

No. 25-5715

In the Supreme Court of the United States

IN RE DANIEL E. HALL,
PETITIONER

*On Petition for a Writ of Mandamus
to the Judicial Council of the First Circuit*

(Distributed for Conference — Nov. 21, 2025)

MOTION FOR RECONSIDERATION

(Rule 44.2 [REDACTED] — Filed Under Protest)

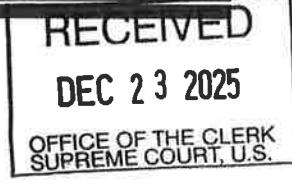
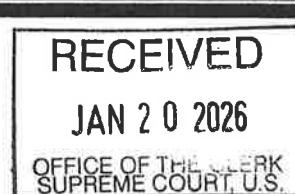
TO COMPEL PROPER PROCESSING OF
COMPLAINT NOS. 01-25-90033 THROUGH 01-25-90038 AND
COMPLAINT NOS. 01-25-90016 THROUGH 01-25-90027

— Submitted to the Judicial Council of the First Circuit

FILED AND RESUBMITTED UNDER PROTEST; NO WAIVER OF RULE 44.2 RIGHTS

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December 16, 2025



MOTION FOR RECONSIDERATION

Petitioner Daniel E. Hall respectfully under Rule 44.2 (Intervening Circumstances and Substantial Grounds), moves for Reconsideration of this Court's order of **November 24, 2025**.

The motion for leave to proceed in forma pauperis is denied, and the petition for a writ of mandamus is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (per curiam).

Petitioner Daniel E. Hall respectfully Moves for Reconsideration of this Court's order denying leave to proceed in forma pauperis and dismissing the petition for a writ of mandamus pursuant to Rule 39.8, and further directing the Clerk not to accept additional noncriminal filings from Petitioner unless the Rule 38(a) docketing fee is paid and the petition complies with Rule 33.1. This motion is filed under Rule 44.2 because (1) the Court's order rests on a misapprehension of the record concerning "repeated abuse" of this Court's process, and (2) the manner in which Rule 39.8 and Rule 33.1 have been applied in this case creates an **effective, not merely theoretical, bar** to any further filing by an indigent litigant raising systemic judicial-misconduct claims. Those are "intervening circumstances of a substantial or controlling effect" and "other substantial grounds not previously presented" within the meaning of Rule 44.2. Petitioner files this Rule 44.2 motion in standard 8½×11 format because the very order for which reconsideration is sought makes compliance with Rule 33.1 financially impossible; that impossibility is itself a substantial ground not previously presented.

I. The Court Misapprehended the Record in Finding "Repeated Abuse" of Its Process

The order invoking Rule 39.8 states that Petitioner has "repeatedly abused this Court's process." Respectfully, that conclusion is based on a misunderstanding of *how and why* multiple submissions occurred.

1. Petitioner did not file serial, meritless petitions on new subjects. He repeatedly **resubmitted the same Rule 20 mandamus petition** after the Clerk’s Office returned it for correction—first for an alleged failure to attach “orders below,” then for formatting issues, and only then did the Clerk finally accept the petition once Petitioner created a “Designation of Orders Below” page and hand-marked each Judicial Council letter as an “order.” Each “new” filing was the same petition corrected in good faith at the Court’s direction. These return-and-correct cycles also affected Petitioner’s Rule 21 and Rule 22 filings, which, though received by the Clerk’s Office, were never formally docketed or forwarded to a Justice.
2. The repetition was therefore not a sign of “abuse,” but the direct result of **administrative gatekeeping**. Petitioner followed Rule 44 and analogous provisions exactly as written: when a filing was returned for correction, he corrected it and resubmitted it. Penalizing that compliance by later branding it “repeated abuse” mischaracterizes the record and chills any indigent litigant who attempts to cure defects identified by the Clerk.
3. The underlying petition raised a narrow, concrete question about the Judicial Council’s compliance with mandatory duties under 28 U.S.C. §§ 351–364 and its own rules (including reassignment under Rule 25(f), proper docketing under Rule 8, and unified handling of complaints under Rule 6(b)). Rather than address those questions, the Court disposed of the matter through a generalized “abuse” label that does not fit the actual procedural history.

Reconsideration is warranted so the Court can either (a) reconsider the application of Rule 39.8 to this record, or (b) at minimum clarify that Petitioner’s good-faith attempts to correct filings at the Clerk’s request do not constitute “repeated abuse” of process. This misunderstanding was

compounded by another issue in the procedural record, one that Petitioner could not have known until after issuance of the Court’s order.

Moreover, the Clerk’s handling of Petitioner’s filings has created an incomplete and misleading procedural record. In three separate dockets—*Hall v. Twitter, Inc.*, No. 24-6779, *In re Hall*, No. 24-5964, and the present matter—Petitioner submitted distinct applications under Rules 21 and 22 that were physically received by the Clerk’s Office, repeatedly returned for minor or shifting technical reasons, yet never formally **acknowledged on the official docket** and never forwarded to the assigned Justice. Because these filings were not docketed, and because the Clerk’s Office responded only with return-for-correction notices rather than formal entries or rejections, Petitioner reasonably believed that corrected submissions were proceeding to the Justice as contemplated by Rules 21 and 22. In fact, they were silently excluded from the record, leaving the docket to suggest that no such applications were ever made. That clerk-created omission then became the apparent basis for subsequent actions—including denial of in forma pauperis status, invocation of Rule 39.8, and summary denials—thus turning a record thinned by administrative suppression into a self-generated pretext for labeling Petitioner’s efforts as “repeated abuse” of this Court’s process.

II. The Combined Use of Rule 39.8 and Rule 33.1 Functions as a Complete Bar to Access for an Indigent Petitioner

Taken together, the actions of the district court, the Judicial Council, and the Clerk’s Office in this Court have created a situation in which Petitioner’s statutory filings, constitutional objections, and misconduct complaints have been diverted, returned, or procedurally foreclosed at every stage. This is not merely a misunderstanding of one petition; it is a complete breakdown in the mechanisms Congress established to ensure judicial accountability.

The order further directs that the Clerk “not accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1.” On paper, this appears to leave the courthouse doors open. In reality, as applied to Petitioner, it is a **functional lifetime ban**:

1. Petitioner might, with hardship, be able to save or borrow the **Rule 38(a) docketing fee**. He cannot possibly afford the **commercial printing costs required for Rule 33.1 booklet compliance**, which routinely run in the many thousands of dollars per filing. For a pro se litigant living on limited income, that cost is insurmountable.
2. Thus, the Court has not merely declined to subsidize further filings; it has conditioned access on a level of expenditure that is realistically unattainable for someone in Petitioner’s economic position. In practical terms, the Court has told Petitioner: *you may continue to seek review of systemic judicial misconduct only if you can first purchase an \$18,000–\$20,000 booklet package from a Supreme Court printer.*
3. When this condition is imposed **because** Petitioner persisted in bringing detailed, documentary evidence of judicial misconduct and structural non-compliance by the First Circuit Judicial Council, the combined application of Rule 39.8 and Rule 33.1 takes on a retaliatory character. It transforms a facially neutral rule into an instrument that uses poverty itself as the mechanism to silence further complaints about the judiciary’s own conduct.
4. That effect is not hypothetical. Given Petitioner’s finances, the Court’s order makes it **impossible in practice** for him to seek review of any future noncriminal matter—no matter how serious the misconduct, no matter how blatant the statutory violations, and no

matter how carefully he adheres to every other rule. A right that is conditioned on an impossible cost is, functionally, no right at all.

Reconsideration is warranted to reconsider whether it is consistent with due process, equal protection, and the Court’s supervisory role over the federal judiciary to deploy Rule 39.8 and Rule 33.1 in a way that, for all practical purposes, **prohibits** an indigent litigant from ever again presenting judicial-misconduct issues to this Court.

III. Related Proceedings Demonstrate Good-Faith, Not “Abusive,” Use of This Court’s
The Rule 39.8 designation in this case appears to rest not only on the present mandamus petition, but on Petitioner’s broader litigation history in this Court. To the extent the Court relied on prior filings in *Hall v. Twitter, Inc.*, No. 24-6779 (petition for certiorari and petition for **reconsideration**), and *In re Hall*, No. 24-5964 (mandamus concerning judicial recusal and unauthorized practice in the same underlying record), that history further undercuts any inference of “repeated abuse.”

In each instance, Petitioner invoked a vehicle expressly provided by this Court’s Rules—certiorari under Rule 10, mandamus under Rules 20 and 21, **reconsideration** under **Rule 44.2**, and applications to a Justice under Rule 22—to raise a single, coherent set of issues: an unwritten admission regime in the District of New Hampshire, unauthorized practice by favored counsel, structural recusal violations, and the First Circuit Judicial Council’s refusal to enforce 28 U.S.C. §§ 351–364 and its own rules. Each filing was supported by sworn declarations and record materials; none was frivolous, unfounded, or untethered to an existing case or judgment. Where defects were identified by the Clerk’s Office—captioning, inclusion of orders below, or formatting—Petitioner corrected them and resubmitted his papers in the precise manner contemplated by Rules 20.3, 33.2, 39, and 44. The “repetition” in his docket history consists of

good-faith compliance with the Court’s own directives, not an intent to harass the Court or multiply baseless filings. Treating that compliance as “repeated abuse” misapprehends the record and sends a dangerous signal to indigent litigants that attempting to fix technical defects—rather than giving up—can itself trigger a permanent access restriction.

IV. It Would Be Simpler and Fairer to Address the Narrow Questions Presented

The practical “relief” Petitioner seeks is modest. It would be far simpler—and institutionally healthier—for the Court to:

1. Vacate the Rule 39.8 designation as applied to Petitioner in this case;
2. Grant leave to proceed in forma pauperis on this mandamus petition; and
3. Either (a) answer the narrow statutory and procedural questions about the Judicial Council’s obligations under 28 U.S.C. §§ 351–364 and its own rules, or (b) remand with instructions requiring the Judicial Council to do so.

Instead of perpetuating a blanket restriction that prices one complainant permanently out of the Court, the Court can resolve this matter by **clarifying whether and how a Judicial Council must follow its own mandatory rules when confronted with detailed, documented allegations of misconduct and conflicts of interest**. That is the precise question Petitioner has been trying, in good faith, to present.

The Court’s refusal to address the underlying statutory questions requires Petitioner to keep returning to this Court because **only this Court has supervisory authority** over Judicial Councils acting outside their statutory limits.

As applied here, the combined actions of the district court, the Judicial Council, and now this Court’s administrative processes have left Petitioner with no forum in which his constitutional

claims and statutory grievances can be heard, creating precisely the systemic denial of access that Congress intended the Judicial Conduct and Disability Act to prevent.

V. Intervening Circumstances and Substantial Grounds (Rule 44.2)

This **motion** satisfies Rule 44.2 for two independent reasons. First, the Court's Rule 39.8 designation and corresponding denial of IFP status depend on a **misapprehension of the procedural record**—specifically, the belief that Petitioner engaged in “repeated abuse,” when the multiple submissions resulted entirely from the Clerk’s own return-for-correction directives. That misunderstanding could not have been addressed until after issuance of the Court’s order and thus constitutes an intervening circumstance of substantial effect.

Second, the **combined operation** of Rule 39.8 and Rule 33.1, as applied in this case, creates a **new and previously unaddressed constitutional injury**: the effective foreclosure of all future noncriminal filings by an indigent litigant raising judicial-misconduct issues. The financial impossibility of Rule 33.1 booklet compliance—paired with the denial of IFP status—was not addressed or anticipated in the original petition and represents a substantial ground that directly affects Petitioner’s ability to seek prospective judicial review. These circumstances fully satisfy Rule 44.2.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court grant **reconsideration**, vacate the Rule 39.8 restriction as applied to him in this matter, reinstate his ability to proceed in forma pauperis on this petition, and address—directly or by appropriate remand—the statutory compliance issues presented in the underlying mandamus.

Respectfully submitted,
/s/ Daniel E. Hall
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November 29, 2025

CERTIFICATE PURSUANT TO RULE 44.2

I certify that this motion for rehearing is restricted to intervening circumstances of a substantial or controlling effect and to other substantial grounds not previously presented.

Dated: November 29, 2025
/s/ Daniel E. Hall

JAN 1, 2026