No. 26-5026

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In The
Supreme Court of the United States

SERGEY DONSKOY,
PETITIONER,
V.
UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES,
RESPONDENT

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR REHEARING

Petitioner
Sergey Donskoy
225 41st St, Apt 413
Oakland, California 94611
sergey.donskoy@iprk.org
(415) 501-0990

October 26, 2026

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PARTIES TO THE PROCEEDING

Petitioner in this Court (Appellant in the Court of Appeals, Plaintiff in the District Court) is Sergey Donskoy, an individual pro se petitioner residing in the State of California.

Respondent in this Court (Appellee in the Court of Appeals, Defendant in the District Court) is the United States Citizenship and Immigration Services (USCIS), a U.S. agency, under 6 USC § 271 and within the meaning of the Administrative Procedure Act, 5 USC § 551(1), responsible for adjudicating immigration benefits, including immigrant petitions for alien worker.

CORPORATE DISCLOSURE STATEMENT

Petitioner Sergey Donskoy represents himself as a natural person and not a corporation.

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PETITION FOR REHEARING

Petitioner Sergey Donskoy respectfully petitions, pursuant to Rule 44.2, for rehearing of the order denying Petitioner's petition for writ of certiorari, requesting that this Court grant certiorari, review the arbitrary affirmation entered by the U.S. Court of Appeals for the Ninth Circuit and invalidity of the U.S. law of "res judicata doctrine" applied by the district court.

ORDERS BELOW

In addition to the court rulings previously supplied with the petition for writ of certiorari, Petitioner hereby incorporates by reference the Supreme Court order entered October 5, 2026, denying certiorari, and the Ninth Circuit's order filed September 4, 2026, denying Petitioner's motion for reconsideration in the appeal no. 25-3018, dkt. 38.1.

BACKGROUND

In August 2020, Petitioner Sergey Donskoy filed to Respondent USCIS his I-140 petition for alien worker of "extraordinary ability" (E11 immigrant status) in the field of education. Respondent adjudicated the petition as one in the field of business and subsequently "denied" E11 status in the field of "Business". Non-issuance of immigrant status precluded Petitioner from filing other petitions, including one for the "Employment Authorization Document" (EAD). (The EAD is basically an electronic record in the DHS computer database, bearing legal effect, by whose means the agency permits U.S. enterprises to compensate the people's labor discharged for the livelihood.) That preclusion has constrained American employers' right to work (the real right to collective specialization[1]) and infringed the Petitioner's substantive

1 See Donskoy, S.A. Real Human Rights, 3 *Sovremennoe Pravo* (2026) 110, at 125.

freedom of human will,[2] imposing on him harming involuntary servitude, forbidden in the United States by the Amendment XIII.

In June 2021, Petitioner filed a civil complaint, asking that the district court remand, pursuant to All Writs Act, for a declaration that Petitioner is qualified for "extraordinary ability" visa. Submitted the motion for partial summary judgment. The district court denied the motion, did not proceed to trial on the other points stated in the complaint, and denied the issuance of a declaration sought by Petitioner. The subsequent motion for reconsideration was denied in 2022.

In January 2025, Petitioner filed a complaint based on a different transactional nucleus of facts and requested a different remedy (remand to perform a duty rather than to issue a declaration). He claimed agency declination to adjudicate his petition (a) in the field of education, (b) under a federal regulation and (c) under a statutory criterion (8 USC § 1153(b)(1)(A)(iii)), and discrimination against Petitioner as a recipient of the Fulbright award on an individual basis – all different from those claimed and actually "litigated" by means of partial summary judgment in 2021. However, the district court dismissed the complaint with prejudice, applying the claim-preclusive legal test, also known as "res judicata doctrine" developed by the U.S. judiciary.

In May 2026, Petitioner sought a de novo review of all claims in the Ninth Circuit. Nine months after, Respondent filed its motion for summary affirmance (MSA) instead of the answering brief. The MSA was opposed, but the court of appeals granted the MSA and affirmed the district court judgment. The submitted motion for reconsideration was eventually denied.

In June 2026, Petitioner filed to the Supreme Court the petition for writ of certiorari. The petition informed about recent scholarship unveiling the components of natural human right and objectively deriving substantive human freedoms, inalienable human rights, and the four

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2 *Id.*, at 127.

fundamental legal relations which connect the indivisible incidents of natural law realizing in real-time and based on the single universal moral law with the divisible universal "real rights" of positive law fulfilled in ex-ante and ex-post modes by enforcement. The Appendix exhibited a list of the real rights derived from the inalienable rights, including one to human goods restitution (the right to justice). The latter requires access to justice such that a judicial branch of a republican state must carry out justice to the full extent of natural law, realizing the full right to justice with the full opportunity to obtain by an aggrieved party the reliefs of *all* remedy classes.

Contrary to that, the U.S. judiciary promulgated, in the guise of the Roman law doctrine, a legal test as, apparently, a true law, while declaring neither the maxim of the foreign doctrine nor its meaning but precluding subsequent legal matters from trial. Thus, by applying a phantom of *res judicata*, the courts have been refusing to view the merits of the complaints seeking reliefs of the distinct remedy classes to which every aggrieved party is entitled on the basis of natural law, human rights law of 1948, and positive law of the genuine res judicata doctrine.

The judicial application of the invalid law in the Petitioner's case and the court of appeals decision labeling this question "insubstantial" and denying the right to trial has been substantially harming Petitioner. Moreover, Respondent protracted the matter in the Ninth Circuit by multiple extensions of time for filing its answering brief, but filed the MSA whose untimely submission does not allow for examining its merits, as concluded in the other Circuits.

In October 2026, this Court denied certiorari despite the fact that the invalid law of res judicata doctrine was developed by particularly judicial branch and that the Taylor court concluded that particularly Supreme Court declares the procedural law precluding litigation. Petitioner now augments his natural legal analysis of invalidity of the U.S. res judicata doctrine, addressing its invalidity in the perspective of original positive law and binding international law.

REASONS FOR GRANTING THIS PETITION

I. THE COURT SHOULD EXERCISE ITS DISCRETION GRANTING CERTIORARI TO PRESERVE THE CHECKS AND BALANCES MECHANISM BECAUSE THE INVALID LAW AT ISSUE IS BOTH PROMULGATED AND CONTROLLED EXCLUSIVELY BY THE JUDICIAL BRANCH

Rule 10 governs that review on a writ of certiorari is a matter of judicial discretion. Checks and balances is a mechanism that ensures no single branch—legislative, executive, or judicial—can dominate the others in the United States. With that, the doctrine of res judicata brought to U.S. common law from English law does not arise from substantive case law; it is a procedural law designed exclusively by the judicial branch of the government. Whereas *res judicata* means denying, to some extent, justice in a democratic society, amending of this invalid procedural law is vested in the authority which established this law and controls it. In accordance with U.S. Const. art. III, one supreme court considers the cases in law (and, therefore, prohibits their consideration). Since neither the executive nor the legislative branch may establish such law due to its legal nature, the judicial discretion to review of what was developed by the judiciary itself should be exercised positively. Such discretion is subject to the judicial standards of integrity, impartiality, and equality. Among others, these are the agreed principles for judicial actions, as reaffirmed in The Bangalor Principles of Judicial Conduct (The Hague, November 26, 2002).[3]

The standard of impartiality requires to refrain from prejudicial dogmatic views on the legal doctrines—which is a question at issue in this case—and to look at the available objective criteria instead. This Court should thus examine the essence of genuine res judicata doctrine, as argued in this petition as well, and after discerning those criteria, may declare the uniform preclusive law, as the other branches of the government are not in power to do so.

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3 See also UN ECOSOC Resolution 2006/23.

The standard of judicial integrity requires that discretion driven by a judge's value system do not bifurcate from the values generally accepted in the society. These values promise us the full access to justice, under the provisions of U.S. Const. art. III related to establishing the one supreme court which views the suits at law and of binding International Covenant of Civil and Political Rights (ICCPR).[4] "In the determination of ... his rights and obligations in a suit at law, *everyone shall be entitled to a fair and public hearing* by a competent, independent and impartial tribunal established by law" (emphasis added). *ICCPR Art. 14*. But the U.S. law of res judicata promulgated by the courts does limit this right. Hence, in order to comply with the referenced standard of integrity, the Court should exercise its discretion granting this certiorari.

The principle ensuring equality of treatment to all before the courts requires that justice be carried out to the litigants without favoring one with the procedural status of defendant, because such status is an "irrelevant ground" in recovering substantive rights. Also, "All persons shall be equal before the courts and tribunals." *ICCPR Art. 14*. Because the U.S. claim-preclusive law leaves one party without a relief of the remedy class(es) not previously sought but to which everyone is entitled (and because the court should not provide *sua sponte* reliefs of a not prayed remedy class[5]), such law automatically favors the party that has won merely on one or on less than all available remedies, in violation of the principle of equality.

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4 UN GA Resolution 2200A (XXI) (16 December 1966), GAOR 21st sess., Suppl. no. 16.

5 The court of justice may provide only relief(s) of the class sought in the filed complaint, or otherwise explicitly requested by plaintiff, as *sua sponte* award of another class relief deprives the losing party of an opportunity to voluntarily perform a transaction required by the winning party, especially in light of court declaratory rulings tackling "equality–privilege" fundamental legal relation. The rulings restoring equality warrant a losing party to voluntarily commit other transactions, *if demanded* by the winning party, such as providing immunity (e.g., by refraining from broadcasting a copyrighted content), performing a specific duty required by the law or contract pertained to the adjudicated right, or to compensate damages (e.g., by paying lost royalties). Such transactions, therefore, may *or may not* be subject to a subsequent litigation. The court may not remand, acting in a private interest, such transactions if plaintiff does not want them.

Several scholars asserted that a party who wins a legal matter is automatically entitled to all other awards, justifying such opinion by that the non-litigated awards "merge" into what has been decided, and thus the losing party is precluded from litigating them. However, based on the essence of the four divisible (independent) fundamental legal relations, a compensatory award of, for example, damages does not affect the scope of [a possible] injunction, nor does it substitute a [possible] judicial inquiry into the nature of the right at issue to which the winning party might be not even entitled. Nor does it compel a [possible] duty guaranteed by a related law or a contractual term, simply because the court might not (or could not) say about this duty.

Since the claim-preclusive law at issue in this case was promulgated to U.S. common law by the judicial branch which also controls case law, it is a judicial duty to correct the defective law which legalizes inequality in this democratic society. To do so and so to preserve checks and balances, and because this is only the Supreme Court that has ultimate authority to determine and declare the "uniform federal rule" of res judicata (*Taylor v. Sturgell*, 553 U.S. 880 (2008) (quoting *Semtek Int'l Inc. v. Lockheed Martin Corp.*, 531 U. S. 508 (2001)), the Court should exercise its discretion positively, granting this certiorari.

II. RES JUDICATA DOCTRINE ESTABLISHES A STANDARD OF JUDICIAL TRUTH IN RELATION TO UNAPPEALABLE COURT RULINGS, CONTROLS THE REMEDIES GRANTED AND INSTANTLY SOUGHT, AND BY ITSELF PRECLUDES PARTIES FROM NOTHING

The doctrine grounding the procedural law precluding re-litigation originated in the Roman law of *res judicata pro veritate habetur* ("a thing decided is held as true").[6] The Latin phrase

6 Trayner, J. Latin Maxims and Phrases. 4th Ed. William Green & Sons Law Publishers, Edinburgh, 1894, at 553.

"*res judicata*" is, in itself, not a law but is used by the professionals linguistically to say "a thing decided". The "thing" refers to a transaction of human goods (for a naturalist) or a transaction of benefits (for a positivist); there is nothing else to transmit between the human beings under natural or positive law.[7] A "transaction decided" can be attributed to either a fact recognized or determined by a court or to a court order remanding that a party perform a transaction(s) sought by plaintiff and which should and could have been performed by defendant voluntarily prior to litigation. In order to settle a dispute, the judicial opinion must be taken as true by all the parties. Because of this necessity, Roman jurists deduced the simple doctrine with the above maxim, speaking about the axiomatic acceptance of truth. The original doctrine, therefore, sets out the standard of universally acknowledged judicial truth, while arising from jurisprudence and not from substantive case law, and by itself it precludes the parties from nothing. The accepted truthfulness of a judicial decision makes it legitimate and final if it cannot be appealed.

The laws on how the truth can be established is governed by the legal standards, including evidentiary and preponderance standards of proof, legalized within a court jurisdiction. In this regard, res judicata applies to the claimed transactions *occurred*, which should be either uncontroverted or sufficiently proven facts to become a judicial truth. From this perspective, a fact once recognized or determined by the court in its final (unappealable) decision cannot be then viewed as untrue and so re-litigated. Here, the judicial truth is established by an evidentiary standard of proof tackling discrete transactions. For example, an evidence supporting a determination of a fact of transaction should be more than a mere "scintilla". *Richardson v. Perales*, 402 U.S. 389 (1971). These standards conceptually differ from the preponderance standards of proof.

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7 On the essence and meaning of a transaction see *Supra* 1, at 120–122.

In a legal dispute the main goal of plaintiff is proving, by inferencing on those uncontroverted and determined facts, that the transactions guaranteed by the law or contract have actually not occurred, wherefore the plaintiff prays the court to grant (and enforce) those transactions. Here, the truth is determined by a preponderance standard of proof which apply to the arguments *in foro*, while relying on weight and number of those proven substantial facts of the transactions occurred. For example, these include "the preponderance of the evidence" and "beyond a reasonable doubt" standards, which are different from the evidentiary standards of proof. The procedural truth comes from a conclusion that the transaction in dispute has actually not happened – and so justice requires a restitution.

What is supposed to be proved in trial can, therefore, be discerned in the remedy sought, and the main purpose of any legal matter is a relief, a remedy sought. *Cromwell v. County of Sac*, 94 U.S. 351 (1876); *Washington, A. & G. Steam Packet Co. v. Sickles*, 65 U.S. 333 (1860). *Stark v. Starr*, 94 U.S. 477, 485 (1876). The original doctrine of res judicata applies to the transaction(s) scheduled to be performed upon relief sought is actually granted. It is applicable to the legal matter as a whole, including the alleged transactions occurred between the same parties or their privies and the recovering not yet occurred transactions sought.[8] There is nothing else besides transactions of human goods, or benefits, from what a truth can be derived to comply with the axiom of genuine doctrine of res judicata. The recovering transactions are those which have not been committed but could and should have been done by defendant and are encoded in the relief(s) sought by plaintiff, not in the circumstantial facts claimed.

8 The proven facts can be alleged as the grounds of any cause of action, although they cannot be re-litigated.

Where reliefs are identical between the matters, those transactions which defendant refused to commit will be identical, and this makes legal matters identical, as required for precluding them from re-litigation. A claimed issue, a claimed violated legal right, serves a nexus between the non-completed transaction and the relief as a transaction prayed to be fulfilled for recovering. With that, any legal right refers to a class of transactions under one of the four fundamental legal relations, attributed to a distinct remedy class.

The original doctrine, therefore, precludes re-litigation of (a) a proven fact of occurred transaction(s) (the first preclusive law) and (b) a legal matter as a whole, including the alleged non-occurred transaction to which plaintiff is entitled by a law or contract ("issue"), the alleged occurred transactions to be confirmed or proven as facts ("grounds"), and the remedy sought to mitigate the non-occurred transaction ("relief") (the second preclusive law). If a remedy has already been decided in terms of the alleged grounds then the issue was decided. Thus, grounds identity between the identical parties and reliefs identity are required for preclusion.

A procedural vexation is eliminated where all legal rights falling under one fundamental legal relation are restored by a single court ruling. With that, any issue of non-occurred transaction to which plaintiff is still entitled can be raised if the relief mitigating this issue is of different remedy class and was not decided. As such, the remedy class pertaining to the issue, not to the alleged facts happened, serves the main factor in a determination of preclusion of a matter, and the valid law of res judicata precludes from re-litigation those legal matters involving parties identity, grounds identity and reliefs identity all together.

This is consistent with the English law of "res judicata doctrine". This law was enunciated to stop the *awarded* property fluctuating back and forth from a party to a party because of endless re-litigation. The original definition of English "res judicata doctrine" is as follows.

"1. That property may not continue for ever fluctuating and precarious, which must have been the case if debateable points might, after receiving a definitive judgment, be brought again into question at the pleasure of either of the parties, every state has affixed the character of final or irreversible, to certain sentences or decrees, which in the Roman law are called *res judicatæ*, and which exclude all rehearing or review, either of the court that hath pronounced the sentence or of any other."[9]

The English law also implies different remedies: compelling ("performed"), compensatory ("paid"), and declaratory ("declares"), although omitting injunctions. Notably, it also explains that all possible remedies must be granted before the ruling becomes *res judicata*: "8. Suspension and reduction are not only remedies against the iniquitous or ill-founded decrees of inferior judges, but are also methods of redress competent to parties to get free of the effects of such decrees of the Session given forth to their prejudice as can be again brought under their own review on account of any essential defect. Reduction is the proper remedy, either where the decree hath already received full execution, by payment or satisfaction, or where it decrees nothing to be paid or performed, but barely declares a right in favour of the pursuer; for in those decrees which have already had *all the completion that their nature can admit of*, there can be no room for suspending them, or staying their execution" (emphasis added).[10]

Hence, the original doctrine of res judicata grounds the two uniform legal tests: (a) the test that prohibits re-litigation of the facts already proven by evidentiary standards of proof, as determined in unappealable rulings; (b) the test that prohibits re-litigation of the same alleged transactions (grounds) between the same parties or their privies, for which a remedy of

9 Erskine, J. An Institute of the Law of Scotland. Book IV, Title III. Of Sentences and their Executions, and of Decrees-Arbitral. Ed. J.B. Nocolson, Bell & Bradfute, Edinburgh, 1871, at 1134.

10 *Id.*, at 1142.

compelling, injunctive, declaratory, or compensatory class has already been decided.

Notably, the double jeopardy defense is merely a special case of res judicata doctrine. This defense applies to only criminal cases, processing on "injunction–immunity" fundamental legal relation. It does not permit to re-litigate the identical non-occurred transaction (crime, issue) while related to the alleged occurred transactions (facts and circumstances, claims). Just like double jeopardy which applies to the *relief sought* by the prosecution in the criminal complaint's prayer, not to the claimed transactions happened, res judicata generally applies to relief sought and prohibits re-litigation of a transaction demanded under the same fundamental legal relation.

In January 2025, the Petitioner filed the complaint requesting a relief of a different remedy class, based on the different alleged transactions: agency declination of adjudicating the I-140 petition in the field of education and agency adjudication of the petition in the field of business, involving agency discrimination against Petitioner within the class of the Fulbright award recipients, agency declination to adjudicate the initial evidence under the statutory requirement and agency declination to examine the submitted documentation demonstrating that Petitioner met an additional regulatory criterion for the petition approval, which was not "litigated" *in foro* and was not addressed by the district court, as prescribed by the Federal Rules of Civil Procedure.

The district court erroneously determined that such complaint was identical to the other. As such, the district judge misunderstood the doctrine of res judicata and, by applying the invalid claim-preclusive test, infringed the Petitioner's substantive right to access justice, to trial, carrying out epistemic injustice and precluding Petitioner from an opportunity to obtain E11 status, which automatically protracted oppression by severely constraining his human will, in violation of the Amendment XIII and binding international law. The invalid law of res judicata

has been violating the right to justice of many in the United States, and this situation requires that the competent, independent and impartial Supreme Court grant certiorari and review invalidity of the U.S. law of "res judicata doctrine".

III. THE COURT OF APPEALS ARBITRARILY APPLIED THE INAPPLICABLE LAW OF *HOOTON* AND PLAINLY ERRED WHILE APPELLANT'S BRIEF ARGUED THE INFRINGED SUBSTANTIVE RIGHTS

Besides the issues argued in the petition for writ of certiorari, the affirmance of the MSA raises a substantial question of inapplicability of the criminal law of *Hooton*, 693 F.2d (9th Cir. 1982) to the Petitioner's civil case in the determination of unsubstantiality of the questions raised in the appeal; the court of appeals applied *Hooton* arbitrarily, disregarding that the district court violated the Petitioner's substantive rights, which is clearly visible from the face of the appeal.

The Respondent's MSA purported that "it is manifest that the questions on which the decision of the cause depends are so unsubstantial as not to need further argument". *MSA* at 12; see also the Ninth Circuit's order filed March 23, 2026 (dkt. 33.1, case no. 25-3018). In defining unsubstantiality of a question raised on appeal, the Hooton court referenced *Page* which relied on the Federal Rules of Criminal Procedure which defined unsubstantiality as "harmless error". *Page v. United States*, 356 F.2d, 339 (9th Cir. 1966). *Page* referenced *Head*, where the court similarly referred to harmless error. *Head v. United States*, 346 F.2d, 194, 196 (9th Cir. 1965). According to these courts, harmless error is such an error that is not harming the convicted defendant by an inferior court sentence imposing on him a redundant punishment infringing substantive rights. First, this law is based on the concept adopted from the criminal procedure, which is hinting that *Hooton* may be applicable to only criminal cases. Second, for clearer

reasons, the *Hooton* standard is applicable to only those cases where the inferior court decision in deciding substantive rights was reached *in foro* under "the beyond a reasonable doubt" preponderance standard of proof. The rules of criminal procedure tackling substantive criminal law are operative in the criminal cases and may not be used in civil matters. The truth in a criminal trial, to be accepted as *res judicata pro veritate habetur*, is generally determined under a preponderance standard of proof beyond a reasonable doubt.

While criminal substantive law deals with the negatory rights procuring fulfillment of the transactions under "injunction–immunity" fundamental legal relation, civil and other cases address a multitude of substantive rights liberally regulating human goods transactions under all four fundamental relations. In civil trials the truth is derived by a preponderance standard of proof lower than beyond a reasonable doubt, e.g., "the preponderance of the evidence" standard, because persuasion in trials other than criminal often involves value judgment which is not always consistent with proving by the first-order logic beyond a reasonable doubt due to fact–value distinction.

Petitioner brought on appeal several issues sufficient to see the documented transactions committed by Respondent which violate the Petitioner's substantive rights. The judgment of the district court and granting the Rule 12(b)(6) motion was reached on the preponderance of the evidence standard not beyond reasonable doubt, to which *Hooton* standard is irrelevant. The district court order infringed the Petitioner's substantive rights to trial, to justice, which continued violating the substantive rights claimed in the complaint. The court of appeals denied to Petitioner de novo review on the merits. All this violated immigrant, constitutional and human rights: the right to adjudicate immigrant petition in the field (INA § 203(b)(1)(A)(i)-(iii); 8 CFR § 103.2(7)(i); 8 CFR § 204.5(h)(1)), the right to justice, to trial (U.S. Const. art. III § 2 ¶ 1;

ICCPR Art. 14; U.S. Const. amend. VII), the right to be free from involuntary servitude (U.S. Const. amend. XIII). The violation of these rights on which the cause of action depends cannot be said unsubstantial. Instead, it is more likely than not that the questions on appeal are substantial because it argues the unlawfulness of the district court order and violation of multiple substantive rights. As such, where a court of appellate instance assesses, on the basis of *Hooton*, unsubstantiality of the questions that address an inferior court decision reached on the preponderance standard of proof lower than beyond a reasonable doubt, and the substantive rights are infringed, such appellate court commits a plain error.

This is what the court of appeals has done in the Petitioner's case, erroneously satisfying the Respondent's MSA and affirming the district court judgment, using the criminal law as a substantial test for ruling in a civil case and for the procedural question about unlawfulness of granted Rule 12(b)(6) motion. This severely affected the Petitioner's substantive rights, precluded from further argument on invalidity of the U.S. res judicata doctrine and from the immigration benefits. Because the application of the defective procedural law constrained the Petitioner's basic human/real/constitutional right to justice, while formally satisfying due process, such decision is *inherently* prejudicial. It seriously affects the fairness (equality) towards Petitioner and those aggrieved plaintiffs who lost in the previous litigation on a transaction(s) pertaining to a remedy class, while a relief(s) of one or more remedy class is still available. Such decision also affects public reputation of the U.S. judicial branch, for reason that in foreign jurisdictions the courts preclude legal matters upon the analysis of reliefs identity together with claims (grounds) identity. In totality, all above aspects fully satisfy the plain error doctrine. *United States v. Olano*, 507 U.S. 725 (1993). This Court should grant certiorari.

CONCLUSION

The district judge misunderstood the law of res judicata, denied the right to justice, and seriously infringed the Petitioner's substantive rights. *Hooton* standard was erroneously applied and the court of appeals plainly erred in affirming the Respondent's MSA, denying the hearing on the merits. For all foregoing reasons and those stated in the petition for writ of certiorari, the Court should grant this petition for rehearing, grant the petition for writ of certiorari in this case, and review the judgments below. The Court will be able to declare the valid uniform test for *res judicata* purposes, augmenting the current claim-preclusive test with the criterion of reliefs identity, as suggested and justified by Petitioner.

Respectfully submitted,



SERGEY DONSKOY
Petitioner
225 41st St, Apt 413
Oakland, CA 94611
(415) 501-0990
sergey.donskoy@iprk.org

DATED: October 26, 2026

PETITIONER'S CERTIFICATE

Petitioner hereby certifies that this petition for rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 44.2.



SERGEY DONSKOY

Additional material from this filing is available in the Clerk's Office.