

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Michael Baloga

Petitioner (Pro Se)

V.

Brian Jacisin

Jeff Frankenburger

Jon Fry

Robert Caruso

Respondents

ON PETITION FOR REHEARING Docket# 25-6901

UNITED STATES SUPREME COURT

ON PETITION FOR REHEARING

Michael Baloga Pro Se

65 Shulde lane

Wyoming PA 18644

570-239-7344

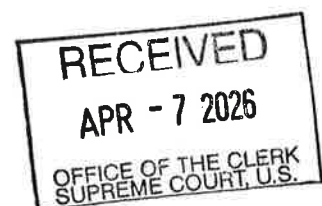


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List of Parties:

Michael Baloga (Plaintiff)

65 Shulde lane

Wyoming PA 18644

(570) 239-7344

Brian Jacisin (Defendants)

Jeff Frankenburger

Robert Caruso

Jon Fry

Defendants Counsel:

Michael John Scarinci Phillip A. Michael

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Table of Authorities

Village of Willowbrook v. Olech (2000)

Yick Wo, v. Hopkins (1886)

Enquist v. Oregon Department of Agriculture (2008)

Galette v. New Jersey Transit (2026)

Zorn v. Linton (2026)

Questions Presented:

Pursuant to Rule 44, Petitioner respectfully petitions the Court for rehearing and reconsideration of its March 23, 2026 order denying the Petition for Writ of Certiorari. The Petition presents Intervening circumstances and substantial grounds not previously presented. Did the Pennsylvania State Ethics Commission violate the Equal Protection act of the 14th Amendment and does the newly precedent cases on Sovereign immunity affect the Ethics Commission being shielded by immunity. This case issues of exceptional national importance. After going through the Attorney Olszewski's briefs (**See Writ Pet. Appendix F**) unlawful conduct by Pennsylvania State Ethics officials which violates the Equal protection of the 14th Amendment was discovered which were not previously presented. (Supreme Court Rule 44.2) After Baloga filed his Writ of Certiorari the Supreme Court ruled on Galette vs. NJ Transit (2026) and Zorn v. Linton (2026) which affects Sovereign immunity These circumstances justify the Court rehearing.

Background:

Michael Baloga was a victim of the Pennsylvania State Ethics Commission

employees falsifying under oath taped testimony and changing it to reflect what the witnesses did not say in a findings report to try to Convict Michael Baloga a Councilman in Wyoming Borough Pennsylvania from 2018-2021. The PA State Ethics Commission after two years withdrew all charges against Michael Baloga in March 2021 before an evidence hearing after Baloga's defense Attorney Peter Paul Olszewski discovered the Ethics Commission employees falsified under oath testimony and put it in a findings report document to try to Convict Baloga which was misconduct. Baloga filed a lawsuit for wrongful use of Civil proceedings in March 2022. The Dauphin County Court Judge John Cherry acknowledged the wrong doing as persuasive but sustained the defendants preliminary objections because of Sovereign immunity. The case was appealed to Pennsylvania Commonwealth Court which upheld the Dauphin County Court decision stating they are Sovereignly immune. Baloga could not afford counsel anymore from Weisburg law and filed Pro Se to Pennsylvania Supreme Court which denied the Petition for allowance of appeal and reconsideration for appeal. Baloga then filed with the U.S. Supreme Court Pro se a Writ of Certiorari stating his 14th amendment right was violated by the Pennsylvania State Ethics Commission when they falsified under oath witness testimony and

put it in their findings report to try to convict Baloga. Baloga also claimed the lower courts rulings left him with no remedy or redress because they shielded the employees of the Pennsylvania State Ethics Commission under Sovereign immunity even though they were involved with egregious misconduct when investigating Michael Baloga. The U.S. Supreme court on March 23, 2026 denied Baloga's Writ of Certiorari.

Reason for Rehearing: Substantial grounds not previously presented.

Michael Baloga's Equal Protection rights were violated when the Employees of the Pennsylvania State Ethics Commission while trying to convict Baloga in their investigation allowed three other Councilman and Wyoming Borough tax collector to correct their deficient Financial Ethics Statements while at the same time never allowed Baloga to correct his Financial Ethics form statements and then used those same three Councilman as witnesses against Baloga. **(See Writ Pet. Appendix F)** The Pennsylvania State Ethics Commission then tried to use Baloga's deficient statements to convict him. The Equal Protection Clause in the 14th Amendment mandates that individuals in similar situations be treated equally by the law.

By allowing other Council members to amend their deficient statements while denying Baloga the same opportunity and then try to convict him, the Commission engaged in

selective enforcement . This is referred to as a “class of one” equal protection claim

where a person is intentionally treated differently from others in similar situations without a rational basis. The Equal Protection Clause which states that “no state shall deny to any person within its jurisdiction the equal protection of laws”.

The Precedent case **Village of Willowbrook v. Olech (2000)** The Court ruled that an individual can sue for an Equal Protection violation if they were singled out arbitrary and irrational treatment even if they are not part of a traditionally protected group (like race or gender. In this case Baloga was singled out because they didn’t afford him the same treatment the other three councilman had to correct their deficient Financial Ethics forms and used it against Baloga in the Findings report to try to convict him. In the Precedent case **Yick Wo. V. Hopkins (1886)** this landmark case established that even if a law is fair neutral on it’s face it is unconstitutional if it is applied by public authorities with an evil eye and unequal hand. This is outrageous conduct by the Pennsylvania State Ethics against Michael Baloga. This is also a distinguishable case from **Enquist v. Oregon Department of Agriculture (2008)** where the Court ruled that Class of One claims generally do not apply to public employment decisions like hiring or firing, the Ethics

Commission was acting in its regulatory law enforcement capacity similar to the zoning board in *Olech*, not as Baloga's employer. Regulatory actions require a "Rational basis" and cannot be arbitrary.

The Pennsylvania Ethics Commission process was fundamentally unfair. The execution of the law toward Baloga was discriminatory because they purposely chose to enforce it strictly against Baloga while the other three Councilman were able to correct their financial statements. The Pennsylvania State Ethics Commission Violated the Equal Protection Clause of the 14th Amendment

The intervening circumstance a precedent case of U.S. Supreme Court *Galette v. New Jersey Transit* (2026) which came out after Baloga filed the Writ of Certiorari. Under the new, narrowed immunity standard established in *Galette v. New Jersey Transit* (2026), the Pennsylvania State Ethics Commission's discriminatory conduct- allowing three other councilman and the tax collector to amend their Financial Ethics Statement while targeting Baloga and not allowing him to amend his statements proves it was not acting as a Neutral arm of the state. Further more under *Zorn v. Linton* (2026) a precedent case that came out the day Baloga's Writ of Certiorari was denied shows that officials are protected unless they violate "clearly established law" The Pennsylvania State Ethics officials in this case violated clearly established law regarding equal protection, thereby forfeiting the right to

Sovereign immunity The ruling *Galette v. New Jersey Transit* (2026) speaks of the New Jersey Transit being independent of the State. The Pennsylvania Ethics Act explicitly defines the Commission as an independent state agency. Under *Galette*, this choice by the legislature to keep the agency independent may strip it of the State's Sovereign immunity regardless who represents its employees in court. The U.S. Supreme Court must allow the rehearing of the denial of Writ of Certiorari to deter state employees like the Pennsylvania State Ethics Commission to engage in egregious and outrageous misconduct while investigating public officials.

Conclusion:

Because of the way the Pennsylvania State Ethics Commission discriminatorily investigated Councilman Michael Baloga by not allowing the opportunity to correct deficient Financial Ethics Forms, but allowed three Councilman and the Tax collector to correct their statements, The Pennsylvania State Ethics Commission violated the Equal Protection Clause of the 14th Amendment. The Financial Ethics form was used by the Pennsylvania State Ethics Commission as a tool to convict Michael Baloga but not the other Councilmen and Tax Collector that were able to correct theirs. This is unbecoming of an Ethics Commission. Also the newly Precedent cases *Galette v. New Jersey Transit* (2026), and *Zorn v. Linton* (2026) may strip the Pennsylvania State Ethics

Commission of Sovereign immunity because the violated clearly established laws regarding Equal Protection of 14th Amendment. The Lord Jesus knows the conduct of the Pennsylvania State Ethics Commission was outrageous. I ask the U.S. Supreme Court to grant this rehearing of denial of Writ of Certiorari.

As required by U.S. Supreme Court Rule 44, I _____

Certify that the grounds for this petition for rehearing are limited to Substantial grounds not previously discussed and intervening circumstances. I also certify that this petition is presented in good faith and not for delay.

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Michael Baloga _____ Pro Se _____ Petitioner

VS.

Brian Jacisin "et el" _____ Respondents

PROOF OF SERVICE

I, _____ Michael Baloga _____, do swear or declare on this
date April 2 2026, as required by Supreme Court Rule 29 I have served the
enclosed A Petition for Rehearing FORMA PAUPERIS or that the party's counsel, and on every
other person required to be served, by depositing an envelope containing the above documents in
the United States mail properly addressed to each of them and with first class postage prepaid, or
by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served as follows:

Brian Jacisin, Robert Caruso, Jeff Frankenburger, Jon Fry.

Attorneys for Respondents: Michael John Scarcini, Michael A. Phillip Esq

Pennsylvania Office of Attorney General

PA Office of Attorney General

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Harrisburg PA 17120

(717) 857-2184

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

Executed on April 2, 2026


Signature

