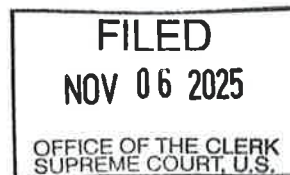


ORIGINAL



No. 25-63

IN THE  
SUPREME COURT OF THE UNITED STATES

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Judith Clinton,  
*Petitioner,*  
v.

Chad Babcock, Lisa Nelson, Regina Foster Bartlett,  
Caryn Sullivan, Maria DiMaggio, and  
Toastmasters International,  
*Respondents.*

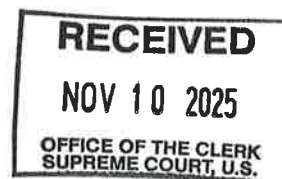
On Petition for a Writ of Certiorari to the Supreme  
Court of Rhode Island

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PETITION FOR REHEARING

---

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## I. INTRODUCTION AND BASIS FOR RECONSIDERATION

Petitioner respectfully petitions the Court, under **Supreme Court Rule 44.1** for reconsideration of the denial of certiorari in *Clinton v. Chad Babcock et al.*, No. 25-63, Grounds and compliance stated herein:

## II. COMPLIANCE

This Application fully conforms to requirements of Supreme Court Rule 44(2). Filed within twenty-five (25) days of the order denying certiorari 10-20-25 and supported by **intervening circumstances of substantial and controlling effect** that arose after the Petition was filed, The Motion is made **in good faith and not for delay**, to restore procedural integrity and ensure the case is considered on a fair and complete basis, consistent with due process and the Court's supervisory authority.

## III. GROUNDS - Substantial or Controlling Grounds Not Previously Presented

**(a)Intervening Circumstance:** Misleading statements and procedural irregularities by a Deputy Clerk constituting a **substantial procedural event** that occurred *after* the Petition was filed, directly affecting whether the Justices received a complete and fair record, events prior to Distribution indicate Petitioner's **Reply Brief may not have been properly distributed.**

**Substantial Grounds Not Previously Presented:**  
The issue of **Clerk interference and false**

**advisement** could not have been raised in the Petition because it arose *during the pendency* of the case, after the Petition and Appendix were filed, making it a new and independent ground for rehearing within the meaning of Rule 44(2).

#### IV. PROCEDURAL IRREGULARITIES AND ADMINISTRATIVE INCONSISTENCIES

The record reflects multiple anomalies inconsistent with normal docketing practice: Each event, individually and collectively, **undermines the integrity of the case record** before the Court's consideration of Certiorari. These documented events establish a consistent pattern of withheld notifications, contradictory statements, and missing docket entries, all occurring during the narrow period critical to distribution for conference.

- ❖ Conflicting oral and written instructions from the Clerk's Office.
- ❖ Undocketed filings, never provided with a reason for refusal or notification of any kind.
- ❖ Refusal to docket Motions despite being timely filed, with confirmation of delivery.
- ❖ Statement that docket entries had been made but without entries being accompanied by automated notice of filing "**no-reply email notification**" distributing and informing all parties of a new docket entry.

These irregularities, occurring within the Supreme Court's own administrative process, directly affected the completeness of the record upon which the Court

acted. Although the relief sought doesn't seek to re-argue the merits, it **does necessarily require reconsideration of the merits in light of the absence of Petitioner's argument** from the distributed materials. Without Petitioner's Reply Brief before the Justices, the Court's decision rested on an incomplete and unbalanced record, especially Respondents' assertion that the court lacks jurisdiction, claiming Petition is a fact-bound review without preservation of Constitutional rights below. These issues are rebutted in Petitioner's Reply Brief, which appears as "waived" due to reasons beyond her control, but which were not waived.

## V. FACTUAL CHRONOLOGY

A detailed timeline outlines the procedural breakdown:

- ❖ **July 7, 2025:** Petition docketed; A **"no-reply email notification"** <sup>1</sup>issued.

<sup>1</sup> The *no-reply docket notification email* isn't a courtesy. It's the Supreme Court's official confirmation that a filing has been received, accepted, and entered into the electronic docket system for distribution to the Justices, providing notice to all parties that the record is complete and transparent. When that notification is withheld, the filer is left in procedural limbo, unable to confirm whether filings were docketed, reviewed, or included among the materials before the Court. For self-represented petitioners, the absence of this safeguard isn't a minor omission; it's an effective denial of participation. For counsel it's automatic through EFS. For SRLs it is done manually, subject to manipulation.

- ❖ **August 12–13:** Motions for extension of time by Respondents docketed with notifications. A **“no-reply email notification”** issued.
- ❖ **August–13:** Respondents’ Extension of Time granted. A **“no-reply email notification”** issued
- ❖ **August 18:** Petitioner’s *Supplemental Brief* filed (verified by Legal Printer) but **never docketed**, never returned, never rejected, never labeled as “non-compliant” never acknowledged, leaving Petitioner without notice or remedy; after filing, it went into the void never to be heard from again without explanation. Upon telephone inquiry, no explanation was provided.
- ❖ **Sept. 10, One** Respondents’ Waiver of Reply form filed. A **“no-reply email notification”** issued
- ❖ **Sept. 17,** Respondents filed a Brief in Opposition a **“no-reply email notification”** issued.
- ❖ **Sept. 17,** Petitioner filed a Motion to Extend Time for her Reply, an additional 15 days 30 total to file a Reply Brief up to and including the **end of the day on October 17, 2025.** UPS Confirmed delivery. **Motion NOT docketed.(APP-A-1)**



- ❖ **Sept. 19:** Petitioner called Deputy Clerk Danny Bickell to secure docketing. He told Petitioner no extension was needed if her Reply was filed before Nov. 1, misleading Petitioner about the timeline for Conference, **refusing to docket her Motion to Extend Time.**
- ❖ **Sept 22 and 26** respectively, Petitioner emailed Respondents with status of her Reply Brief, memorializing the timeline provided to her by Mr. Bickell, and status of Application to Enlarge, also commenting on **NOT** receiving a **“no-reply email notification” (App -A3-4)**
- ❖ **Sept. 30:** Mr. Bickell informed Petitioner, her Application to Enlarge was denied. A **“no-reply email notification”** issued. Despite providing a proposed Order with the Application, nothing signed by the Justice was received or docketed as required by Rule 22, cause to question its **validity.**
- ❖ **Oct. 1:** A **“no-reply email notification”** issued informing the Case was **distributed** for **October 17 Conference**, two weeks earlier than Petitioner was told by Bickell, a shock and surprise to Petitioner.
- ❖ **Oct. 3:** Upon learning of Distribution, Petitioner filed her Reply Brief a.s.a.p., and wrote a letter to Clerk Bickel about deliberately misleading advice and **refusal to**

docket her Motion to Extend Time. (APP-B-14a)

- ❖ **Oct. 6:** Petitioner's Reply Brief appears on the docket but the customary **"no-reply email notification"** is **NOT issued**. Petitioner left two messages requesting one; **never issued**.
- ❖ **Oct. 6** Petitioner filed **Rule 21** Motion to Take Notice, an original and 10 copies in accordance with Rule 21, with one copy to the Circuit Justice. showing timeline of procedural events, **(APP-B 7a)** with the **undocketed Motion to Extend Time attached**.
- ❖ **Oct. 7:** Mr. Bickell left a voicemail for Petitioner **denying** his prior timeline statements advising she didn't need an Extension of Time, asserting he told her **"we don't give extensions of time for Reply Briefs."** contrary to Rule 30. Saying that her Reply Brief was being docketed. **Email notification of Petitioner's Reply Brief was never issued;** inclusion in the distributed record is **unverifiable.**(APP-C-22a)
- ❖ **October 8,** Petitioner left three messages with the Clerk's office asking for the **"no-reply email notification;" never issued**.
- ❖ **Oct. 8:** UPS Confirmed delivery of the original plus 10 bound copies of Petitioner's Rule 21 - Emergency Motion for the Court to Take Notice, of administrative inconsistencies,

attempting to correct them prior to the Conference date, but **it wasn't docketed.**

- ❖ **Oct. 9:** Without cooperation from the Clerks and growing concern, Petitioner overnighted letters to Scott Harris, Elizabeth Prelogar, Jeffrey Minear, and the Circuit Justice, seeking remedy of procedural irregularities to secure **verifiable** inclusion of her Reply Brief prior to the Conference on October 17, 2025. **No response.(APP-E-24a)**
- ❖ **Oct. 10:** Petitioner received her Emergency Motion (the courtesy copy sent to the Circuit Justice) with a letter from Emergency Application Clerk, Robert Meek, stating. "The Rules make no provision for the type of filing submitted." **without further explanation. (APP-D-23a)** He also asserted, Petitioner's Reply was distributed, Without a **"no-reply email notification" ever being issued**, this is **unverifiable, maintaining uncertainty.**

The many discrepancies coupled with false statements left in a voice mail message to Petitioner by Mr. Bickell, on October 7, 2025, create serious doubt that Petitioner's Reply Brief was ever included in the Justices' distributed materials.

**Due to 1)** Mr. Bickell's refusal to docket Petitioner's timely motion for Extension of Time **2)** Providing misleading direction regarding a Conference date, **3)** Misleading Petitioner to believe she had only to file her Brief prior to November 1<sup>st</sup>, and didn't need an extension of time, **4)** His Failure to return

Petitioner's Supplemental Brief, never providing a reason or an explanation of any kind for rejection 5) Petitioner's efforts to get the Reply Brief included in the Conference via the Emergency Motion, inexplicably rejected, preventing resubmission. 6) Deliberately misleading statements and refusals to act made it impossible to trust anything the Clerk's office asserts, leaving Petitioner **without trustworthy certainty** that her Reply Brief was included for consideration prior to the October 17, Conference. Although the docket indicates Petitioner's Reply was supposedly (distributed,) the **absence** of the Court's standard "**no-reply email notification**" with so many inconsistencies, and incredible assertions, in what clearly appears to be an effort to exclude the Reply brief, has compromised the verifiable completeness of the record. Petitioner did everything in her power to ascertain with certainty and ensure that her Reply Brief had been included with the Distribution, but for continued misinformation, inexplicable rejection, refusal to provide a no-reply email notification, creating and maintaining uncertainty, Petitioner saw no other recourse than to file this application, for reconsideration, and to make a record of this leg of the legal journey as a Self-represented Petitioner at the Supreme Court of the United States.

## VI. PROCEDURAL PREJUDICE

1- The decision to Distribute a case for Conference is based upon the determination that all the documents are in (Petition, Brief in Opposition and Reply) Absent a Reply after the deadline, the Reply is considered "Waived." The case was distributed

prematurely, by at least **20 days** in contradiction to the timeline Mr. Bickell advised Petitioner on, creating the appearance Petitioner had “waived” her right to reply. Even without an extension of time, she was entitled through the end of the day, October 1, 2025, to file; yet the case was distributed the morning of October 1, 2025, effectively one day early. Mr. Bickell called Petitioner on **September 30**, informing her the Application to Enlarge was denied, but didn’t mention the Distribution would happen the next day. Petitioner was still operating on the belief filing her Reply prior to November 1<sup>st</sup>, would be safe. Compelled by Respondents’ submitting a new question, which requires a cross-petition, Petitioner prepared two versions, one with 3000 words, another with 3700 words, waiting to learn if her Application to Enlarge was granted. The Reply was printed and filed as soon as humanely possible, October 3, 2025, but being late, appeared “waived.” Although the Reply appears on the docket, the absence of the Court’s electronic notification, coupled with inconsistent statements this was unverifiable; at this point impossible to believe.

2- Deputy Clerk Bickel misleading Petitioner, stating **she didn’t need an extension if her Reply Brief was filed before November 1**, and later claimed: **“we don’t give extensions for Replies,”** contrary to Rule 30. These irregularities were compounded by Clerk Meek returning Petitioner’s **Emergency Motion to Take Notice**, stating that “the Rules of Court make no provision for the type of filing submitted,” without further explanation amounting to **procedural denial**.

3-Rule 21 explicitly permits “motions seeking relief not otherwise provided for by rule,” would include requests for the Court to take notice of procedural irregularities affecting fairness. Yet Petitioner’s Motion was inexplicably rejected by Clerk Meek, and appears to rest on form, not substance. Petitioner’s Reply brief was attached to the Emergency Motion, attempting to find inclusion, again thwarted by Meek’s rejection. Regardless of his excuses, Bickell’s refusal to docket a timely Motion to Extend Time, false statements and premature distribution, is evidence of **intent to exclude**; along with Meek’s rejection, it amounts to a very concerted effort to exclude, tilting the scales toward represented parties; disparity.

## VII. CONSTITUTIONAL IMPACT

The Supreme Court has long held that **meaningful access** to the courts is a constitutional guarantee. *Bounds v. Smith*, 430 U.S. 817 (1977); Petitioner’s procedural rights were effectively denied through actions that undermined the integrity of the docketing process. In *Turner v. Rogers*, 564 U.S. 431 (2011), this Court held that self-represented litigants must be afforded procedural safeguards to ensure fairness. *Haines v. Kerner*, 404 U.S. 519 (1972), requires liberal construction of pro se filings. Mr. Meek’s rejection, based on form over substance, violates this Court’s own jurisprudence. Petitioner’s filings complied with the Rules, but were obstructed from docketing and distribution, creating the false appearance of waiver. Petitioner relied in good faith on the Clerk’s statements, yet absence of the Court’s standard docket notification, and each effort to confirm inclusion of her Reply Brief met with silence,

contradiction, or rejection resulted in uncertainty and denial. Once trust in the Court's administrative process is broken, it cannot be restored. The absence of the Supreme Court's standard docket notification despite repeated requests and confirmed delivery of Petitioner's Reply Brief constitutes a denial of **procedural due process** under the **5<sup>th</sup> and 14<sup>th</sup> Amendments**. *Mathews v. Eldridge*, 424 U.S. 319 (1976), the Court held that due process requires not only the opportunity to be heard, but **reliable procedural mechanisms to confirm participation**. The Court's notification system is one such mechanism. Its unexplained absence left Petitioner in procedural limbo, unable to verify whether her arguments were ever considered. The Due Process Clause guarantees a *meaningful* opportunity to be heard, one that presupposes procedural reliability. If a party's filings are **mishandled, misadvised, or inconsistently docketed, that right is effectively denied**. This issue transcends the individual case, raising broader concerns about administrative gatekeeping that obstructs access-to-justice for self-represented litigants, mirroring the very problem that prompted Petitioner's original filing before this Court. Taken together, these procedural failures, **1)refusal to docket a timely motion, 2)misleading guidance regarding Conference date 3)absence of docket notifications, and 4)inexplicable rejection of a Rule 21 Motion**, form a pattern of constitutional injury, violate Due Process by obstructing meaningful participation, and Equal Protection by imposing disproportionate burdens on self-represented litigants, administrative interference contradicting

the Supreme Court's own jurisprudence. These are systemic breakdowns that undermine the legitimacy of the Court's review. Given the lack of integrity from the Clerk's office, Petitioner remains uncertain whether even this Application will be properly docketed and distributed for review. **Such uncertainty shouldn't exist.** Rehearing isn't only warranted, it's constitutionally required.

### **VIII- RELIEF REQUESTED**

Petitioner respectfully requests the Court:

**1-Take judicial notice** of the procedural irregularities giving appearance Respondents' Brief in Opposition stood un rebutted, due to procedural irregularities rather than waiver, raising serious questions about fairness, transparency, and integrity of certiorari review.

**2-Accept Petitioner's Reply Brief** *nunc pro tunc* as timely filed under Rule 30.4 for reconsideration of the original Petition, including the Reply brief. **Procedural obstruction and misadvisement prevented timely filing altogether.**

**3-Consider Petitioner's arguments** rebutting Respondents assertions the Court **lacks jurisdiction.**

**4-Authorize E-Filing** for self-represented litigants, ensuring parity with counsel, preventing irregularities as Petitioner has been subjected to.



## CONCLUSION

This Application doesn't seek a second hearing on the merits; it seeks restoration of the **constitutional baseline of procedural fairness** that sustains the Court's legitimacy as the guardian of due process. Efforts to suppress Petitioner's filings have only amplified their constitutional significance, triggering a *Streisand Effect*, underscoring the urgent need for institutional reform. Denial leaves unresolved constitutional conditions that impact tens of thousands of similarly situated individuals in Rhode Island and across the nation. Procedural irregularities regarding Petitioner's Reply brief, mirror **the broader inequities facing self-represented litigants nationwide**, where procedural rigidity is used to silence individuals without counsel. This case, arising from disparity placed on those without counsel in the courts below, now becomes part of a larger reckoning demanding accountability. This application exposes what amounts to efforts to scam Petitioner out of her right to being heard. The appearance of disparity at the Supreme Court is proof of a two-tiered justice system. Disparity reigns supreme. A judiciary treating all litigants, represented or not, with dignity, and procedural parity isn't a dream, it's a long overdue constitutional necessity. Petitioner won't rest until that necessity becomes reality. At its core, this case is about access-to-justice, a fundamental right, duly argued before the Rhode Island Supreme Court. Reform begins in our own backyard. Solutions offered fell on deaf ears. Life in Rhode Island will never be the same. This breach of trust at the highest court won't be buried; a microcosm of systemic disparity, it

will be the foundation for change. It will be told, retold and amplified as part of a broader reckoning of the ideals our democracy was founded on, and the distance we still need to travel to reach those ideals. **Petitioner speaks on behalf of tens of thousands of SRLs left scratching their heads after denial, when they had truth on their side, but simply weren't heard due to status, not merit.** Justice isn't reserved for the represented, it's **guaranteed to all**. When the gatekeeper of justice refuses to open the door, it's **time to pull back the curtain, to ensure procedural fairness**. Rehearing should be granted, considering the many procedural irregularities, raising serious questions about fairness, transparency, and integrity of certiorari review, regarding the Self-represented. Raise the bar, restore integrity, reaffirm the Constitution's promise that justice doesn't depend on privilege or access to power. **Justice belongs to everyone. A long overdue reckoning.**

**WHEREFORE** Petitioner respectfully requests this Court grant this Application for Rehearing to correct the procedural irregularities that deprived her of full and fair consideration of the constitutional issues presented. Upon granting rehearing, Petitioner requests the Court grant the Petition under Rule 10(c), invoking its supervisory authority "when a state court of last resort has decided an important federal question in a way that conflicts with relevant decisions of this Court." The constitutional guarantees of Due Process and Equal Protection, as articulated in *Mullane v. Central Hanover Bank*, *Liteky v. United States*, *Logan v. Zimmerman Brush*

*Co.*, *Boddie v. Connecticut*, *Goldberg v. Kelly*, and *Mathews v. Eldridge*, compel such review. Alternatively, Petitioner requests that the Court grant, vacate, and remand for reconsideration under the *Mathews* fairness test, consistent with procedural safeguards developed by state Access-to-Justice Commissions to ensure fairness to self-represented litigants.

Respectfully submitted,

**Judith Clinton**

Petitioner, *pro se*

418 Benefit Street

Providence, RI 02903

## **CERTIFICATE OF PETITIONER**

I hereby certify that this Petition for Rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 44.2.

A handwritten signature in black ink, appearing to read "L. A.", is written over a horizontal line.

**Additional material  
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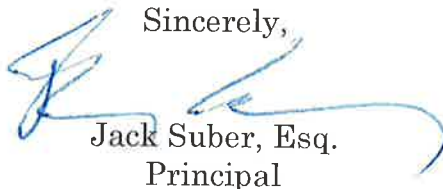
**RE 25-63: JUDITH CLINTON V. CHAD BABCOCK, LISA NELSON, REGINA FOSTER  
BARTLETT, CARYN SULLIVAN, MARIA DIMAGGIO, AND TOASTMASTERS  
INTERNATIONAL**

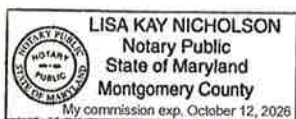
Dear Sir or Madam:

As required by Supreme Court Rule 33.1(h), I certify that the Petition for Rehearing referenced above contains **2,981** words, excluding the parts of the document that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Sincerely,

  
Jack Suber, Esq.  
Principal



Sworn and subscribed before me this 6th day of November 2025.



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**RE 25-63: JUDITH CLINTON V. CHAD BABCOCK, LISA NELSON, REGINA FOSTER  
BARTLETT, CARYN SULLIVAN, MARIA DIMAGGIO, AND TOASTMASTERS  
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Dear Sir or Madam:

I certify that at the request of the Petitioner, on November 6, 2025, I caused service to be made pursuant to Rule 29 on the following counsel for the Respondents:

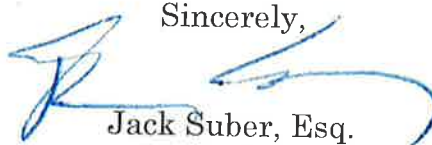
**RESPONDENTS:**

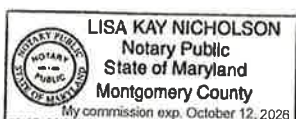
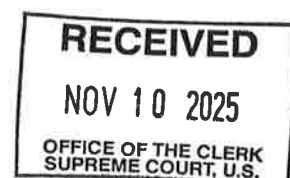
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This service was effected by depositing three copies of a Petition for Rehearing in an official "first class mail" receptacle of the United States Post Office as well as by transmitting digital copies via electronic mail.

Sincerely,

  
Jack Suber, Esq.  
Principal



Sworn and subscribed before me this 6th day of November 2025.

