

No. 17 - 1479

In the Supreme Court of the United States

JOHN A. GENTRY, PETITIONER

v.

THE HONORABLE JOE H. THOMPSON,
RESPONDENT

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

PETITION FOR REHEARING

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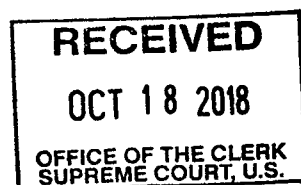


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PETITION FOR REHEARING

Pursuant to Sup. Ct. R. 44.2, Petitioner John Anthony Gentry, respectfully petitions this Court for order (1) granting rehearing, (2) vacating the Court's October 1, 2018, order denying certiorari, (3) re-disposing of this case by granting the petition for a writ of certiorari, vacating judgment and remanding for further proceedings, and (4) granting the Motion To Disqualify Justices and respective Clerks or Affirming Impartiality.

This Court, with this case, has been presented an opportunity like no other seating of Justices before; to affect a great healing upon this nation by reaffirming the enforceability of a right of due process and providing accountability for bad actor judges. Not since our declaration of independence from Great Britain, have the people been so subjected to despotism and a complete failure in an ability to enforce constitutionally guaranteed rights. Petitioner asserts that this Court has the duty and supervisory power necessary to reinstitute and protect constitutionally guaranteed rights.

As grounds for this petition for rehearing, petitioner states the following:

A. OATH OF OFFICE & ACTION FOR NEGLECT TO PREVENT

According to this Court's website, Justices of this court presently take oath pursuant to 5 U.S. Code § 3331 - Oath of office. *non est arctius vinculum inter homines quam jusjurandam*

This Court has in its discretion to decide what cases the Court chooses to hear, except in cases requiring the Court to "*support and defend the*

Constitution” against domestic enemy. Respectfully, in such cases, the Court has no choice but to hear and decide the case, except in violation of oath of office.

Petitioner respectfully implores this Honorable Court, to not interpret this assertion of grounds for rehearing as an accusation against the Court. It is plausible, given the number of cases disposed on October 1, 2018, that the Justices were not provided proper attention necessary to this matter. Herein, Petitioner merely desires to emphasize the fundamental and keystone elements of our judicature and republic at question, requiring adherence to oath of office.

In this present matter before the Court, Petitioner respectfully implores this Court to consider whether or not the Court would be in violation of oath of office by denying certiorari in this case. Due to the fact that petitioner did not previously make argument, nor present “oath of office” as “substantial grounds not previously presented” for granting certiorari, Petitioner respectfully presents this concern as substantial grounds required by Sup. Ct. R. 44.2. See further discussion below, affirming why the Court’s oath of office requires granting review.

Moreover, U.S. Const. Art VI states:

...and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Undisputed facts evidenced in the record, prove that Respondent Judge Joe H. Thompson, Circuit Court Judge, Sumner County, Tennessee, in conspiracy with other Respondents in related case

before this court, 18-170, repeatedly and grossly violated Petitioner's constitutionally guaranteed rights and perpetrated crimes against him under color of law. There is no doubt that lower federal court judges wrongfully dismissed and affirmed dismissal of Petitioner's causes of action so as to protect Respondent's misconduct as evidenced in Petitioner's appendixes to his petition for writ of certiorari in Case No. 18-170 and in this case. Knowing these facts, evidences that Respondent is a domestic enemy of the Constitution, and it is highly probable that Respondent Judge Joe H. Thompson, and judges like him, will further perpetrate rights violations and crimes under color law, due to the unenforceability of constitutionally guaranteed rights and U.S.C. statutes against bad actor judges.

Respectfully, Petitioner asks this Court: Does the oath of office taken by each Justice, require granting certiorari to "*support and defend the Constitution of the United States against all enemies, foreign and domestic*" in such a case as this? Petitioner respectfully asserts adherence to oath is required.

Moreover, Petitioner draws the Court's attention to 28 U.S.C. § 1986, Action for neglect to prevent which states:

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and **having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do**, if such wrongful act be committed, shall be liable to the party injured, or his legal

representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented;...

In Petitioner's Motion To Disqualify, Petitioner presented this Court with argument that cannot be defeated. If the federal courts and various oversight agencies were functioning as intended judicial misconduct would not occur. It can only be true, that judicial misconduct occurs, due to the fact that this our highest court denies review of cases against bad actor judges.

Clearly the intent of Congress, through enactment of 42 U.S.C. § 1986, was to hold persons accountable for failing to act and neglecting to prevent rights violations perpetrated under color of law. Respectfully stated, **"Every person" stated in § 1986, includes the Justices of this Court.** Undoubtedly, this Court has the power to act and prevent rights violations perpetrated by judges under color of law by ensuring they are held accountable, and that cases against them are not wrongfully dismissed.

Petitioner respectfully asserts dismissal of this case is a clear act of neglect to prevent. There can be no doubt that in holding judges above the law, bad actor judges like the Respondent in this case, will continue to violate rights and perpetrate crimes under color of law with impunity against many tens of thousands of litigants in future cases.

B. MOTION TO DISQUALIFY

Pursuant to 28 U.S.C. § 455(a), Petitioner respectfully, and for good cause, properly motioned for all Supreme Court Justices and their respective

Clerk's to disqualify, or in the alternative, affirm and/or evidence their impartiality due to facts strongly suggesting personal bias in favor of the Defendants (*sic*, Respondents). Petitioner's motion was clearly entered into the record **before judgment denying certiorari**.

Petitioner's Motion To Disqualify remains pending and has neither been granted nor denied. Hereto are **substantial grounds** not previously presented, as well as an **intervening circumstance**, as required by Sup. Ct. R. 44.2.

Due to the fact that this court denied motion to expedite in Case No. 18-170, and the further fact that this Court neither granted nor denied Motions to Disqualify or alternative motions to affirm impartiality, plausibly establishes that Petitioner has been subjected to a biased Court and denied fair due process.

28 U.S. Code § 455 - Disqualification of justice, judge, or magistrate judge subparagraph (a) states:

Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

Petitioner strongly asserts that any jury comprised of twelve (12) rational and reasonable persons, would agree that Petitioner "reasonably questioned" the impartiality of this Court, thus requiring disqualification. Respectfully stated, since § 455 states "**shall disqualify**", and because Petitioner "reasonably questioned" the impartiality of the Justices and their Clerks, disqualification is not optional but required, or alternatively the Court should have affirmed impartiality as so moved. Due

to the fact that this Court neither granted nor denied proper motion to disqualify, and further declined to alternatively affirm impartiality, and did not dispute grounds of motion to disqualify as unreasonable, establishes further grounds for disqualification.

In Petitioners cases before the Court, 18-170 and 17-1479, both denied review on October 1, 2018, Petitioner has presented the Court with profound questions which must be answered. (1) Whether constitutionally guaranteed rights have been usurped when they are not enforceable? (2) Whether state sovereign immunity is vitiated when its government is no longer republican in character? (3) Whether a citizen has a right to reform his government through federal suit? and (4) Whether attorneys and judges are above the law?

Moreover, Petitioner clearly established in the record that the lower courts intentionally and wrongfully: (1) circumvented the intent of congress, (2) denied due process, (3) engaged in conduct that is impeachable in nature, (4) misapplied Fed. R. Civ. P. with the intent of denying due process, (5) issued ruling on a matter and party not presented to the court, and (6) issued ORDER through a "two-judge" panel in violation of 28 U.S.C. § 46(b). Petitioner has further complained about this Court's Clerk's Office not making available to the public, appendixes to his petition for writ of certiorari that evidence the misconduct of the lower courts in related Case No 18-170.

How possibly can this Court deny review in such cases as these, except due to profound personal bias and an unwillingness to enforce the constitution against bad actor judges and attorneys? Obviously, the judges of the lower courts denied Petitioner fair

due process and wrongfully dismissed his causes of action. Undoubtedly, the lower courts wrongfully dismissed and affirmed dismissal of Petitioner's cases so as to protect the criminal and unconstitutional conduct of the Respondents. To not grant review in such a case as this is to sanction the misconduct of the lower courts, and holds Respondents above the supreme law of the land.

C. DEVASTATING IMPACT OF CORRUPTED COURT PROCEEDINGS

As required in Sup. Ct. R. 44.2 grounds for rehearing are limited to intervening circumstances, or to other substantial grounds not previously presented. However, there are rare cases such as this one before the Court, where further elucidation is necessary for this court to make proper determination on taking jurisdiction, as stated by Robertson and Kirkham as follows;

“There will always remain, of course, the rare case in which a further elucidation of questions involved or of the jurisdiction of the Supreme Court will succeed for the first time in demonstrating that the case is one in which the Court should exercise its extraordinary certiorari jurisdiction”¹

The conduct of the Respondents in these cases financially and emotionally destroyed both parties in

¹ Quoting from Robertson and Francis Kirkham. Jurisdiction of the Supreme Court of the United States. St. Paul, MN: West Pub. Co., Kansas City, MO: Vernon Law Book Company, 1936 (p. 553)

the state trial court case that gave rise to these proceedings: (1) a promising and profitable business destroyed, (2) a profitable patent pending product (with distributors in the U.K. and Australia) also destroyed, (3) the "prevailing party" forced into bankruptcy and unable to financially care for her children. These unfortunate results of corrupted state court proceedings further resulted in lost jobs in Tennessee and foreign nations, as well as adversely affected businesses in the states of California and Washington. Specialized equipment costing hundreds of thousands of dollars, purchased to manufacture the patent pending product, now lay idle.

These unfortunate circumstances are not unique to this case. In this case, the parties to the original proceedings only suffered financially and emotionally. Corrupted state court proceedings often lead to suicide, substance abuse and sometimes even vigilante justice against bad actor judges, attorneys and other state officials. Recently in the State of Arizona, eight (8) bad actor persons were the victims of vigilante justice in a single rampage.

As stated by our current President:

Human rights abuse and corruption undermine the values that form an essential foundation of stable, secure, and functioning societies; have devastating impacts on individuals; weaken democratic institutions; degrade the rule of law; perpetuate violent conflicts; facilitate the activities of dangerous persons; and undermine economic markets.

**Executive Order Blocking the Property of
Persons Involved in Serious Human Rights
Abuse or Corruption, December 21, 2017**

Let us not pretend that corrupted state court proceedings are not the single most important civil rights issue of our time. Petitioner implores this Court to address this matter head on and with the utmost of haste. As stated above, this Court today, in granting review and hearing this case, has an opportunity to affect a great healing upon our nation. Children are being trafficked through our courts for financial gain and sexual perversions. Families are being financially devastated through vexatious litigation, affecting future generations with long-term adverse effects. Parents and children are being emotionally devastated creating generations of dysfunctional persons. Perjury statutes are selectively enforced to perpetuate vexatious litigation. This must stop and it is within this Court's power to effect such change.

**D. INTENTIONAL AND WRONGFUL
DISMISSAL**

The right of due process and need for enforceability of such right is obvious. Petitioner need not establish this fact for this Court. Any judge knows that: the Rooker and Feldman Doctrines, judicial immunity, and sovereign immunity are no defense for claims of rights violations perpetrated under under color of law when a claimant only seeks equitable relief. There can be no doubt whatsoever that dismissal and affirmation of dismissal by the lower court was an intentional wrongful denial of justice. To not grant review is to sanction such

misconduct of the lower courts, effectively aiding and abetting rights violations and federal crimes.

As previously stated, in the case, *Marbury v. Madison*, 5 US 137, 2 L. Ed. 60, 2 – Sup. Ct. 1803, quoting Blackstone: “it is a general and indisputable rule, that where there is a legal right, there is also a legal remedy by suit, or action at law,...” (at 163). Petitioner has a legal right of due process guaranteed him in federal and state constitutions and according to Blackstone, Petitioner has a right of legal remedy by suit. Petitioner has been unlawfully deprived both.

E. RECENT CONFIRMATION HEARING JUSTICE KAVANAUGH

Recently many of the people of this nation were captivated by the confirmation hearings of our most recently appointed Supreme Court Justice, Justice Kavanaugh. As was widely publicized, Justice Kavanaugh was forced to address unsupported allegations made against him. With no small amount of indignation, Justice Kavanaugh denied unsupported allegations made against him. Fortunately, Justice Kavanaugh was provided fair due process to rebuke such allegations. Unfortunately, many litigants across this country are denied the same due process afforded Justice Kavanaugh, as is true in the underlying proceedings that gave rise to this case.

Again, let us not pretend, this Court well knows that in courtrooms across the country, litigant after litigant is the victim of unsupported allegations used as basis for decision. Unlike Justice Kavanaugh, these litigants are deprived fair due process to

disprove unsupported allegations; they are denied a right to be heard, denied the right to present evidence, denied the right to oral argument, denied the right to confront adverse witness testimony. The facts of this case prove Respondent subjected Petitioner to these injustices.

Even more disturbing, when unsupported allegations are proven false and perjurious, judges, like the Respondent in this case did, deny equal protection of the law and refuse to enforce perjury statutes, all for the purpose of propagating vexatious litigation, and supporting corrupted interests. These unfortunate circumstances create chaos in our courts causing great harm to the people, tearing at the very fabric of our nation.

Imagine the public outcry, if Justice Kavanaugh were denied even the semblance of due process and unsupported allegations were relied upon as basis for decision, without further investigation, and without hard evidence. This is in fact exactly what is happening in courtrooms across this country, as happened in the Respondent's courtroom repeatedly.

Now having first-hand knowledge of the emotional distress caused by unsupported allegations, and the necessity of enforceable due process to disprove unsupported allegations, this court should be compelled grant review in this case. For this Court to remain silent and deny review in such a case as this, is to further these injustices and render the people helpless.

CONCLUSION

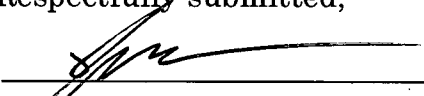
For the foregoing reasons, Petitioner John Anthony Gentry implores that this Court (1) grant rehearing of the order denying certiorari, (2) vacate

the Court's October 1, 2018, order denying certiorari, (3) grant the petitions for a writs of certiorari, vacate judgment, and remand for further proceedings, (4) grant the Motion To Disqualify Justices and respective Clerks or Affirm Impartiality.

Petitioner further refers the Court to related Sup. Ct. Case No. 18-170, also petitioned for rehearing, and respectfully requests consolidation.

DATED: October 15, 2018

Respectfully submitted,



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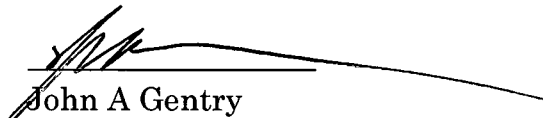
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THE HONORABLE JOE H. THOMPSON,
RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI
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COURT OF APPEALS FOR THE SIXTH CIRCUIT

CERTIFICATE OF PETITIONER

I John Anthony Gentry, hereby certify 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.


John A Gentry