

IN THE SUPREME COURT OF THE UNITED STATES

No. 26-5406

Dana Watson

Petitioner,

v.

Metropolitan Enforcement Group Of Southern Illinois, et al.

Respondents.

PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44.2, the Petitioner respectfully requests that this Court rehear its order denying the petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Seventh Circuit.

This petition is presented in good faith and not for delay. Extraordinary circumstances warrant rehearing here: the decision below permits state actors to leverage procedural bar doctrines to permanently retain an innocent citizen's lawfully possessed firearms, currency, and court-ordered property, completely immunizing what constitutes an ongoing, continuous constitutional violation. Rehearing is urgently required to resolve an entrenched circuit split, correct an abdication of federal jurisdiction under 42 U.S.C. § 1983, and settle a question of exceptional national importance concerning whether procedural bars can be weaponized to insulate severe, bad-faith state misconduct and property conversion from federal judicial review.

QUESTIONS PRESENTED FOR REHEARING

1. Whether a federal court violates the Supremacy Clause and the civil rights mandates of 42 U.S.C. § 1983 by applying the doctrine of res judicata (claim preclusion) to bar subsequent due process and property deprivation claims, where the operative, unconstitutional conduct—specifically, a fresh, explicit refusal to return legally owned firearms and currency following the conclusion of a criminal case—occurred after the final judgment of the initial lawsuit.
2. Whether the statute of limitations for a § 1983 claim based on an unconstitutional continuing seizure and procedural due process failure is triggered at the absolute conclusion of a baseline criminal matter, or whether a new injury accrues when state actors actively misrepresent retention timelines and subsequently refuse distinct physical compliance requests.

3. Whether the continuous, indefinite withholding of a citizen's lawfully owned firearm and currency by state police after the absolute conclusion of a criminal proceeding—without a post-litigation hearing, an administrative remedy, or a showing of personal disqualification—infringes upon the core protections of the Second, Fourth, and Fourteenth Amendments.
4. Whether res judicata may be applied to shield an ongoing constitutional injury where the procedural bar effectively conceals underlying bad-faith state action, including the failure to properly vault seized property and the potential fabrication or substitution of physical evidence in a related criminal proceeding.

REASONS FOR GRANTING REHEARING

I. THE SEVENTH CIRCUIT'S APPLICATION OF RES JUDICATA DIRECTLY CONFLICTS WITH THIS COURT'S PRECEDENTS REGARDING CONTINUING CONSTITUTIONAL VIOLATIONS AND POST-LITIGATION CONDUCT.

The Seventh Circuit's dismissal of Petitioner's claims under the doctrine of res judicata fundamentally misapprehends this Court's preclusion precedent. In *Taylor v. Sturgell*, 553 U.S. 880 (2008), this Court clarified that claim preclusion does not extend to claims that could not have been brought in the initial action, nor does it shield defendants from liability for fresh, post-judgment unlawful conduct.

Here, the operative constitutional injury is a discrete, modern event: a fresh, explicit post-litigation refusal by law enforcement to return Petitioner's legally owned firearms and currency. By treating a modern, independent post-trial deprivation as a mere continuation of past litigated facts, the court below has created an impenetrable shield for state actors. Under this flawed paradigm, once an initial property retention suit is concluded, the state receives a perpetual license to violate the Constitution. This conflicts directly with the principles of *Heck v. Humphrey*, 512 U.S. 477 (1994) and *Wallace v. Kato*, 549 U.S. 384 (2007), which require courts to look precisely at when specific constitutional injuries accrue.

Crucially, the lower courts have misapplied preclusion doctrines to completely block Petitioner from accessing the courts based on this new, fresh post-litigation conduct. By erecting an insurmountable procedural barrier, the judiciary has allowed state actors to permanently deny Petitioner her property without providing any post-litigation hearing or meaningful administrative avenue for retrieval.

II. THIS CASE IS THE IDEAL VEHICLE TO RESOLVE AN ENTRENCHED CIRCUIT SPLIT REGARDING CONTINUING FOURTH AMENDMENT SEIZURES AND § 1983 ACCRUAL.

The circuits are deeply divided on whether the government's continued, warrantless retention of personal property after its evidentiary justification has ceased constitutes an ongoing, continuous "seizure" under the Fourth Amendment that tolls or extends the statute of limitations under Section 1983.

- The Minority Position (including the Seventh Circuit): Holds that a seizure is a discrete event that terminates early in the legal process. Under this view, the statute of limitations expires years after the initial deprivation, even if the government openly acknowledges that the evidentiary justification for holding the property has completely vanished.
- The Majority Position: Aligned with this Court's reasoning in *Manuel v. City of Joliet*, 580 U.S. 357 (2017), several circuits recognize that a seizure remains "unreasonable" and continuous so long as the property is held without legal authorization.

This case presents a clean vehicle to resolve this conflict. State actors actively misrepresented retention timelines to Petitioner (falsely asserting a retention timeline extending to 2030) and subsequently denied independent physical compliance requests. Rehearing should be granted to clarify that a new injury accrues, and the limitations period resets, when state actors issue new, distinct refusals of compliance.

III. THE INDEFINITE RETENTION OF FIREARMS AND CURRENCY POST-PROCEEDINGS PRESENTS AN UNRESOLVED QUESTION OF PROFOUND NATIONAL IMPORTANCE AND CONCEALS SUBSTANTIVE DUE PROCESS VIOLATIONS.

Under *District of Columbia v. Heller*, 554 U.S. 570 (2008) and *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022), the right to keep and bear arms for self-defense is a core constitutional guarantee. The lower court's ruling allows municipalities to systematically bypass *Bruen* by transforming temporary evidentiary holds into permanent, extrajudicial firearm prohibitions and property conversions.

When a state law enforcement agency permanently retains a firearm and currency after the absolute conclusion of a criminal trial—while systematically denying requests for a Property Disposition Letter, a formal forfeiture hearing, or any post-litigation administrative remedy—it bypasses the procedural protections demanded by *Mathews v. Eldridge*, 424 U.S. 319 (1976).

Government conversion of private funds and personal property without compensation further offends the Takings Clause under *Knick v. Township of Scott*, 588 U.S. 180 (2019).

Furthermore, this case illustrates a dangerous systemic issue: the use of procedural violations to insulate and cover up severe, substantive constitutional breakdowns within the judicial and law enforcement systems. The record and surrounding circumstances indicate that Petitioner's actual firearm and currency were never properly secured or vaulted upon leaving her residence. Instead, a third party was wrongfully convicted based on a "look-alike" firearm, revealing a catastrophic breakdown in the chain of custody and evidentiary integrity.

By applying *res judicata* to bar these claims, the lower courts have weaponized a technical procedural rule to permanently seal the courtroom doors, effectively covering up the extrajudicial conversion of property and the use of fabricated or substituted evidence. Directing a civil rights litigant to seek remediation exclusively in state court for these ongoing, bad-faith federal violations constitutes an abdication of the federal courts' primary obligation to adjudicate constitutional questions under *Mitchum v. Foster*, 407 U.S. 225 (1972) and *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

CONCLUSION

For the foregoing reasons, this Court should grant rehearing, vacate its prior order denying certiorari, and grant the petition for a writ of certiorari to review the judgment of the Court of Appeals.

Dated: October 8, 2026

Respectfully submitted,



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CERTIFICATE OF GOOD FAITH

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 grounds-restricted to intervening circumstances of a substantial and controlling effect and other substantial grounds as set forth herein, specifically the lower courts' misapplication of procedural bars to insulate fresh, post-litigation constitutional deprivations, the absolute denial of post-litigation administrative remedies, and the newly apparent structural manipulation of property records below.

Dated: October 8, 2026

A handwritten signature in black ink, appearing to be 'Dana Watson', is written over a horizontal line.

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CERTIFICATE OF SERVICE

I, Dana Watson, do hereby certify that on this 8th day of October, 2026, as required by Supreme Court Rule 29, I have served the enclosed PETITION FOR REHEARING on the Respondents by email:

Charles A. Pierce

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/s/ **Alex S. Moe**

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

Dated: October 8, 2026



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