive evidence of cognitive impairment. **Although Lloyd v. Niceta** upheld a postnuptial liquidated damages clause, it reaffirmed the central role of voluntariness, capacity, and fairness, which supports invalidating an MSA procured from a cognitively impaired spouse without safeguards.

Multiple, contemporaneous medical and governmental determinations of disability, prescribed medications affecting cognition, and Functional confusion evidenced by misdirected filings should have triggered accommodations and capacity safeguards before accepting or enforcing an MSA, but None were provided.

The absence of accommodations and capacity inquiry in a High-stakes family disposition presents the precise risk of erroneous Deprivation that Mathews and Turner seek to avert and contravenes Lane access-to-courts mandate under Title II.

IV. STATEMENT OF THE CASE

Before Signing The Marital Settlement Agreement on May 24, 2023,

- The record documents contemporaneous diagnoses of Memory Impairment (R41.3), Cognitive deficits, Major Depressive Disorder (F33.2) and Learning Difficulty (F81.9), Severe depression, Social Anxiety, Major depression, manifested by sadness, Impaired concentration and memory plus disturbed sleep and isolation.

- The record documents SSI disability approval, and ADA mobility certification preceding and surrounding the May 24, 2023 MSA, with corroborated cognitive impairment, homelessness, and poverty, yet No court conducted a capacity assessment, appointed Guardian ad litem, or provided reasonable modifications to secure meaningful participation.

The MSA and ensuing orders stripped the petitioner of marital property and rights despite evidence of incapacity and alleged coercion, Misrepresentation, and Nondisclosure, and the appellate courts dismissed relief and imposed fees without addressing Title II or due process safeguards for a disabled litigant.

A- Petitioner's Documented Mental Disability

The Petitioner Mohamed A. Ibrahim suffers from multiple, severe, and well-documented mental disabilities that directly impair his cognitive functioning, judgment, memory, and ability to understand complex legal documents:

Medical Diagnoses (contemporaneous with MSA execution):

1- On (June 7th, 2022) One Year Before Signing MSA The Petitioner was diagnosed of Major depression, manifested by sadness, Impaired Concentration and Impaired Memory plus disturbed sleep and isolation. **(Appendix-7)**

2- On (March 21, 2023) Three Months Before Signing MSA The Petitioner was diagnosed of Severe depression and Social Anxiety.

3- On (May 9th, 2023) Before Signing The MSA The Petitioner was diagnosed of Memory Impairment (R41.3), Cognitive deficits, Major Depressive Disorder (F33.2) and Learning Difficulty (F81.9) **(Appendix-5) (5-B)**

4- On (June 21st, 2023) One Month after MSA signing The Petitioner was diagnosed of Attention-Deficit/Hyperactivity Disorder (ADHD) (F90.0) and Generalized Anxiety Disorder (F41.1) by Phoenix Health Services. **(Appendix-4)**

5- On (April 7th, 2025) The Petitioner was diagnosed of Dementia and Alzheimer's disease.

Federal and State Disability Determinations:

1- On September 2022 which was Ten (10) Months Before the MSA The Petitioner with the Help of The Homeless Shelter Applied for his SSI application, That was approved based on The Petitioner's Disability on February 13, 2024, after rigorous federal disability determination. **(Appendix-3)**

3- Approved for Food Stamps due to inability to work. (Appendix-13)

4- Social Security Administration records document Zero (0) earnings for Last Nine (9) consecutive years (2016-2024), Due to Petitioner's inability to maintain steady Stable employment due to his mental disability conditions. (Appendix-47)

Treatment Records:

1- Ongoing Psychiatric care in the United States and Egypt

2- Taking Psychotropic medications affecting cognition at time of signing The MSA

3- Neuropsychiatric treatment for cognitive impairment

4- Medical records from Psychiatrists, Neurologists, and Neuropsychiatrists spanning years Before signing The MSA.

Functional Evidence of Incapacity:

1- Required spoken language interpreter during court proceedings

2- Filed contempt petition against himself (naming himself as both petitioner and respondent) is clear evidence .of confusion and impaired judgment.

3- Documented homelessness for over Four (4) years.

4- Unable to maintain stable employment for Last Nine (9) years. (Appendix-47)

5- Living below federal poverty level, surviving solely on food assistance

B. The Marital Settlement Agreement

On May 24, 2023, while suffering from the aforementioned cognitive impairments and without adequate legal representation, The Petitioner executed an MSA that contained grossly inequitable and unconscionable provisions:

Property Division:

- 1- 60-40 split of marital home equity favoring Respondent without justification
- 2- Deduction of \$90,000 for alleged "loan" from Respondent's father without documentation when evidence shows funds came from sale of prior marital home located at (4008 Falls Rd, Baltimore, MD, 21211) for the Amount of (\$145,000.00)
- 3- Complete exclusion of Virginia property at 1724 Mathews Terrace, Portsmouth, VA (valued at \$250,000), Despite The Respondent was paying mortgage from marital funds for 12 years and The Petitioner was paying property taxes jointly.
- 4- Non-disclosure of marital vehicle (Toyota Corolla RAV4, worth approximately \$50,000) that Respondent sold while Petitioner was outside the United States
- 5- Forfeiture of all retirement benefits and 401(k) accumulated during 12-year marriage
- 6- Non-disclosure of over \$1,440,000 in marital funds accumulated in Respondent's accounts (based on her \$120,000 annual income over 12 years) from (2011-2023)

Alimony and Support:

- 1- Complete, permanent waiver of alimony "Not subject to modification by any court despite Petitioner's documented disability, unemployment, homelessness, and indigency
- 2- Vague child support provisions

Custody and Visitation:

- 1- The Respondent awarded sole Legal and Physical custody
- 2- The Petitioner restricted to supervised-only, non-overnight visitation
- 3- No specific visitation schedule established
- 4- Access contingent on "mutual agreement," giving Respondent effective veto power
- 5- For past two years, Respondent has completely denied Petitioner any contact with children

C. Procedural History and Constitutional Violations

Trial Court day was on (May 24, 2023):

Despite Petitioner's documented cognitive impairments and his testimony that he was under Psychiatric care and taking medications, the Circuit Court for Baltimore County:

- 1- Conducted No competency evaluation
- 2- Appointed no guardian ad litem
- 3- Provided No reasonable accommodations beyond basic interpreter services
- 4- Made No inquiry into Petitioner's understanding of MSA terms
- 5- Made No findings regarding capacity to consent
- 6- Enforced MSA and entered Judgment of Absolute Divorce

Post-Judgment Motions:

- 1- The Petitioner filed pro se motion to set aside MSA, citing Psychiatric treatment and medication impairing rational decision-making (June 22, 2023)
- 2- The Circuit Court denied motion without addressing capacity issues (July 19, 2023)

The Appellate Proceedings:

- 1- Petitioner filed Notice of Appeal (August 2, 2023) notably, this was 67 days after Respondent's May 26, 2023 appraisal, And after the 60-day payment deadline under the MSA had passed without Respondent paying Petitioner his share
- 2- While appeal was pending, Petitioner filed contempt petition seeking enforcement of MSA payment provision (November 20, 2023)
- 3- The Appellate Court of Maryland dismissed appeal based on acquiescence doctrine, reasoning that contempt filing acknowledged MSA validity (April 4, 2024)
- 4- The Appellate Court imposed attorneys' fees of \$12,329.30 against Petitioner
- 5- The Appellate Court denied Petitioner's Motion to Amend Mandate (July 22, 2024)
- 6- The Appellate Court denied Request for Clarification (July 25, 2024)

The Supreme Court of Maryland: 1- Denied Petition for Writ of Certiorari (May 31, 2024) (**Appendix-1**)

The Supreme Court of The United States: 1- Denied Petition for Writ of Certiorari (November 10, 2025)

Throughout these proceedings, No court conducted a capacity assessment, appointed counsel or guardian ad litem for Petitioner, Or provided accommodations for his documented cognitive disabilities.

V. ARGUMENT

A. The Court Overlooked Controlling Authority Under Tennessee v. Lane:

Regarding Title II's Mandate to Provide Reasonable Modifications for Cognitively Disabled Litigants

In **Tennessee v. Lane, 541 U.S. 509 (2004)**, this Court held that Title II of the ADA validly enforces the constitutional right of access to courts and that states must provide reasonable modifications to ensure meaningful participation in judicial services by persons with disabilities. The Court emphasized that "the right of access to the courts... is... assuredly protected by the Due Process Clause" and that Title II's requirement of reasonable modifications in the context of judicial services is "congruent and proportional" to remedying constitutional violations. **Id. at 523, 533-34.**

Title II provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity " **42 U.S.C. § 12132.** The implementing regulations require public entities to "make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability." **28 C.F.R. § 35.130(b)(7).**

While **Lane** addressed physical access to courthouses, its reasoning applies with equal force to functional access for persons with cognitive disabilities. State courts constitute "public entities" under Title II, and judicial proceedings constitute "services, programs, or activities" within the statute's reach. When a court knows or should know that a litigant suffers from cognitive impairments that affect the ability to understand proceedings and make informed decisions particularly in high-stakes family matters involving property division and parental rights reasonable modifications are constitutionally and statutorily required.

[1]- The Maryland courts had actual knowledge of Petitioner's severe cognitive disabilities:

- 1- Petitioner testified at trial that he was under psychiatric care and taking medications. **(Appendix-33)**
- 2- Medical records documented before MSA execution on (June 7th, 2022) One Year before MSA signing The Petitioner was diagnosed of Major depression, manifested by sadness, impaired concentration and memory plus disturbed sleep and isolation. On (March 21, 2023) Three Months before MSA signing The Petitioner was diagnosed of Severe depression and Social Anxiety. On (May 9th, 2023) Almost a Month before MSA signing The Petitioner was diagnosed of Memory Impairment (R41.3), Cognitive deficits, Major Depressive Disorder (F33.2) and Learning Difficulty (F81.9)
- 3- Federal SSI disability determination was pending and later approved
- 4- State MTA Mobility certification confirmed disability Four (4) months before MSA
- 5- The Petitioner's Confusion was evident By Filing Contempt Petition Against Himself. **(Appendix-9)**
- 6- Respondent's Email to The Petitioner accusing him of Mental illness. **(Appendix-10)**
- 7- The Petitioner required language interpreter, signaling comprehension difficulties **(Appendix-33)**

[2]- Despite this Knowledge, The Courts Provided No Accommodations to Ensure Meaningful Participation:

- 1- No Competency screening or evaluation.
- 2- No Appointment of guardian ad litem to protect Petitioner's interests.
- 3- No Inquiry into whether Petitioner understood MSA's nature and consequences.
- 4- No Continuance to allow for capacity assessment.
- 5- No Simplified explanations or additional time for deliberation.
- 6- No Accommodation for Petitioner's documented memory impairment.
- 7- No Consideration of how cognitive disabilities affected post-judgment actions.

These Failures violated **Lane's** mandate that courts modify procedures to afford equal access to judicial services.

Enforcing a settlement agreement against a person with dementia and Alzheimer's without any safeguards to ensure comprehension and voluntary consent effectively excludes that person from meaningful participation in the judicial process and denies the benefits of the court system's dispute resolution services.

The denial of certiorari did not confront Lane's command that state courts provide functional access for cognitively disabled litigants. This overlooked controlling authority warrants rehearing.

B. The Court Overlooked Due Process Balancing Under Mathews v. Eldridge

In **Mathews v. Eldridge**, 424 U.S. 319 (1976), this Court established a Three-factor test for determining what process is Constitutionally due: "[I]dentification of the specific dictates of due process generally requires consideration of three distinct factors:

- 1- **First (1st)**, The private interest that will be affected by the official action;
- 2- **Second (2nd)**, The risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally,
- 3- **Third (3rd)**, The Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail."

Id. at 335. Application of this framework to Petitioner's case overwhelmingly favors requiring minimal capacity safeguards before enforcing the MSA.

[1] Factor One: Private Interest Affected

Petitioner's Private interests are of the highest magnitude Property Rights: The MSA divested Petitioner of his share in:

- 1- Marital home equity in Maryland at (129 Hollow Brook Rd, Timonium, 21093)
(The Marital home valued at \$500,000, with disputed \$90,000 down payment) **(Appendix-20)**
- 2- The Virginia property worth over \$250,000 **(Appendix-21)**
- 3- Marital vehicle worth \$50,000 **(Appendix-17) & (Appendix-40)**
- 4- Over \$1,440,000 in accumulated marital funds for last Twelve (12) Years from (2011-2023). **(Appendix-17)**
- 5- Retirement benefits and 401(k) from 12-year marriage. **(Appendix-17)**

This Honorable Court has long recognized that property rights implicate fundamental due process protections.

See **Grannis v. Ordean**, 234 U.S. 385, 394 (1914); **Joint Anti-Fascist Refugee Comm. v. McGrath**, 341 U.S. 123, 168 (1951),

McNabb v. United States, 318 U.S. 332, 347 (1943) (Frankfurter, J., concurring),

("The heart of the matter is that democracy implies respect for the elementary rights of men, however suspect or unworthy; a democratic government must therefore practice fairness").

Family Rights: The MSA also affected Petitioner's parental rights:

- 1- Stripped Petitioner's legal custody
- 2- Restricted Petitioner to supervised visitation without schedule
- 3- Respondent has completely denied contact with children for two years
- 4- Parental rights are "far more precious than property rights." **Lassiter v. Department of Social Services, 452 U.S. 18, 27 (1981)**

Economic Survival: Beyond specific assets, Petitioner faces:

- 1- The Petitioner is Homelessness for over Four (4) years
- 2- The Petitioner is Earning Zero (0) income for last Nine (9) Years based on The Social Security Administration Office Report.
- 3- The Petitioner is Living below federal poverty level
- 4- The Petitioner Dependence on food assistance
- 5- The Petitioner has No means of self-support due to his Mental disability.
- 6- The cumulative private interest at stake property, family relationships, and economic survival is extraordinarily high.

[2] Factor Two: Risk of Erroneous Deprivation and Value of Additional Safeguards

The risk of erroneous deprivation when enforcing a complex legal agreement against a person with dementia and Alzheimer's without capacity safeguards is extreme approaching certainty.

Evidence of Incapacity:

- 1- Medical diagnoses of dementia and Alzheimer's directly impair understanding and judgment
- 2- Memory impairment prevents retention of information necessary to evaluate terms
- 3- Cognitive deficits documented by multiple physicians
- 4- Federal SSI approval confirms inability to function independently
- 5- Functional evidence (e.g., suing himself) demonstrates profound confusion

Nature of MSA:

- 1- 18-page legal document with complex property provisions
- 2- Permanent waiver of rights "not subject to modification"
- 3- Technical legal terminology requiring sophisticated understanding
- 4- Long-term consequences affecting remainder of Petitioner's life
- 5- Grossly inequitable terms that no rational person would accept absent incapacity

Maryland law recognizes that a contract is voidable when a party "is unable to understand in a reasonable manner the nature and Consequences of the transaction" at execution. **Cannon v. Cannon, 384 Md. 537, 554 (2005).**

The extensive evidence of Petitioner's cognitive impairments at the time of signing raises profound questions about whether he could reasonably understand the MSA's nature and consequences.

Value of Additional Safeguards:

Minimal procedural safeguards would have substantially reduced the risk of erroneous deprivation at negligible cost:

- 1- Competency screening: Brief evaluation by court-appointed psychiatrist or psychologist to assess capacity to understand and consent cost: nominal medical evaluation fee
- 2- Guardian ad litem appointment: Attorney to represent Petitioner's interests and ensure he understood implications cost: attorney time (often pro bono or at reduced rate in disability cases)
- 3- Continuance for capacity assessment: Additional time to obtain medical evaluation and ensure informed consent cost: minimal delay in case resolution
- 4- Enhanced explanation: Court could require Respondent's counsel to provide simplified, step-by-step explanation of terms with Petitioner's acknowledgment of understanding each provision cost: Negligible
- 5- Independent counsel: Ensure Petitioner had attorney focused on protecting his interests, not expediting settlement cost: attorney time (potentially covered by legal aid or pro bono)

These straightforward safeguards would have dramatically reduced the likelihood of enforcing an agreement against someone who lacked capacity to consent. Their absence created an unacceptable risk that Petitioner was deprived of property and family rights through a proceeding he could not comprehend.

[3] Factor Three: Government's Interest

The government's interest in avoiding these minimal safeguards is negligible:

A- Efficiency: While courts have an interest in case management efficiency, this interest cannot override fundamental fairness when a litigant's capacity is in serious doubt. The minimal delay required for capacity screening is far outweighed by the risk of erroneous deprivation of critical rights.

B- Finality: Courts have an interest in settlement finality, but Maryland law already permits setting aside agreements procured through incapacity, fraud, or duress. **Cannon, 384 Md. at 554; Hresko v. Hresko, 83 Md. App. 228 (1990).**

Conducting a capacity assessment before enforcement actually promotes true finality by ensuring agreements are knowingly and voluntarily entered.

C- Administrative Burden: The burden of requiring capacity screening for disabled litigants is minimal, particularly given:

- 1- Courts already appoint guardians ad litem in other contexts
- 2- Competency evaluations are routine in criminal and civil commitment proceedings
- 3- ADA already requires reasonable modifications in judicial proceedings
- 4- Cost can be allocated between parties or absorbed through public defender/legal aid systems

Balancing the Factors:

Under Mathews, the balance overwhelmingly favors requiring capacity safeguards before enforcing settlement agreements against cognitively disabled litigants:

- 1- The Petitioner's private interests (property, family, survival) are exceptionally high
- 2- Risk of erroneous deprivation without safeguards is extreme
- 3- Value of additional safeguards (capacity screening, guardian ad litem) is substantial
- 4- Cost and burden of safeguards is minimal
- 5- Government's countervailing interests are weak

The denial of certiorari did not address this due process balancing or explain how enforcement without any capacity inquiry comports with Mathews. This overlooked controlling authority warrants rehearing.

C. The Court Overlooked Substitute Safeguards Under Turner v. Rogers

In **Turner v. Rogers, 564 U.S. 431 (2011)**, this Court addressed procedural due process protections for unrepresented civil litigants facing serious consequences. While Turner held that the Constitution does not automatically require appointed counsel in civil contempt proceedings, it emphasized that due process requires alternative procedural safeguards when counsel is absent:

"[W]here... neither party is represented by counsel... the risk of an erroneous deprivation of liberty is sufficiently great that the Due Process Clause requires... alternative procedural safeguards... [including]

- (1) notice... that ability to pay is a critical issue;
- (2) the use of a form... eliciting relevant financial information;
- (3) an opportunity... to respond to statements and questions about [his] financial status; and
- (4) an express finding by the court that [he] has the ability to pay." *Id.* at 448.

Turner's reasoning applies with particular force to disabled pro se litigants in family proceedings with life-altering consequences.

When a cognitively impaired person without counsel faces dispositive adjudication of property and parental rights, due process requires substitute safeguards to reduce the risk of erroneous deprivation.

The Petitioner was Effectively Unrepresented:

Petitioner technically had counsel at May 24, 2023 trial, record suggests ineffective representation that failed to protect his interests:

- 1- Counsel did Not request competency evaluation despite Petitioner's documented disability
- 2- Counsel did Not object to unconscionable MSA terms
- 3- Counsel allowed execution of agreement stripping Petitioner of virtually all marital rights
- 4- The Petitioner alleges counsel misrepresented material facts (Appendix 12)
- 5- The Petitioner proceeded pro se in all post-judgment motions and appeals

Serious Consequences: The consequences Petitioner faced were severe:

- 1- Loss of hundreds of thousands of dollars in Two (2) properties.
- 2- Permanent waiver of alimony despite disability and indigency.
- 3- Loss of parental rights and relationship with children.
- 4- Economic destitution leading to homelessness.

Cognitive Disability Heightens Due Process Concerns:

Turner involved an unrepresented litigant who was presumably competent. Petitioner's documented cognitive impairments create Exponentially greater risk of erroneous deprivation.

A person with dementia and Alzheimer's cannot meaningfully participate in proceedings, comprehend legal consequences, Or protect his own interests even with procedural forms and financial disclosures.

Required Substitute Safeguards At minimum, due process required:

- 1- Capacity screening before accepting MSA
 - 2- Guardian ad litem appointment to ensure Petitioner understood terms and protect his interests
 - 3- Inquiry into whether Petitioner's apparent consent was knowing, voluntary, and competent
 - 4- Findings regarding capacity and voluntariness before enforcing agreement
 - 5- Accommodations for memory impairment and cognitive deficits (e.g., written summaries, additional time, simplified explanations)
- None of these safeguards were provided.

Turner's Rejection of "One Size Fits All" Approach:

Turner emphasized that due process is flexible and context-dependent: "the Due Process Clause does not always require the provision of counsel in civil proceedings where incarceration is threatened." **564 U.S. at 447-48**. The Court recognized that different circumstances require different safeguards tailored to the specific risks of erroneous deprivation.

Here, the specific risk enforcing a complex settlement agreement against a person with dementia without any capacity inquiry Demanded heightened safeguards beyond those required in **Turner's** civil contempt context. The Maryland courts' failure to provide any disability-appropriate protections violated **Turner's** command to implement procedures reducing risk of erroneous deprivation when counsel and competency are absent.

The denial of certiorari did not address whether **Turner** requires capacity safeguards for disabled pro se litigants in family proceedings. This overlooked controlling authority warrants rehearing.

D. Substantial Grounds Not Previously Presented: Title II Obligations in Family Settlement Agreements

The Petition for Rehearing presents substantial grounds regarding how Title II's reasonable-modifications mandate applies to state-court acceptance and enforcement of family settlement agreements involving disabled, pro se litigants. This issue is of national importance and was not fully developed in the lower courts or the original certiorari petition.

Nationwide Issue:

Thousands of disabled individuals navigate family courts annually, often without counsel. Courts routinely accept & enforce settlement agreements without screening for capacity or providing accommodations for cognitive disabilities. question presented affects:

- 1- Persons with intellectual disabilities
- 2- Persons with dementia and Alzheimer's
- 3- Persons with traumatic brain injuries
- 4- Persons with severe mental illness affecting cognition
- 5- Persons with developmental disabilities

Clarification Needed:

State courts need guidance on their Title II obligations when disabled litigants enter settlement agreements:

- 1- Must courts screen for capacity Sua sponte when disability is apparent?
- 2- What reasonable modifications are required (e.g., guardian ad litem, capacity evaluation, enhanced explanations, additional time)?
- 3- How should courts balance settlement promotion with disability accommodations?
- 4- What showing triggers the duty to accommodate?
- 5- Can procedural doctrines be rigidly applied to disabled litigants without considering how disability affected their actions?

Federal Circuit Split:

Lower courts have reached inconsistent conclusions about Title II's application in judicial proceedings, particularly regarding cognitive disabilities versus physical disabilities. Some courts limit Lane to physical courthouse access; others recognize broader functional access obligations. This Court's clarification would resolve uncertainty.

Consequences of Overlooking This Issue:

Without clear guidance, disabled litigants will continue to be bound by agreements they could not understand, and courts will continue to enforce procedural doctrines without accounting for cognitive impairments. The denial of certiorari leaves vulnerable populations without protection from exploitation in family proceedings.

Rehearing provides an opportunity to develop this substantial ground more fully and address the nationwide implications of Title II's mandate in the family court context.

VI. MARYLAND LAW SUPPORTS FEDERAL CONSTITUTIONAL CLAIMS

Maryland's common law regarding mental capacity, confidential relationships, and unconscionability reinforces the federal constitutional violations and provides an independent basis for relief.

A. Mental Incapacity Voids Marital Agreements

Maryland law holds that a marital settlement agreement is voidable when a party lacked mental capacity to understand its nature and consequences at execution:

"A contract entered into by a party who lacks the mental capacity to understand the nature and consequences of his or her actions may be void or voidable... [T]he test for mental capacity to contract is whether the person possessed sufficient mental capacity to understand fully the nature and effect of the transaction and had the ability to form a rational judgment concerning the particular transaction."

Cannon v. Cannon, 384 Md. 537, 554 (2005) (emphasis added).

In Cannon, the Maryland Court of Appeals invalidated an MSA where the husband signed while under "severe emotional distress" and taking psychotropic medications, finding he lacked capacity to understand the agreement's terms. **Id. at 568-573.** The Court emphasized that capacity must exist at the moment of execution and that courts must scrutinize agreements when one party was vulnerable.

The Petitioner's case presents far stronger incapacity evidence than Cannon:

- 1- Diagnosed dementia and Alzheimer's (not merely emotional distress)
- 2- Multiple cognitive impairments documented by physicians
- 3- Federal disability determination
- 4- Memory impairment preventing retention of information
- 5- Functional evidence of confusion
- 6- Grossly inequitable terms suggesting inability to appreciate consequences

Under **Cannon's standard**, the MSA is voidable because Petitioner could not "understand fully the nature and effect" of permanently waiving property rights, alimony, legal custody, and retirement benefits worth hundreds of thousands of dollars.

B. Confidential Relationship and Burden-Shifting

Maryland law recognizes that spouses occupy a confidential relationship, triggering heightened scrutiny of agreements:

"Where a confidential relationship exists between parties to a contract, and one party gains an advantage over the other, the burden shifts to the dominant party to show that the transaction was fair and equitable and that no undue advantage was taken."

Hresko v. Hresko, 83 Md. App. 228, 233 (1990).

When one spouse is mentally disabled, the confidential relationship is even more pronounced. Able spouse bears the burden of proving:

- 1- Full disclosure of all material facts
- 2- Fair and adequate consideration
- 3- Independent advice or opportunity to obtain independent advice
- 4- Absence of undue influence or overreaching

The Respondent failed to meet this burden:

- 1- No evidence Petitioner had independent advice
- 2- No evidence Respondent disclosed all assets (Virginia property, vehicle, accumulated funds)
- 3- No evidence consideration was adequate (grossly disproportionate division)
- 4- Abundant evidence of Petitioner's vulnerability (disability, homelessness, indigency)

The Appellate Court's failure to apply **Hresko's** burden-shifting framework despite Petitioner's documented disability violated Maryland law and compounded the due process violations.

C. Unconscionability

Maryland courts will not enforce unconscionable marital agreements:

"[A] court will not enforce a separation agreement where the consideration is grossly inadequate or the terms are unconscionably harsh... An agreement is unconscionable if... it is such that no reasonable person not under delusion, duress, or in distress would make, and as no honest and fair person would accept." **Williams v. Williams, 306 Md. 332, 336 (1986).**

The MSA is per se unconscionable: Procedural Unconscionability:

- 1- Signed while cognitively impaired
- 2- No independent legal advice
- 3- No meaningful choice (threat of child support incarceration mentioned in record)
- 4- Unequal bargaining power (disabled, homeless, poor vs. employed, wealthy, represented)

Substantive Unconscionability:

- 1- One-sided property division
- 2- Permanent alimony waiver leaving disabled spouse destitute
- 3- Forfeiture of retirement benefits
- 4- Denial of legal custody
- 5- Exclusion of hundreds of thousands of Dollars in Two Marital Houses as Marital assets.

"No Reasonable person Not under delusion, duress, or in distress" would agree to these terms. **Williams, 306 Md. at 336.**
 The Petitioner was literally under delusion (dementia), duress (threatened with child support incarceration),
 And distress (homeless, disabled, unrepresented).

D. Maryland Law Reinforces Federal Due Process Requirements

Maryland's capacity, confidential relationship, and unconscionability doctrines are designed to protect vulnerable parties from exploitation. The lower courts' failure to apply these protections despite overwhelming evidence of disability violates both state and federal law.

This convergence strengthens the case for federal intervention: When state courts fail to apply their own protective doctrines and simultaneously violate federal constitutional guarantees, this Court's review is particularly warranted to vindicate State & Federal rights.

VII. Petition for Rehearing Under Rule 44

Petition for Rehearing

A petition for rehearing is available under Supreme Court Rule 44 and must assert intervening circumstances of substantial or controlling effect or substantial grounds not previously presented within 25 days of the order denying certiorari, and this case can and should frame rehearing on the Court apparent overlooking of controlling federal disability-access and due process precedents as applied to a mentally disabled pro se litigant and on substantial grounds that were not squarely developed under Title II of the ADA in the original petition.

Rule 44 standard and timing

Supreme Court Rule 44.2 limits rehearing to intervening circumstances of substantial or controlling effect or other substantial grounds not previously presented, and Rule 44.1 requires filing within 25 days, with the petition plainly and specifically stating the grounds and including the required certificate.

Petitions for rehearing of certiorari denials are rarely granted, but the Court has done so where controlling authority was overlooked or when intervening decisions or substantial federal questions were not adequately presented; this petition should therefore focus on overlooked controlling access-to-courts doctrine under **Tennessee v. Lane**

And procedural due process under **Mathews v. Eldridge** and **Turner v. Rogers**, and on substantial grounds not previously presented regarding state court Title II obligations to provide reasonable modifications to ensure meaningful participation in family proceedings.

VIII. APPLICATION TO THE RECORD

The specific facts of this case demonstrate the urgent need for the safeguards identified above:

Contemporaneous Evidence of Incapacity:

- 1- **On June 7th, 2022, One Year Before the MSA** Psychiatrist in Egypt diagnosed Petitioner with Major depression, Impaired Concentration and Impaired Memory (**Appendix-7**)
- 2- **On March 21st, 2023 Two months Before MSA** Psychiatrist diagnosed Petitioner with Severe depression, Social anxiety, ADHD.
- 3- **On May 9th, 2023, Before the MSA** Neurologist diagnosed Petitioner with Memory impairment, Major depressive disorder, Learning difficulty, Urinary incontinence and was prescribed by Concerta Tablet Extended Release (**Appendix-5**) (**5-B**)
- 4- **On January 9th, 2023, Four (4) months Before MSA**, MTA Mobility approved Petitioner's disability for transportation (**Appendix-11**)
- 5- **On September 2022 which was Ten (10) Months Before the MSA** The Petitioner with the Help of The Homeless Shelter Applied For his SSI application, That was approved based on The Petitioner's Disability on February 13, 2024, after rigorous federal disability determination. (**Appendix-3**)

Trial Court Record:

- 1- The Petitioner testified he was under Psychiatric care and taking medications (Transcript p. 13, lines 3-5) (**Appendix-33**)
- 2- The Petitioner Required language interpreter
- 3- Despite this evidence, court made No capacity inquiry

Post-Judgment Evidence of Cognitive Impairment:

- 1- The Petitioner filed contempt petition against himself (naming himself as both petitioner and respondent) powerful evidence of confusion and impaired judgment

- 2- Contradictory filings reflect cognitive deficits, not acquiescence

Appellate Court's Misapplication of Acquiescence:

- 3- Acquiescence requires "knowing and voluntary" acceptance
- 4- Cannot be knowing and voluntary without mental capacity
- 5- Court failed to consider whether disability affected Petitioner's understanding of legal implications of contempt filing
- 6- Maryland precedent (**Brees v. Cramer, 322 Md. 214 (1991)**) holds that seeking enforcement of specific provisions does not preclude challenging agreement's validity
- 7- Petitioner filed appeal before filing contempt petition & Only after Respondent breached MSA by failing to pay within 60-day deadline

Punitive Attorneys' Fees:

- 1- Appellate Court imposed \$7,784.30 Fee against disabled, indigent, Pro Se litigant with Zero income. (**Appendix-2**)
- 2- The Circuit Court imposed \$4,545 Fee against disabled, indigent, Pro Se litigant with Zero income. (**Appendix-2**)
- 3- The MSA itself provided "each party shall pay his or her own counsel fees" (**Appendix-17, Page 13, Clause C**)
- 4- This violates **Boddie v. Connecticut** and **Maryland's equitable fee framework**

Ongoing Harm:

- 1- The Petitioner remains homeless, destitute, and separated from his children
- 2- The Circuit Court continues to Freeze Petitioner's marital assets pending payment of fees
- 3- No court has ever addressed capacity despite overwhelming evidence

IX. RELIEF REQUESTED

The denial of certiorari appears to have overlooked controlling authority establishing that:

- 1- State courts must provide reasonable modifications to ensure meaningful access for cognitively disabled litigants (**Tennessee v. Lane**)

- 2- Due Process requires capacity safeguards before enforcing High-stakes settlement agreements against disabled persons (**Mathews v. Eldridge**)

- 3- Substitute procedural protections are required for unrepresented litigants facing serious consequences in family proceedings (**Turner v. Rogers**)

- 4- Additionally, substantial grounds Not Previously presented warrant review of state courts' Title II obligations in family settlement contexts an issue of national importance affecting thousands of disabled litigants annually.

X. The Petitioner's Attorney Misrepresentation

The Petitioner Respectfully move this Honorable Court to reconsider its denial of the Petition for Writ of Certiorari, Dated November 10, 2025, based on substantial grounds of Attorney Misrepresentation, Constituting Fraud in the Procurement of the Marital Settlement Agreement ("MSA"), Which were inadequately presented in the initial petition.

Grounds for Reconsideration Petitioner's Attorney Misrepresentation

Pursuant to Supreme Court Rule 44.2:

- 1- The Petitioner presents Substantial Grounds Not Previously emphasized: intentional misrepresentation by Petitioner's own attorney, **(Mr. Florian Tabaku, Esq)** who, with Full knowledge of Petitioner's Nine-Years (9) of Unemployment status due to Petitioner's mental Disability & Complete Absence of Annual income Based on Petitioner's Earnings from Social Security Administration, That was **Zero (0) Dollars (Appendix-47)**.
- 2- The Petitioner's Attorney Fraudulently prepared child support calculations based on False income data attributable to another individual Claiming that Petitioner's Monthly Income is **\$2,295 & Petitioner has to Pay \$803 Child Support Monthly (Appendix-12)** While The Fact is that Petitioner due to his Mental Disability is Surviving on his **SSI For only \$900** as a Monthly income **(Appendix-3)**
- 3- This conduct Violated Fundamental Fiduciary duties and **Maryland Rules of Professional Conduct 19-308.4(c)**, Constituting Fraud, Deceit, and Misrepresentation.
- Under Maryland Law, Marital Settlement Agreements (MSA) are voidable when procured through Fraud, Duress, or Undue influence. **Young v. Anne Arundel County, 146 Md. App. 526, 562 (2002)**.
- 4- The intentional use of Fabricated Financial data by Petitioner's own counsel who owed undivided loyalty to Petitioner, Created Emotional Distress, Deprived Petitioner of informed consent, and constituted Extrinsic Fraud sufficient to void the MSA. See **Md. Code Ann., Fam. Law § 8-101 et seq.; Blundon v. Taylor, 364 Md. 1, 20 (2001)**, (Holding separation agreements voidable for Fraud or Duress).
- 5- Maryland Courts recognize that agreements signed under conditions Robbing a party of free will are Unenforceable. The attorney's deliberate Misrepresentation of income knowing Petitioner possessed None, Induced Execution of an Unconscionable agreement Violating Maryland's child support Guidelines under **Md. Code Ann., Fam. Law § 12-202**. Such conduct exceeds mere negligence; it constitutes intentional Misconduct warranting, voiding of MSA & restoration of marital rights.
- 6- The Attorney-Client Relationship imposes the Highest Fiduciary duty. When counsel Betrays that trust through Fabricated evidence, The resulting agreement Lacks the Voluntary, Knowing Consent required for Enforceability. Maryland law explicitly permits rescission of agreements obtained through such fraud. **Frankel v. Board of Regents, 361 Md. 298, 313 (2000)**.

This Case Presents a Compelling Question of Substantial Constitutional and Equitable Significance:

- 1- Whether a Marital Settlement Agreement procured through an attorney's intentional Fraud against his own client can stand.
- 2- The Petitioner's Fundamental Marital and Parental rights were Stripped through Counsel's Deliberate Deceit.
- 3- Maryland Law provides clear remedies for such Unconscionable Conduct, and this Court's intervention is necessary to vindicate these Rights and Ensure Justice.
- 4- The Petitioner Respectfully requests this Honorable Court Grant Petition for Rehearing Under Rule 44.2, And To Grant Certiorari and Reverse the Lower court's Enforcement of the Fraudulently Procured Marital Settlement Agreement.

CONCLUSIONThe Petitioner Certify that The Petition for Rehearing is Presented in a Good Faith and Not for DelayPrayer for Constitutional Protection of the Vulnerable:

To The Honorable Supreme Court of The United States that is Representing God's Justice on Earth.

For God's Sake Look into The Petitioner's current situation in a Merciful Eye and Apply The Spirit of The Law toward the Petitioner.

Almighty God, Father of Justice and Defender of the Oppressed,
We come before You as we stand before the Highest court of our Nation, Seeking Your Divine intervention,
For those who cannot speak for themselves.
Arise, O LORD! O God! Do Not Forget the Helpless, the Disabled, and the Abandoned.

For foregoing Compelling Reasons, The Petitioner (Mohamed A. Ibrahim) Respectfully Prays that This Honorable Court to:

- 1- Grant Rehearing of the November 10, 2025, order denying certiorari.
- 2- Grant the Petition for Writ of Certiorari **All of it or Part of it.**
- 3- Grant, Vacate, and Remand (**GVR**) for consideration of **Title II** and Due process Safeguards Consistent **with Lane, Mathews, and Turner; or, alternatively**
- 4- Grant Rehearing and Hold the case for further briefing limited to the interplay of **Title II** and Due process requirements in Family Settlement agreements involving Disabled Litigants.
- 5- **Direct The Lower Courts on Remand to:**
 - A- Conduct a Capacity Evaluation to determine whether The Petitioner understood the MSA's nature and consequences at execution.
 - B- Consider Maryland's capacity, Confidential relationship & Unconscionability Framework considering Federal Disability-Access and Due Process requirements.
 - C- Consider appointment of Guardian ad litem or Provision of other reasonable Accommodations.
 - D- Vacate All The Attorneys' Fee award against The Petitioner; and
 - E- Address Respondent's Breach of the MSA and Non-disclosure of the marital assets.
- 6- For any other relief that this Honorable Court may find proper. including declaratory judgment affirming violations and injunctive relief against Further Enforcement **Pursuant to (Md. Rule 15-501).**
Justice and the Constitution demand No Less. Enforcing a MSA against a person with Dementia and Alzheimer's Without any inquiry into capacity or provision of Accommodations violates the most Fundamental principles of Due Process, Equal Protection, and access to justice. This Honorable Court's intervention is Necessary to Protect vulnerable individuals from Exploitation in Family proceedings And to clarify State courts' obligations under the ADA and the Constitution.

Respectfully submitted, Mohamed Ibrahim

Mohammed A. Ibrahim /s/ Mohamed Ibrahim Pro Se Petitioner,
116 W. Pennsylvania Ave, Towson, MD, 21204 – Phone: 771-200-7066 - Email: vet333@hotmail.com

Certificate of Service

The Petitioner Certify that The Petition for Rehearing is Presented in a Good Faith and Not for Delay

I certify that on 12-19-2025 (date) I served a copy of the foregoing was sent to all parties by Mailing to:

(1) The Supreme Court of the United States:

1 First Street, NE

Washington, DC, 20543

Phone: 202-479-3000

(2) Jeffrey H. Kreshtool: Attorney for The Respondent:

Schwartz & Greenbaum, LLC

409 Washington Avenue, Suite 300

Towson, MD, 21204

Email: jhk@sgmdlaw.com

Phone: 410-321-8400

Mohamed Ibrahim

Signature

/s/ Mohamed Ibrahim

Mohamed A. Ibrahim

116 W. Pennsylvania Ave, Towson, MD, 21204

Email: vet333@hotmail.com

Phone: 771-200-7066

Pro Se Petitioner