

No. 25-6536

IN THE
SUPREME COURT OF THE UNITED STATES

C. Holmes,

Petitioner,

v.

Granuaile, LLC, et al.

Respondents.

MOTION FOR RECONSIDERATION OF DISMISSAL
AND REVISION OF THE MARCH 23, 2026, ORDER

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



The petitioner respectfully moves for reconsideration of dismissal and revision of the March 23, 2026, order, copy attached for ease of reference as Exhibit A. As set forth more fully below, it is respectfully submitted that the dismissal of the petition under Rule 39.8 constitutes a manifest injustice and a departure from the "Law of the Case" as established in the lower courts. Accordingly, reversal of dismissal with revision of the March 23, 2026, order and an opportunity to comply with Rules 38(a) and 33.1 is respectfully requested.

I. Introduction

Rule 39 of the Supreme Court Rules was amended to include Rule 39.8 in 1991. At that time, Justice Marshall, Justice Stevens, and Justice Blackmun dissented as follows:

IN RE AMENDMENT TO RULE 39, 500 U.S. 13 (1991)

JUSTICE MARSHALL, dissenting.

This Court's rules now embrace an invidious distinction. Under the amendment adopted today, an indigent litigant may be denied a disposition on the merits of a petition for certiorari, jurisdictional statement, or petition for an extraordinary writ following a determination that the filing "is frivolous or malicious." Strikingly absent from this Court's rules is any similar provision permitting dismissal of "frivolous or malicious" filings by paying litigants, even though paying litigants are a substantial source of these filings.

This Court once had a great tradition: "All men and women are entitled to their day in Court." * That guarantee has now been conditioned on monetary worth. It now will read: "All men and women are entitled to their day in Court only if they have the means and the money."

I dissent.

JUSTICE STEVENS, with whom JUSTICE BLACKMUN joins, dissenting.

In my opinion it is neither necessary nor advisable to promulgate the foregoing amendment to Rule 39. During my years of service on the Court, I have not detected any significant burden on the Court, or threat to the integrity of its processes, caused by the filing of frivolous petitions. It is usually much easier to decide that a petition should be denied than to decide whether or not it is frivolous. Moreover, the cost of administering the amended Rule will probably exceed

any tangible administrative saving. Transcending the clerical interest that supports the Rule is the symbolic interest in preserving equal access to the Court for both the rich and the poor. I believe the Court makes a serious mistake when it discounts the importance of that interest. I respectfully dissent.

*Our inviolable obligation to treat rich and poor alike is echoed in the oath taken by each Justice prior to assuming office. See, e. g., 389 U. S. ix: "I ... do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Associate Justice of the Supreme Court of the United States according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States." (Emphasis added.)

It is respectfully submitted the March 23, 2026, order is manifestly inconsistent with the Constitution and laws of the United States.

In his 1991 dissent, Justice Stevens opined, "It is usually much easier to decide that a petition should be denied than to decide whether or not it is frivolous." See *Neitzke v. Williams*, 490 U.S. 319, 328 (1989) ("When a complaint raises an arguable question of law, which the court ultimately finds is correctly resolved against the plaintiff," the complaint fails to state a claim but is not frivolous.). See *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 402, 110 S.Ct. 2447, 110 L.Ed.2d 359, 58 USLW 4763 (1990)(the lack of any legal requirement other than the talismanic recitation of "'frivolous' will foreclose meaningful review (emphasis supplied)). Important Constitutional issues are raised in the petition and supported by citations to binding precedent and case law. The petition is not frivolous, i.e., meritless on its face, and is supported by the attached affidavit in Exhibit C. Accordingly, dismissal should be vacated with opportunity to comply with Rules 38(a) and 33.1.

II. The Distinction Between Denial of IFP and Case Dismissal

Rule 39 speaks to *in forma pauperis* (IFP) proceedings. Rule 39.8 provides the Court may deny leave to proceed *in forma pauperis* (IFP): The plain language does not provide for case dismissal. Rule 39.8 provides that the Court may deny leave to proceed *in forma pauperis* (IFP) if it determines a filing is frivolous. However, as noted in the dissenting opinions of Justices Marshall, Stevens, and Blackmun in *In re Amendment to Rule 39*, 500 U.S. 13 (1991), applying this rule to bar access to the Court entirely creates an "invidious distinction" including impermissibly infringing First Amendment

guarantees. Petitioner respectfully contends that while the Court may deny indigent status, the outright *dismissal* of the petition without an opportunity to comply with Rule 38(a) (fees) and Rule 33.1 (booklet format) violates the symbolic and legal interest in preserving the Constitution and laws of the United States. Given the hourly rates routinely sought for representation before this Court, meritorious claims by individuals may be unintentionally stymied. An abundant and rich body of law establishes our democracy depends on faithful resolve to give a voice to its citizens and to provide equal protection. Accordingly, it is respectfully requested that dismissal be vacated with opportunity to comply with Rules 38(a) and 33.1.

III. The "Law of the Case" Negates a Finding of Frivolity

A finding of frivolity requires a determination that a claim is "meritless on its face." As noted above, in his 1991 dissent, Justice Stevens observed, "It is usually much easier to decide that a petition should be denied than to decide whether or not it is frivolous." Here, as reflected in Exhibit B, the District Court, in its order dated **December 16, 2020**, specifically vacated its own previous finding of frivolity from the August 27, 2020, order based on argument and case law presented by the petitioner below and adjudicated on the merits. Furthermore, the Fourth Circuit remanded this case to the district court in a prior appeal and did not find the case to be frivolous. See Exhibit B. In addition, under the facts, Rule 39.8 is improperly applied given the procedure and the posture: The district court addresses and relies on affirmative defenses to be raised or waived by defendants who have not been brought into the case. Rule 8, Fed. R. Civ. P. To the extent the district court found *res judicata* is frivolous, the cases cited by petitioner support application of forum state substantive property law in the instant matter which negates *res judicata* and/or is part of petitioner's good faith argument for extending, modifying, or reversing existing law or for establishing new law. See *Lucky Brand Dungarees, Inc. v. Marcel Fashions Grp.* (U.S. Sup. Ct. May 14, 2020) (The conduct in the 2011 suit occurred after the conclusion of the 2005 suit; there can be no claim preclusion... claim preclusion "describes the rules formerly known as 'merger' and 'bar.'" *Taylor v. Sturgell*, 553 U. S. 880, 892, n. 5 (2008)); *Curtis v. Citibank*, 226 F.3d 133 (2nd Cir. 1999) ("Because claim preclusion would not bar litigation of events arising after the first amended complaint was filed in Curtis I, it was an abuse of the district court's

discretion to dismiss those claims as duplicative.”); *Pueschel v. United States*, 369 F.3d 345, 355 (4th Cir. 2004) (“The determination of whether two suits arise out of the same cause of action... does not turn on whether the claims asserted are identical.”); *Home & Indus. Mech. Supplies, Inc. v. CSX Transp., Inc.* (D. S.C. 2019) (citing *Ravan v. Greenville Cty.*, 434 S.E.2d 296, 306 (S.C. Ct. App. 1993)); *McCurley v. S.C. Hwy. Dept.*, 256 S.C. 332, 335, 182 S.E.2d 299, 300 (1971); Hubbard and Felix, *The South Carolina Law of Torts*, 4th Ed. (2011), p. 269. To the extent there is ambiguity, the rule of lenity supports the petitioner’s position. Under the doctrine of the **Law of the Case**, the prior judicial determinations that these claims possess arguable legal merit should preclude a summary dismissal under Rule 39.8.

IV. Distinguishing Inapposite Precedent

The Court’s reliance on *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992), is misplaced. The *Martin* petitioner uniquely filed 45 petitions relating to his incarceration for an unrelated offense in the prior 10 years and 15 in the preceding 2 years alone. *Id.* Petitioner herein has no such history and there is no such evidence in the record or otherwise. Dismissal without notice or the opportunity to defend against an unspecified accusation of “abuse” is fundamentally unfair, internally inconsistent with the law of the case, arbitrary, abusive of discretion, fails to provide “meaningful review” as cited in *Cooter & Gell*, and/or fails to pass constitutional muster under the Due Process Clause of the Fifth Amendment. *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 402, 110 S.Ct. 2447, 110 L.Ed.2d 359, 58 USLW 4763 (1990). Accordingly, the *Martin* case is distinguished. *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992).

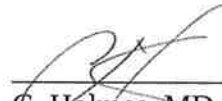
PRAYER FOR RELIEF

For substantial justice affecting substantial rights, petitioner respectfully requests that this Honorable Court:

1. **Vacate** the dismissal and order entered on March 23, 2026; and
2. **Grant** petitioner leave to comply with Rules 38(a) and 33.1;
3. **In the alternative, provide** a specific explanation to allow for meaningful opportunity to respond and defend at a meaningful time.

Respectfully submitted,

Dated 3/30/26


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

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

Et. A

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

March 23, 2026

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

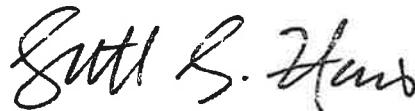
Re: C. Holmes
v. Granuaile, LLC, et al.
No. 25-6536

Dear Ms. Holmes:

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

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

Sincerely,



Scott S. Harris, Clerk

**U.S. District Court
District of South Carolina (Charleston)
CIVIL DOCKET FOR CASE #: 2:20-cv-01748-RMG
Internal Use Only**

*ex. B
(3 pp.)*

Holmes v. Granuaile LLC et al
Assigned to: Honorable Richard M Gergel
Case in other court: 4CCA, 21-01470

Date Filed: 05/05/2020
Date Terminated: 08/08/2024
Jury Demand: Plaintiff
Nature of Suit: 360 P.I.: Other
Jurisdiction: Federal Question

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRC, 22-01904
4CCA, 24-01868

Cause: 28:1332 Diversity:Personal Injury

Plaintiff

C Holmes
*a/k/a Cynthia Holmes, a/k/a Cynthia
Holmes, M.D., a/k/a Cynthia Collie
Holmes*

represented by **C Holmes**
P.O. Box 187
Sullivans Island, SC 29482
PRO SE

V.

Defendant

Granuaile LLC

Defendant

J P Walsh
*individually and as related to Granuaile,
LLC*

Defendant

L Walsh
*individually and as related to Granuaile,
LLC*

IN SUMMARY:

08/27/2020	<u>19</u>	ORDER RULING ON REPORT AND RECOMMENDATION : The Court adopts and incorporates <u>17</u> Report and Recommendation and this action is dismissed as frivolous. Signed by Honorable Bruce Howe Hendricks on 8/27/2020. (vdru,) (Entered: 08/27/2020)
08/31/2020	24	ORAL ORDER to Vacate <u>19</u> ORDER RULING ON REPORT AND RECOMMENDATION . Plaintiff's Objections were received on 08/21/2020. See Clerk's Notice #23. Entered at the direction of the Honorable Bruce Howe Hendricks on 08/31/20. (rshu,) (Entered: 08/31/2020)
12/16/2020	<u>29</u>	ORDER RULING ON REPORT AND RECOMMENDATION : It is Ordered that the Magistrate Judge's Report (ECF No. 17) is adopted; Plaintiff's objections (ECF No. 22) are overruled; Plaintiff's Rule 59(e) motion (ECF No. 28) is denied as moot; and this action is summarily DISMISSED without prejudice. Signed by Honorable Bruce Howe Hendricks on 12/15/2020. (vdru,) (Entered: 12/16/2020)

11/30/2021	<u>46</u>	USCA MANDATE and Judgment as to <u>37</u> Notice of Appeal, filed by C Holmes. The appeal is dismissed for lack of jurisdiction. The Court directs on remand that the district court, in its discretion, either afford Holmes an opportunity to amend or dismiss the complaint with prejudice, thereby rendering the dismissal order a final, appealable judgment. (Attachments: # <u>1</u> USCA Judgment)(vdru,) (Entered: 12/03/2021)
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No. 25-6536

Ex. C
(3 pp)

IN THE
SUPREME COURT OF THE UNITED STATES

C. Holmes,

Petitioner,

v.

Granuaile, LLC, et al.

Respondents.

AFFIDAVIT

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

Ex. C

AFFIDAVIT

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

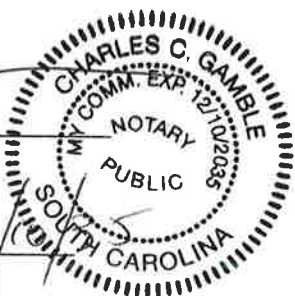
1. I am the petitioner, of legal age, and competent to state the matters herein.
2. This affidavit is submitted in support of Supreme Court of the United States Case No. 25-6536.
3. This matter is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.
4. The claims, defenses, and other legal contentions are submitted in good faith.
5. The claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.
6. The factual contentions have evidentiary support or, as specifically identified herein including but not limited to, secreted or hidden wrongdoing, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.
7. The denials of factual contentions are warranted on the evidence or are reasonably based on belief or lack of information.
8. Continued on the following page.

FURTHER THE AFFIANT SAITH NOT.

CK

Subscribed and sworn to before me,
Notary Public, this 30th day
of March, 2026.

Charles C. Gamble



NOTARY PUBLIC

My commission expires: 12/10/2025

No. 25-6536

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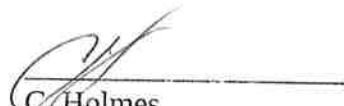
Granuaile, LLC, et al.

Respondents.

PROOF OF SERVICE

I hereby certify that defendants have not been brought into the case. All parties required to be served have been served.

Dated 3/30/26


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