



No. 25-892

IN THE SUPREME COURT OF THE UNITED
STATES

Robert James Cornett,
Petitioner.

v.

United States District Court
for the Eastern District of Michigan,
Respondent.

PETITION FOR REHEARING

Robert James Cornett (pro se)
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PETITION FOR REHEARING

Petitioner Robert James Cornett, pro se, respectfully petitions for rehearing of this Court's March 30, 2026 order denying the petition for a writ of certiorari.

This petition is timely under Rule 44.2. The original petition was submitted within 25 days of the Court's March 30, 2026 order and is here resubmitted in corrected form pursuant to the Clerk's April 14, 2026 notice. This petition is restricted to a substantial ground not previously presented.

REASONS FOR GRANTING REHEARING

1. This petition presents a substantial ground not previously presented: 28 U.S.C. § 2072(b).

The petition for certiorari focused on whether the court of appeals, through clerk correspondence rather than judicial order, could refuse to accept for filing or docket a timely petition for panel rehearing, and whether that course could defeat the ordinary operation of this Court's Rule 13.3 by leaving no judicial rehearing order.

This rehearing petition presents an additional and distinct legal ground not previously set out in the certiorari petition: 28 U.S.C. § 2072(b), which provides that rules prescribed under that section shall not abridge, enlarge, or modify any substantive right.

2. The omitted § 2072(b) ground materially bears on the procedural injury already described in the petition.

The certiorari petition described an alleged course in which petitioner's timely effort to obtain panel rehearing after judgment was prevented from receiving judicial consideration through procedural mechanisms: the rehearing request was allegedly returned unfiled, not docketed for judicial disposition, and followed by correspondence stating that no further correspondence would be received.

The certiorari petition argued that this course conflicted with the usual filing-and-disposition structure reflected in the appellate rules and with the ordinary operation of this Court's Rule 13.3. The omitted § 2072(b) point is different. It asks whether procedural rules may be construed or applied in a way that prevents judicial consideration of a timely rehearing request and thereby abridges substantive rights. Section 2072(b) supplies a statutory limit on rule operation itself.

3. That omitted statutory limit has due-process and petition-clause consequences here.

If procedural mechanisms are used in a manner that forecloses judicial consideration of a timely request for rehearing, the consequence is not only a technical filing dispute. It also raises the question whether rule operation has displaced rights of substance by cutting off a litigant's access to judicial redress without judicial disposition.

The omitted § 2072(b) ground matters because it supplies a distinct statutory framework for evaluating whether procedural rule operation may be allowed to work that kind of result.

4. The § 2072(b) ground was not previously presented as a separate basis for review.

The petition for certiorari did not cite 28 U.S.C. § 2072(b), did not invoke the Rules Enabling Act by name, and did not separately argue that procedural rules cannot be construed or applied in a manner that abridges substantive rights.

Instead, it focused on FRAP 25(a)(4), FRAP 40(d)(1), Rule 13.3, and the need for judicial rather than clerk disposition of a timely rehearing request. This petition therefore does not merely restate the earlier argument in different words. It identifies a distinct omitted statutory ground that materially bears on the same procedural injury previously described.

5. Reconsideration is warranted.

Rule 44.2 permits rehearing when there are substantial grounds not previously presented. The omitted § 2072(b) ground is substantial because it bears directly on whether procedural rule operation may be permitted to extinguish judicial consideration of a timely rehearing request in the court of appeals.

Petitioner respectfully requests that the Court vacate its March 30, 2026 order denying certiorari and reconsider the petition in light of that distinct and previously unrepresented statutory ground.

CONCLUSION

The petition for rehearing should be granted. The Court should vacate its March 30, 2026 order denying certiorari and reconsider the petition in light of the distinct and previously unrepresented ground arising under 28 U.S.C. § 2072(b).

Respectfully submitted,

Robert James Cornett (pro se)
2280 E. Haskell Lake Rd.
Harrison, MI 48625
Telephone: (989) 418-8969
Date: 04/20/26

RULE 44.2 CERTIFICATE

I certify that this petition for rehearing is restricted to the grounds specified in Rule 44.2, namely other substantial grounds not previously presented, and is presented in good faith and not for delay.

/s/ Robert James Cornett
Robert James Cornett (pro se)
2280 E. Haskell Lake Rd.
Harrison, MI 48625
Telephone: (989) 418-8969
Date: 04/20/26

WORD-COUNT CERTIFICATE

I certify that this petition for rehearing contains 620 words, excluding the parts of the document exempted by Rule 33.1(d).

/s/ Robert James Cornett
Robert James Cornett (pro se)
2280 E. Haskell Lake Rd.
Harrison, MI 48625
Telephone: (989) 418-8969
Date: 04/20/26

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In re Robert James Cornett,

Petitioner.

CERTIFICATE OF SERVICE

I, Robert James Cornett, hereby certify that on this day April 03, 2026, I caused three copies of the foregoing PETITION FOR REHEARING to be served standard delivery prepaid on Ann Maurine Sherman Counsel of Record:

Ann Maurine Sherman
Counsel of Record
Michigan Department of Attorney General
G. Mennen Williams Building
P.O. Box 30212
Lansing, MI 48909

I further certify that all parties required to be served have been served.

This declaration is made in compliance with 28 U. S. C. § 1746. I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on April 20, 2026.

Robert James Cornett
Pro Se Petitioner
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(989)-418-8969