

DOCKET NO. 25-814

UNITED STATES SUPREME COURT

Assata Hackman, Petitioner v. InductEV,

Petitionee

On Petition for Writ of Certiorari to the United
States Court of Appeals for the Third Circuit

Petition for Rehearing

Assata Hackman

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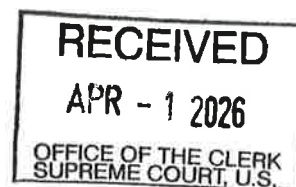


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Grounds for Granting

The third circuit's treatment of evidence exceeded limits set by the Constitution, the US Supreme Court, and The Federal Rules of Appellate Procedure. In accordance with this Court's rule 44.2, Petitioner seeks rehearing on these substantial, previously unrepresented grounds.

It is shocking that an appellate court would subvert the Federal Rules of Appellate Procedure, binding Supreme Court precedent, and the United States Constitution. Yet all of these authorities pplied to

the circuit court's disposition of petitioner's case; all were violated by the third circuit's exclusion of petitioner's appellate evidence.

I. The third circuit excluded petitioner's appellate evidence without notice, opportunity to respond, or a finding of bad faith.

The third circuit's opinion held no basis in the merit of petitioner's submitted appellate evidence. Regarding petitioner's submitted appellate evidence, the third circuit makes two distinctive statements, relegated respectively to the opening and closing of their opinion: that "[petitioner's citations] either do not exist, are not what she says they are..." and that "[petitioner] fai[ed] to cite to anything in the record that shows a genuine dispute". (Appendix to Petition for Writ of Certiorari, p11, 20. Citations provide locations, and there is no way to review unlocated

evidence, let alone to judge the accurate depiction or “exist[ence]” of unlocated evidence. *Id.* at 11.

Therefore, any “dismissal” of petitioner’s evidence was merely a restatement of defective citation form, and a statement of form is not a decision on the merits. Throughout their opinion, the third circuit panel largely avoided merit-based discussion of petitioner’s submitted appellate evidence, essentially excluding that evidence as a basis for their decision.

The panel’s exclusion of petitioner’s submitted appellate evidence was an act of the federal government. Defective citation form is not a de facto excluder of a party’s evidence. On finding that the petitioner’s citations would not be processed, the circuit court had the option to present their pending decision to exclude evidence to both parties for argument. Instead, the panel made the conscious

choice to *sua sponte* finalize their exclusion of evidence, making this an elected action as opposed to an unavoidable fact of nature.

The third circuit failed to provide notice of their then-pending decision to exclude evidence. From the 01/28/2025 filing of the appeal to the publishing of their order in 07/01/2025, there were no mailings to the petitioner or filings from the third circuit to indicate any failure on petitioner's part to comply with citation form requirements. The only mention of citation defects was made in their final opinion, as a notice of their final decision to exclude petitioner's evidence. By placing their first notice in their final per curiam order, the third circuit failed to provide notice of their pending decision to exclude petitioner's appellate evidence.

In failing to provide notice, the third circuit also deprived petitioner of the opportunity to be heard in the matter of excluding evidence. There was no pending-decision-hearing, rather the provision of post-decision notice only allowed for a post-decision hearing. Regardless, after their jurisdiction-relieving denial of petitioner's motion for rehearing, it was without doubt that the third circuit had denied petitioner of any opportunity to contest their exclusion of evidence.

Outside of failing to provide notice or a hearing, the third circuit opinion offered no finding that petitioner had acted in bad faith. Throughout their opinion, no concrete allegations are made regarding petitioner's intent to comply with the appellate court's requirements.

By limiting its dispositive review of petitioner's cited evidence to a first-time allegation of defective

citation form, the third circuit willingly excluded petitioner's appellate evidence without notice, opportunity to be heard, or a finding of bad faith.

II. The Constitution enjoins courts from excluding evidence without notice, opportunity to be heard, and a finding of bad faith.

The exclusion of evidence by federal courts is controlled by the fifth amendment to the US Constitution. The fifth amendment governs federal deprivations of any person's life, liberty, or property. In this context, liberty is largely distinguished as a freedom from negative government interference. Consistent with that definition, judicial exclusion of evidence is an act of negative government interference that limits a party's ability to support its position, often depriving even a meritorious case of success. Such a negative interference is a

deprivation of liberty as described in the fifth amendment of the US constitution.

Before a person can be deprived of liberty, the constitution's fifth amendment requires a process that is: impartial, justified, and in maintenance of behavioral standards. These are not hallucinated requirements; they exist in direct reference to the constraints set in the preamble. The fifth amendment's wording explicitly requires *due process* whenever a party is deprived of liberty:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty, or property, without**

due process of law; nor shall private property be taken for public use, without just compensation.” U.S. Const. amend. V.

However, the establishment of justice is asserted in the preamble as one of the five purposes of the constitution:

“We the People of the United States, in Order to form a more perfect Union, **establish Justice**, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, **do ordain and establish this Constitution** for the United States of America.” U.S. Const. pmb.

While due process is not explicitly defined in the fifth amendment, its meaning, as for the meaning of each piece of the constitution, is constrained to those purposes asserted by the preamble.

At this stage, the preamble’s constraint is further explained by the etymology of *justice*. Oxford

English Dictionary primarily defines justice as “that act of being just”. *Justice*, 5 Oxford English Dictionary 640 (1933). The very first definition of *just* involves being “justified”, and the second-most meaning is to be “upright and impartial”. *Just*, 5 *Oxford English Dictionary* at 638. Indeed, the dictionary’s earliest examples of justice (year 1137) are prioritized to convey justice as “an exercise of power or authority in maintenance of right”. *Id.* at *Justice*. The use of *right* is also primarily given as “a standard of permitted and forbidden action within a certain sphere”. *Right*, 8 Oxford English Dictionary 669 (1933). When applied to the fifth amendment, the Constitution’s preamble then clarifies that a due process of the law must also establish justice; by the etymology of justice, the process to depriving a person of liberty must be justified, impartial, and in maintenance of a standard of action.

This clarification supports the need for notice and a hearing, as there is partiality in either informing only one party of or considering only one party's input in a pending liberty-depriving decision. This is true even when courts act *sua sponte*. In acting *sua sponte*, the court inserts itself as an interested party, acting on its own reasoning and possessing prior knowledge of its pending action. Impartiality then requires that a court, whether acting on the notice and input of another party or having heard its own input and possessing sole knowledge—that such court provide notice and opportunity to be heard to all other parties before depriving a person of liberty.

Moving further, it is against the “maintenance of standards for permitted or forbidden action” to deprive a person of liberty without a finding of bad

faith. Barring the deterrent of others, deprivation of liberty upholds no behavioral standard that an informed good faith actor wont meet. And to the deterring of others, any such "other" requiring deterrent from the government, is a more deserving candidate for deprivation than a person already acting in good faith. Therefore, without a finding of bad faith, there is no constitutional deprivation of liberty, as the liberty-depriving act is no longer justified.

The Constitution therewith prohibits courts from excluding a party's evidence without prior notice, opportunity to be heard, and a finding of bad faith.

III. The Supreme Court's early and modern precedents enjoin courts from excluding evidence without notice, opportunity to be heard, and a finding of bad faith.

Notice, opportunity to be heard, and a finding of bad faith are requirements established by the

Supreme Court's early rulings. In *Marbury v. Madison*, the Marshall court validated the constraint of "due process" to the "establish[ment] of justice" by arguing that constitutional construction cannot cancel out other clauses in the constitution:

"It cannot be presumed, that any clause in the Constitution is intended to be without effect; and therefore, such a construction is inadmissible, unless the words require it." *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 174 (1803). "If any other construction would render the clause inoperative, that is an additional reason for rejecting such other construction, and for adhering to their obvious meaning." *Id.* at 175.

In 1799, the Ellsworth court intimated notice as a requisite for federal courts depriving persons of liberty, because they said that the court cannot influence any interested party without having them brought before the court (presumably *through* notice and *for* opportunity to be heard):

"all parties in interest, however remote, must be brought before the court, or they cannot be affected by its proceedings." *State of New York v. State of Connecticut*, 4 U.S. (4 Dall.) 1, 3 (1799).

In 1813, the Marshall court echoed the prerequisites of notice and opportunity to be heard by relating notice to justice through its enabling of an informed defense:

"But a rule so essential to justice and fair proceeding as that which requires a substantial statement of the offence upon which the prosecution is founded, must be the rule of every court where justice is the object, and cannot be satisfied by a general reference to the provisions of a statute." *Schooner Hoppet and Cargo v. United States*, 11 U.S. (7 Cranch) 389, 394 (1813).

"The reasons for this rule are, 1st. That the party accused may know against what charge to direct his defence..." *Id.* at 394.

Finally, in 1814 the Marshall court also ruled that the possibility of good faith precluded a final exclusion of a party's claims ---solidifying the need to establish bad faith in order to deprive a party of liberty:

"Perhaps, Mr. Penniman thought he did sufficient, in stating they were in his possession. Certain it is, he could have no motive for suppressing papers which would have established so conclusively his title ... The court, therefore, allows him until next term, to make proof, by affidavit and the production of documents, of his right to the property claimed. " St. Lawrence, Webb, Master, The, 12 U.S. (9 Cranch) 434, 443 (1814).

Notice and opportunity to be heard are also maintained through more modern court precedent.

In 1965, the Warren court again upheld requirements of notice and opportunity to be heard, citing respectively to the Venson Court, (which in

turn had cited the Hughes, White, and Fuller eras of this Court):

“It is clear that failure to give the petitioner notice...violated the most rudimentary demands of due process of law. ‘Many controversies have raged about the cryptic and abstract words of the Due Process Clause but there can be no doubt that at a minimum they require that deprivation of life, liberty or property by adjudication be preceded by notice and opportunity for hearing appropriate to the nature of the case.’ *Mullane v. Central Hanover Tr. Co.*, 339 U. S. 306, at 313. ‘An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. *Milliken v. Meyer*, 311 U. S. 457; *Grannis v. Ordean*, 234 U. S. 385; *Priest v. Las Vegas*, 232 U. S. 604; *Roller v. Holly*, 176 U. S. 398...’ *Id.* at 314” *Armstrong v. Manzo*, 380 U.S. 545,550 (1965).

One thing is clear, for requirements on which even Marshall and Warren eras agree, there must be some undeniable utility. The requirements of a deprivation of liberty are thus all rooted in valuable supreme court precedent, prohibiting courts from excluding evidence without notice, opportunity to be heard and a finding of bad faith.

IV. The third circuit's disposition of petitioner's case is a gross breach of discretion that the Supreme Court must correct.

Through its due process clause, the US Constitution demanded that the circuit provide notice, opportunity to respond, and a finding of bad faith before excluding my evidence. This Court's precedents required them to provide notice, opportunity to respond, and a finding of bad faith before excluding my evidence. As both are federal

laws, FRAP 47 required the third circuit to act in “consisten[cy]” with both requirements. Fed. R. App. P. 47(b). No portion of the judicial branch possesses power to change the constitution, nor does the third circuit possess authority to alter supreme court precedent or *sua sponte* rewrite the federal rules of appellate procedure. The third circuit’s actions did not change these laws and regulations; they disregarded them.

Any action taken by inferior courts reflects back on the judiciary as a whole. As leaders of the judiciary, the Supreme Court is duty bound to ensure lower courts are following the binding regulations and laws, especially the constitution. This Court is therefore duty bound to enforce a constitutionally efficacious judiciary by reversing the third circuit’s disposition of my case.

On these grounds, I am asking the Supreme Court to rehear my petition for Writ of Certiorari and ensure equal protection of laws and regulations throughout all federal courts.

Sincerely,

/s/Assata Hackman (Pro Se)

4:15 PM, 03/18/2026

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Rule 44 Certificate



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United States Supreme Court

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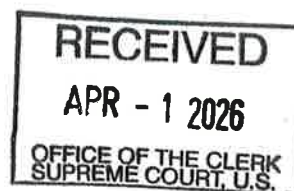
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This petition is presented in good faith and not for delay and is restricted to grounds specified in Rule 44.2.

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

Executed on 03/28/2026.

/s/Assata Hackman (Pro Se).

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Rule 31 Certificate

This petition complies with the word limitations of this Court, having been calculated by the word processing system to contain 2,346 words.

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

Executed on 03/28/2026.

/s/Assata Hackman (Pro Se).

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Proof of Service

Service of Petitionee, InductEV has been
made on 03/30/2026, by United States Postal
Service, to their lead counsel of record--
Randall C. Schauer (Address: 747
Constitution Dr. Suite 100, Exton, PA 19341
Phone: 610-458-4967)

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

Executed on 03/30/2026.

/s/Assata Hackman (Pro Se).

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