

IN THE SUPREME COURT OF THE UNITED STATES

No. 25-7187

JERNICE HAMILTON

Petitioner,

v.

UNITED STATES

Respondent.

PETITION FOR REHEARING PURSUANT TO SUPREME COURT RULE 44.2

Petitioner respectfully moves this Court for rehearing of its order denying the petition for a writ of certiorari. Rehearing is imperatively warranted under Rule 44.2 because the denial was procured through an extraordinary, prejudicial breakdown of adversarial equity and due process caused by the Respondent's false certification of service. This structural violation directly stripped the Petitioner of the statutory right to file a timely Supplemental Brief under Rule 15.8, entirely depriving this Court of the opportunity to review controlling military statutes and overriding landmark precedents.

I. INTERVENING CIRCUMSTANCES AND SUBSTANTIAL GROUNDS FOR REHEARING

Pursuant to Supreme Court Rule 44.2, a petition for rehearing may be granted based upon "intervening circumstances of a substantial or controlling effect" or "other substantial grounds not previously presented."

In this matter, a critical procedural and due process omission occurred. Petitioner's timely Supplemental Brief—which addressed sweeping shifts in administrative law, jurisdictional enforcement bars, and active statutory violations against veterans—was received by the Clerk's Office but was not formally docketed prior to the distribution window. As detailed below, this failure to docket was not a harmless technical error; it was the direct, prejudicial result of a fraudulent timeline engineered by the Respondent. Consequently, this Court evaluated and denied the petition without the benefit of critical arguments regarding 10 U.S.C. § 12301 and § 1214.

II. THE SOLICITOR GENERAL'S FALSE CERTIFICATION AND THE RESULTING SUBSTANTIVE PREJUDICE

The denial of certiorari in this case must be reconsidered because the structural integrity of the briefing process was fundamentally compromised by the Solicitor General (SG):

1. **False Certification of Service:** The Solicitor General filed a Waiver of Rights with this Court, certifying to the Clerk that a copy had been mailed to the Petitioner on May 7th. This certification was false. The Solicitor General did not actually mail the waiver to the Petitioner until May 15th, and entirely omitted the mandatory Certificate of Service from that mailing
2. **Prejudicial Timing of Distribution:** Relying directly on the SG's false record date of May 7th, the Clerk's Office distributed the case to the Justices on May 13th. This distribution occurred two full days *before* the Petitioner even physically received the waiver in the mail, leaving the Petitioner entirely blind to the active status of the docket.
3. **Destruction of Rule 15.8 Rights:** By withholding the waiver and misrepresenting the service date on the court record, the Respondent effectively made it impossible for the Petitioner to file a Supplemental Brief within the mandatory Rule 15.8 window, which requires distribution 10 days prior to the scheduled conference.
- 4 **Substantive Prejudice:** This manipulation of the timeline caused severe prejudice. It actively blocked the Petitioner from alerting the Court to active, ongoing statutory violations under 10 U.S.C. § 12301 and § 1214 regarding living and deceased veterans, and suppressed the timely introduction of overriding landmark precedents.

III. RELEVANT STATUTORY AND CONTROLLING PRECEDENTIAL CONFLICTS

Had the Respondent complied with basic service rules, the undocketed Supplemental Brief would have demonstrated substantial grounds showing that the lower court's enforcement mechanisms directly conflict with federal military protections and core principles of judicial review:

- **A. The Controlling Military Framework:** At all times relevant to this dispute, the Petitioner was active under 10 U.S.C. § 12301. The statutory mandates governing this specific military status explicitly conflict with the enforcement mechanisms applied below.

- **B. Denial of Statutory Rights:** The military administration actively denied the Petitioner rights guaranteed under **10 U.S.C. § 1214**, which mandates a full and fair hearing before separation or retirement for physical disability. This statutory protection covers both living service members and the estates of deceased veterans, yet it was completely bypassed.
- **C. The HEIGHTENED PROTECTIONS OF A PURPLE HEART RECIPIENT:** The Petitioner is a combat-wounded **Purple Heart recipient**. Congress has established unique statutory intent and heightened public policy protections to safeguard the retirement, medical evaluation, and disability benefits of combat-wounded service members. By denying a Purple Heart veteran the mandatory physical disability evaluations required under **10 U.S.C. § 1214**, the government committed a structural error that cannot be brushed aside as harmless or standard administrative discretion.
- **D. The Jurisdictional Enforcement Bar under *Adamo Wrecking*:** Under long-standing precedent in *Adamo Wrecking Co. v. United States*, **434 U.S. 275 (1978)**, the Court has established that individuals facing enforcement or punitive administrative measures cannot be strictly precluded from challenging whether an underlying regulation or administrative action aligns with congressional intent. Here, the government's denial of **10 U.S.C. § 1214** rights create an unauthorized enforcement mechanism that ignores statutory text, violating the principles of structural defense outlined in *Adamo Wrecking*.
- **E. The Complete Overruling of Broad Agency Deference:** The underlying administrative framework applied by the lower court relies upon principles of broad agency deference that have been completely dismantled by this Court's landmark rulings in *Loper Bright Enterprises v. Raimondo*, **144 S. Ct. 2244 (2024)** and *Corner Post, Inc. v. Board of Governors*, **144 S. Ct. 2440 (2024)**. Agencies no longer possess implicit leeway to narrow statutory definitions or skip explicit mandates passed by Congress.

F. The Vindication of Back Pay and Retroactive Rights: Most critically, this Court's recent unanimous ruling in *Soto v. United States*, **605 U.S. ____ (2025)** reinforces that specific military and veteran compensation statutes displace generic federal barring rules and administrative limitations. The *Soto* decision establishes a clear judicial mandate that the government cannot rely on self-serving administrative timelines or technical defaults to minimize, truncate, or outright deny veterans the full statutory benefits and restorations they earned on active duty. Because the SG's false certification blocked the timely docketing of the Supplemental Brief, this Court was forced to evaluate the petition under obsolete, pre-*Soto* frameworks that no longer govern veteran litigation.

CONCLUSION

Because the non-docketing of the Supplemental Brief was caused by the Respondent's prejudicial service violations, and because this error completely obscured clear violations of veteran rights under 10 U.S.C. § 12301 and § 1214—reaffirmed by *Adamo Wrecking*, *Soto*, *Loper Bright*, and *Corner Post*—the Petitioner respectfully requests that this Court grant rehearing, vacate its prior denial, and review this case on the merits.

Respectfully submitted,

Dated: June 8, 2026



Jernice Hamilton

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[Your Email Address]

MANDATORY CERTIFICATE OF GOOD FAITH

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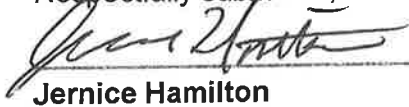
CERTIFICATE OF PURSUANT TO SUPREME COURT RULE 44.2

I hereby certify that this Petition for Rehearing is presented in good faith and not for purposes of delay. I further certify that this petition is strictly restricted to the grounds specified in Supreme

Court Rule 44.2, specifically focusing on intervening circumstances and substantial grounds not previously considered by the Court due to the procedural anomalies and prejudicial service delays surrounding the Respondent's Waiver of Rights and the non-docketing of the Supplemental Brief.

Dated: June 8 2026

Respectfully submitted,

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

Jernice Hamilton

Petitioner Pro Se
