No. 25-881

In the Supreme Court of the United States

IN RE ESTATE OF CHARLES HADSELL,
Deceased,
CHRISTOPHER HADSELL,
Petitioner,

—v—

CATHERINE ISHAM,
Respondent.

PETITION FOR REHEARING

Service on States' and Territories' Attorneys General

Christopher Hadsell
Petitioner In Propria Persona
9000 Crow Canyon Rd., S-399,
Danville, CA 94506
• (925) 482-6502 • CJHadsellLaw@gmail.com

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II. PETITION FOR REHEARING

A. GROUNDS FOR REHEARING

1. INTRODUCTION

Pursuant to U.S. Sup. Ct. R.[1], rule 44, Petitioner, ("**Hadsell**"), respectfully petitions for rehearing of this Court's 3/30/26 Order denying Hadsell's Writ of Certiorari, ("**Writ**").

SCOTUS Rule 44 provides two grounds for Petitions for Rehearing, "intervening circumstances of a substantial... effect or... other substantial grounds not previously presented." Both apply here.

2. INTERVENING CIRCUMSTANCE

On 1/20/26, SCOTUS denied Mr. Howell's ("**Howell**") motion for leave to file *in forma pauperis* on the ground that his writ of certiorari is frivolous or malicious[2]. SCOTUS dismissed his writ of certiorari. *Indiana ex rel. Howell v. Cir. Ct.* (2026) 146 S.Ct. 585.

SCOTUS also ruled:

> As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner...

[1] Subsequent references to the U.S. Sup. Ct. R. will be designated "**SCOTUS Rule**".

[2] His writ is arguably neither, *Howell*., 586

Justice Jackson ("**Jackson**"), in her dissent, raises two issues applicable here: i) a lifetime ban on ***all future filings***, "no matter what", *id.*, 586, and ii) access to courts exceeds any court administrative burden, *id.*, 589

These ***exact same issues*** apply to the States' Vexatious Litigant Laws raised in the Writ.

Jackson discusses these issues in factual terms. This Petition discusses them in constitutional violations.

3. FAILURE TO PROVIDE ACCESS TO THE COURTS

a. U.S. Const. *Grants* Enumerated Powers to the Government

Every power that government exercises is granted by the grace of The People—as enumerated in the U.S Const.

Because the U.S. Const. is the ***only*** legal authority providing government with legitimate power, ***every*** newly elected/re-elected/appointed Congressional member, Executive Officer, and Judicial Officer ***must*** swear an oath to uphold the U.S. Const. ***before*** s/he is allowed to exercise ***any*** power. This is so important that the Oaths of Office (1. Stat. 23) is ***the*** first statute Congress passed.

b. U.S. Const. *Recognizes* The People's Rights

All rights belong to the People. The People granted limited rights to government so that government can serve The People. Thus, it's absurd to suggest that the U.S. Const. grants ***any*** rights to The People; that would be the most embarrassing regifting of all time.

Notwithstanding, after centuries of Great Britain's backsliding on the Magna Carta (finally halted with the bulwark provided by the 1689 English Bill of Rights), ratification of the U.S. Const. was headed in one of three directions, in order of likelihood[3]:

- Defeat;
- A second constitutional convention; or
- Adoption, conditioned on immediately filling the gaping concerns about:
  - The Necessary and Proper Clause (U.S. Const. art. I, §8, cl. 18; and
  - No 1689 English Bill of Rights equivalent.

c. The People's Rights Are Fundamental to U.S. Civilization

Among the People's ***infinite*** rights (that's why the U.S. Const. cannot recognize them all) are four rights ***recognized*** in the 1st Amend.: i) freedom of speech, ii) freedom of the press, iii) peaceable assembly, and

[3] See PAULINE MAIER, RATIFICATION, THE PEOPLE DEBATE THE CONSTITUTION, 1787-1788; an expert on ratification as cited by Justice Barrett in her book, LISTENING TO THE LAW.

iv) redress of grievances, (**"Four Fundamental Rights"**).

The only judicial right is redress of grievances. That includes "the right of access to the courts", *Bill Johnson's Rests. v. NLRB* (1983) 461 U.S. 731, 741. SCOTUS knows redress of grievances' importance, "As this Court said in *United States* v. *Cruikshank*...: '***The very idea of a government***, republican in form, implies a right on the part of its citizens... to petition for a ***redress of grievances***.'", *De Jonge v. Oregon* (1937) 299 U.S. 353, 364.

d. SCOTUS' Jurisdiction

The U.S. Const. defines SCOTUS' powers, (U.S. Const. art. III, §2, cl. 1, and cl. 2). Cl. 2 states (emphasis added):

> In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party[4], the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned [Cl. 1], the supreme Court shall have ***appellate Jurisdiction***, both as to Law and Fact, ***with such Exceptions***, ***and*** under such ***Regulations as the Congress shall make***.

[4] A state is a party in litigation: i) between states, ii) between the U.S. and a state, and iii) when the state is a formal party; ***not***, as here, as a nominal party for an ex rel. party.

e. Incremental Steps to SCOTUS' Review Jurisdiction Today

A) Riding Circuit

For SCOTUS' first ***101 years***, the justices' primary duty involved "riding circuit"[5]. Because there were no circuit-court judges, circuit courts comprised two SCOTUS justices (1 after 1793) and a district-court judge. It held trials and appellate review of district courts. In 1869, Congress provided circuit-court judges, reducing demands on SCOTUS justices. In 1891, Congress established the circuit court of appeals. However, "circuit riding" didn't end until 1911 when Congress moved the remaining "old" circuit-court duties to the district courts.

Concurrently, SCOTUS was ***required*** to review ***all*** appeals from the circuit courts, and ***all*** state-court judgments, for its first ***200 years***.

B) Unconstitutionally Reducing SCOTUS' Required Review

1) Fundamental Rights Cannot Be Abridged

The Four Fundamental Rights cannot be abridged. The 1st Amend. states, "Congress shall make no law… abridging the [Four Fundamental Rights]."

[5] In SCOTUS' first year, 1790, SCOTUS decided ***zero*** cases. In 1791, two cases were decided, using less than one page, 2 U.S. Reporter 401.

De Jonge, 364 states (emphasis added):

> The *First Amendment*… *expressly guarantees* that right [address of grievances] *against abridgment* by Congress. But explicit mention there does not argue exclusion elsewhere. For the right is one that cannot be denied without violating those fundamental principles of liberty and justice which lie at the base of ***all*** civil and political institutions, principles which the Fourteenth Amendment embodies in the general terms of its due process clause. [Citations.]

Despite an ***absolute*** prohibition against abridging the Four Fundamental Rights, any ***abuse*** that results from exercising the rights can, and should be, prohibited. *De Jonge*, 364 continues:

> These rights may be abused… The people through their legislatures may protect themselves against that abuse. But the legislative intervention can find constitutional justification ***only*** by dealing with the abuse. The rights themselves ***must not*** be curtailed.

a) Legal Mind

Justices Breyer, Ginsburg, and Souter have all referenced Thomas Reed Powell's description of a legal mind (emphasis added), "***If you think you can think about a thing that is hitched to other things without thinking about the things that it is hitched to, then you have a legal mind***.", A. Simpleman, Jr., *Sentimental Metaphors* (1986) 34 UCLA L. Rev. 537, 576.

Here, the issue is to separate the ***abuse*** of the rights ("a thing") from the Four Fundamental Rights (the thing that the "abuses" are "hitched to").

C) *Constitutional Crisis Issue 1*: SCOTUS Arrogated Congress' Regulatory Power to Set The Federal Courts' Review Jurisdiction For State-Court Judgments

The U.S. Const. art. III, §2, cl. 2 ***mandates*** SCOTUS to provide judicial review of lower-court decisions. ***However***, it vests Congress with the power to create "exceptions" and "regulations".

And Alexander Hamilton (avoiding defeat, or another convention) exhorted the states to adopt the U.S. Const. since doing so results in [ALEXANDER HAMILTON, ET AL., THE FEDERALIST (The Easton Press ed. 1979) (10/27/1787–4/2/1788) (**"The Federalist"**), 178), (emphasis added)]:

> [W]ith the attempts of the government to establish a tyranny… Power being almost always the rival of power, the ***[fed]eral government*** will ***at all times*** stand ready to ***check the usurpations of the State governments***, and these will have the same disposition towards the [fed]eral government…. If the [People's] rights are invaded by either, they can make use of the other ***as the instrument of redress***.

Today, SCOTUS' state-court-judgments review jurisdiction is provided by 28 U.S.C. §1257 (**"§1257"**). Section 1257 originated with the Judiciary Act of 1789, 1 Stat. 73, 81 [§13(a)], and 85 (§25)—the 20th statute Congress passed.

Throughout its 237-year history, §1257 ***never*** provided SCOTUS with "exclusive" federal jurisdiction of state-court judgments; nor that judgments from the highest state court cannot concurrently be reviewed by lower federal courts.

Moreover, *Kokkonen v. Guardian Life Ins. Co. of America* (1994) 511 U.S. 375, 377 instructs (emphasis added):

> Federal courts… possess ***only*** that power authorized by Constitution and statute, [Citations], ***which is not to be expanded by judicial decree***, [Citation].

Notwithstanding, SCOTUS decided (in violation of U.S. Const. art. III, §2, cl. 2, and *Kokkonen*) in *Rooker v. Fidelity Trust Co.* (1923) 263 U.S. 413, 416[6]:

> ***Under the legislation of Congress***, ***no court of the United States other than this court*** could entertain a proceeding to reverse or modify the judgment for errors…. Judicial Code, § 237… To do so would be an exercise of appellate jurisdiction. The ***jurisdiction*** possessed by the ***District Courts is strictly original***. Judicial Code §24.

These claims are outrageous. It's like using a "No Swimming" sign as a diving board.

[6] Mr. & Mrs. Rooker took an Indiana-Supreme-Court judgment to district court. Thus, *Rooker* is a district-court appeal for SCOTUS.

1) *Rooker* Creates at Least Three Constitutional Violations

a) It *Expands* SCOTUS' Jurisdiction

Exclusive jurisdiction means that a court is designated as the only court to hear a matter. Whereas concurrent jurisdiction means that more than one court can hear a matter.

Congress knows how to create exclusive jurisdiction; e.g., the 1911 Jud. Code §207, states: "The jurisdiction of the Commerce Court over cases of the foregoing classes shall be exclusive…"[7].

Congress has ***never*** conferred exclusive jurisdiction over any state-court judgment upon SCOTUS. Therefore, *Rooker* violates U.S. Const. art. III, §2, cl. 2.

b) It *Contracts* All Lower Federal Courts' Jurisdiction

By conferring ***exclusive*** jurisdiction upon itself, SCOTUS simultaneously ***removes*** jurisdiction from all lower federal courts; violating U.S. Const. art. III, §2, cl. 2. As an author of the U.S. Const., Alexader

[7] Indeed, when Jud. Code §24, Eighteenth ¶, provides jurisdiction to district courts for, "All suits against consuls or vice consuls.", the statutory notes are careful to point out that (emphasis added), "The jurisdiction of the Supreme Court in cases affecting ambassadors, other public ministers, and consuls under Article III, § 2, of the Constitution is ***original but not exclusive***, and hence does not invalidate this clause."

Hamilton states, "I perceive at present no impediment to the establishment of an appeal from the State courts to the subordinate national tribunals; and many advantages attending the power of doing it may be imagined.", The Federalist, 555.

c) It Creates Unconstitutional Original Jurisdiction for SCOTUS

The *Rooker* quote *supra* correctly states that district courts have strictly original jurisdiction. However, it's a donut interpretation because it ignores the hole in the middle of its interpretation. Jud. Code §24, Fourteenth ¶ (28 U.S.C. §1343(a)(3)), provides district court jurisdiction for (emphasis added):

> [A]ll suits... ***to redress the deprivation***, ***under color of any law***, statute, ordinance, regulation, custom;... ***secured by*** the Constitution of the United States, or of any right secured by any law of the United States providing for equal rights of citizens of the United States, or of all persons within the jurisdiction of the United States.

A court judgment is "common law". A legislative law is a "statute". To avoid superfluidity, "law, statute" are interpreted as "common law, statute". Thus, contrary to *Rooker*, district courts have jurisdiction over state-court judgments—***but***, in limited circumstances.

No federal court has jurisdiction for ***a purely*** state-law issue. But, when state law ***deprives*** one of a right, "***secured by***" the U.S. Const., or by federal-equal-rights law, a district court has jurisdiction.

Now the issue is to separate ***the effects*** of a state-court judgment ("the things") from the state-court judgment (the thing that "the effects" are "hitched to").

The reason a district court has jurisdiction is because the ***federal*** claim is: ***the effects*** of the state-court judgment violate federal law; ***not*** that the claimant is seeking state-court judgment ***review*** for error.

Today, ***only*** the judgments from the highest court of the state are allowed to seek redress from the federal courts, and ***only*** SCOTUS can adjudicate it.

This means that SCOTUS is the ***federal-court entry point*** for a state-court judgment that violates federal law. This creates at least two problems:

The average cost of submitting a writ of certiorari ("**Cert**") to SCOTUS is $100-250,000. This is cost prohibitive for almost all claims.

More importantly, these claims involve the first attempt to make a ***federal*** claim. Thus, it is an ***original*** jurisdiction claim. But, that is unconstitutional for at least two reasons.

First, SCOTUS' original jurisdiction is limited to, "Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party...", U.S. Const. art. III, §2, cl. 2. Thus, a controversy involving the effects of a state-court judgment upon the formal parties doesn't qualify for original jurisdiction.[8]

Second, as the ***only*** opportunity to redress of grievances in federal court, SCOTUS has no discretion to deny access to the court because that would violate the 1st Amend.'s requirement to provide redress of grievances via access to the courts.

D) *Constitutional Crisis Issue 2*: Case Selections Act of 1988

Although the Judiciary Act of 1925 (43 Stat. 936) gave SCOTUS some discretionary review, ***all*** district-court-decisions review continued until 1988 because of the "by appeal" language in §1257 subsections 1. and 2.

The Supreme Court Case Selections Act of 1988 (102 Stat. 662) eliminated the "by appeal" language; thus taking the final incremental step to convert The People's ***right*** to access the courts into a request honored only by the ***grace*** of SCOTUS.

Although ***any*** abridgement of access to the courts is unconstitutional facially, because there remained the fig-leaf defense that one route to the courts remained open, then the prior abridgements magically weren't abridgements.

[8] Had SCOTUS ***not*** unconstitutionally eliminated federal-district-court jurisdiction: i) they would have original jurisdiction, and ii) any SCOTUS review ***would be*** review of a lower federal court.

The fig leaf's removal exposes the steps for what they are, ***facially unconstitutional*** SCOTUS cases and Congressional laws.

E) *Constitutional Crisis Issue 3*: Writ of Certioari Process Is Unconstitutional As-Applied

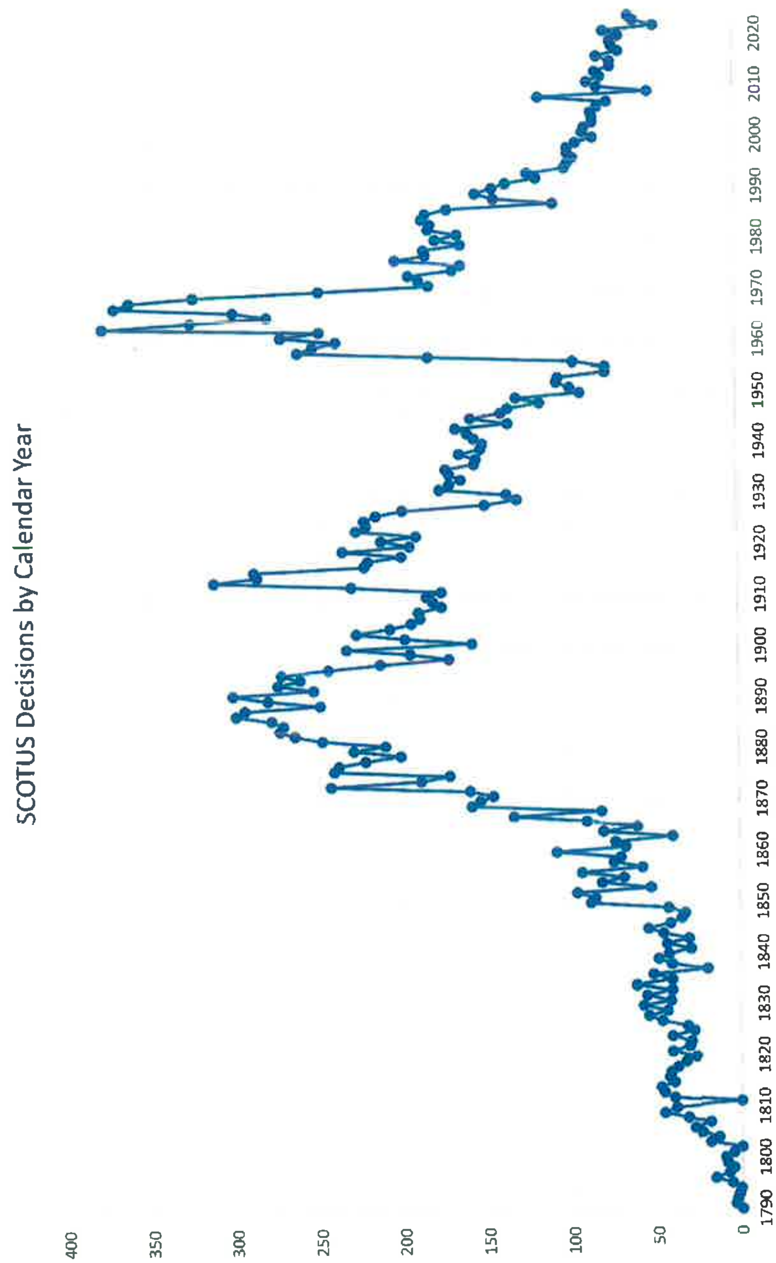
Slowly raising the water temperature for over 200 years so that the frog doesn't notice it's being boiled, SCOTUS, for all practical purposes, has limited access to its sandbox to only two players: the Solicitor General, and former SCOTUS justices' law clerks.

SCOTUS' annual cases ranges from 0 (1790) to 370 (1967). The chart (next page) shows great variation—significant rises from the 1869 Act's added capacity and the Warren Court's vigor in the 1950s and 1960s; significant drops with SCOTUS' added discretion from the 1891, 1925, and 1988 Acts.

It cannot be legitimately disputed that SCOTUS' track record regarding The People's rights (viz., civil rights) has been abysmal (before the Civil War, fanning the flames of war, *Barron v. City of Baltimore* (1833) 32 U.S. 243[9], *Dred Scott v. Sandford* (1857) 60 U.S. 393[10];

[9] Bill of Rights doesn't apply to the states.

[10] Whether a slave or free, people of African descent aren't U.S. Citizens; therefore, they have no access to the courts. Written by Chief Justice Taney, the government's lawyer in *Barron*.


SCOTUS Decisions by Calendar Year
0
50
100
150
200
250
300
350
400
1790
1800
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after the Civil War, and the 13th and 14th Amends., the *Slaughter-House Cases* (1872) 83 U.S. 36[11], *Plessy v. Ferguson* (1896) 163 U.S. 537[12]). In fairness to the Warren Court (1953-1969), Civil Rights (in SCOTUS' Munchausen-Syndrome-by-Proxy manner) restored many Civil Rights the Court took away; thus, it's no coincidence that those years hold the record, by far, for SCOTUS' greatest number of decisions (with just 5 of its 16 years, 1963-4, 1967-9, totaling 1,756 cases, or hundreds more cases than the entire Roberts Court since 2005.

As the Writ (p. 43) reveals, the 60 SCOTUS 2023-term Cert cases involved:

- 55 (91.7%), current/former SG employees; 51 of those involved former SCOTUS law clerks.
- Four (6.7%), former SCOTUS law clerks (two involved current State Attorneys General).
- One (1.7%), a State Attorney General's Office.

As to the elite status of former SCOTUS law clerks: i) for well over 20 years, all but one of the last eight SGs was a SCOTUS law clerk; ii) six current justices were SCOTUS law clerks; iii) 56 cases involved at least one former SCOTUS law clerk; and iv) a total of ***151*** former SCOTUS justices' law clerks were involved.

[11] The 14th Amend. applies only to the federal government.
[12] State laws mandating racial segregation in public accommodations and services ("Separate but Equal") don't violate equal-protection rights.

While having a SCOTUS elite involved doesn't guarantee the Cert is granted, not a single Cert was granted without one.

Therefore, by completely shutting out all but the most elite players, SCOTUS' writ process was unconstitutional as-applied.

f. Response to Concerns Raised

Obvious responses to the issues raised are: i) too expensive to address, and ii) SCOTUS can't handle the case load.

The replies are equally obvious:

A) Too Expensive...

1) That's an Unacceptable Excuse

The U.S. Const. is the Supreme Law of the Land... unless upholding it would be inconveniently expensive is ridiculous—especially since there are two immediate changes that cost little to nothing:

B) Low-Cost Fix: Start Cases in District Court

In 2023, federal district courts had about 340,000 civil filings.

SCOTUS Cert filings average about 75% federal circuit courts, 25% state courts. For the 2023 term, that's about 1,100 state-court cases. That's 0.4% of federal-district-court civil filings. Having that small number of cases heard first in federal district court would solve violations of two constitutional provisions: i) SCOTUS' original jurisdictional, ***and*** ii) access to courts—at little, to no additional cost.

4. CONCLUSION

This case is certworthy because it involves important, nationwide, constitutional issues: the fundamental right to access the courts.

The issues involved are large scale. For federal courts regarding state-court judgments: nationwide. For VL Law: about 25% of the States, and about 150 million citizens.

The issues are ongoing and recurring. The facts are undisputed that fundamental constitutional rights are being routinely violated every day, including by this Court—violations that SCOTUS Rule 10(c) states this Court should resolve.

For the foregoing reasons, the Writ should be granted.

Respectfully submitted,

/s/ Christopher Hadsell
Christopher Hadsell, Petitioner
April 24, 2026

B. CERTIFICATE OF PETITIONER

Hadsell certifies that this Petition for Rehearing is presented in good faith and not for delay.

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Respondent.

CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rule 33.1(h), I certify that the petition for rehearing contains 2,790 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

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

Executed on April 24, 2026

/s/ Christopher Hadsell

Christopher Hadsell, Petitioner

Case No. 25-881

In the Supreme Court of the United States

IN RE ESTATE OF CHARLES HADSELL,
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—v—

CATHERINE ISHAM,
Respondent.

PROOF OF SERVICE

I, Candace Miranda, do swear or declare that on this date, April 24, 2026, as required by Supreme Court Rule 29, I have served the PETITIONER FOR REHEARING on each party to the above proceeding or that 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, addresses, and phone numbers of those served are as follows:

Ms. Catherine Isham (fka Porter, Howard, Hadsell)
1056 Vista Point Cir.
San Ramon, CA 94582
Telephone: (925) 596-5071

Ms. Kris Mayes
c/o Arizona Office of the Attorney General
2005 N. Central Ave.
Phoenix, Arizona 85004-2926
Phone: (602) 542-5025

Mr. Rob Bonta
c/o Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814-2919
Telephone: (916) 445-9555

Mr. James Uthmeier
Office of the Attorney General
State of Florida
PL-01 The Capitol
Tallahassee, FL 32399-1050
Telephone: (850) 414-3300

Ms. Anne E. Lopez
c/o Office of the Attorney General
425 Queen Street
Honolulu, HI 96813
Telephone: (808) 586-1500

Mr. Raúl R. Labrador
c/o Office of the Attorney General
700 W. Jefferson Street, Suite 210
P.O. Box 83720
Boise, Idaho 83720-0010
Telephone: (208) 334-2400

Ms. Brenna Bird
c/o Office of the Attorney General of Iowa
Hoover State Office Building
1305 E. Walnut Street
Des Moines IA 50319
Telephone: (515) 281-5164

Ms. Dana Nessel
c/o Michigan Office of the Attorney General
G. Mennen Williams Building
525 W. Ottawa Street
P.O. Box 30212
Lansing, MI 48909
Telephone: (515) 335-7622

Mr. Keith Ellison
c/o Office of the Minnesota Attorney General
ATTN: Process Service
445 Minnesota Street, Suite 600
St. Paul, MN 55101
Telephone: (651) 296-3353

Mr. Aaron D. Ford
c/o Office of the Attorney General
100 North Carson Street
Carson City, NV 89701
Telephone: (775) 684-1100

Mr. John M. Formella
c/o Office of the Attorney General
NH Department of Justice
1 Granite Place South
Concord, NH 03301
Telephone: (603) 271-3658

Mr. Drew H. Wrigley
c/o Office of the Attorney General
600 East Boulevard Avenue, Department 125
Bismarck, ND 58505-0040
Telephone: (701) 328-2210

Mr. Edward E. Manibusan
c/o Office of the Attorney General
Caller Box 10007
Saipan, MP 96950
Telephone: (670) 237-7500

Mr. David Yost
c/o Office of the Attorney General
30 E. Broad St.
14th Floor
Columbus, OH 43215
Telephone: (800) 282-0515

Mr. David W. Sunday, Jr.
c/o Office of the Attorney General
16th Floor, Strawberry Square

Harrisburg, PA 17120
Telephone: (717) 787-3391

Mr. Ken Paxton
c/o Office of the Attorney General
PO Box 12548
Austin, TX 78711-2548
Telephone: (512) 463-2100

Mr. Derek Brown
c/o Office of the Attorney General
Utah State Capitol Complex
350 North State Street Suite 230
SLC UT 84114-2320
Telephone: (801) 366-0260

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

Executed on April 24, 2026.

/s/ Candace Miranda
Candace Miranda