No. 15-485

In the Supreme Court of the United States

MARK WARREN TETZLAFF, PETITIONER
v.
EDUCATIONAL CREDIT MANAGEMENT CORPORATION

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

**** RULE 21 MOTION FOR RECONSIDERATION AND/OR REHEARING ****
in the alternative
RULE Rule 44.6 Resubmission

GORDON WAYNE WATTS, Movant, *Pro Se*
821 Alicia Road
Lakeland, Florida (U.S.A.) 33801-2113
Home Phone: (863) 688-9880 ; Cell Phone: (863) 409-2109
Work Phones: (863) 686-3411 and (863) 687-6141
Electronic Mail: Gww1210@aol.com, Gww1210@gmail.com
Internet: www.GordonWatts.com / www.GordonWayneWatts.com

PARTIES TO THE PROCEEDING

The only two parties to the proceeding are shown in the caption, so I will move on the the next point.

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<u>INTRODUCTORY STATEMENT regarding title of this pleading—as shown on Cover Page</u>

This is the most unusual case I've *ever* seen with regard to trying to chose an appropriate 'title' for the Cover Page of a motion or pleading, since I'm not sure which of the two (2) alternative titles apply, but since I 'm required to comply with RULE 21.1, I must offer clarification in this introductory statement:

> "1. Every motion to the Court **<u>shall clearly state its purpose</u>** and the facts on which it is based and may present legal argument in support thereof." (Rule 21.1, emphasis added in **<u>boldfaced underline</u>** for clarity; not in original)

On the one hand, "RULE 21 MOTION FOR RECONSIDERATION AND/OR REHEARING" might be an appropriate title because the letter from the clerk regarding my prior filings seemed both factually and legally incorrect, and thus a **Rule 44 Petition for Rehearing** (or, if 'reconsideration' is more appropriate, since no 'formal' hearing occurred on my filing, only on those of other parties, *perhaps* a 'generic' **Rule 21 Motion for Reconsideration**).

On the *other* hand, since **both the Clerk <u>and myself</u> discovered apparent errors** of that which was otherwise filed in 'good faith,' we may safely assume that my intervention/joinder was timely, giving me party status, allowing me to file a petition for rehearing of the denied petition for Certiorari, then we may safely invoke Rule 44.6:

> "6. If the Clerk determines that a petition for rehearing submitted timely and in good faith is **<u>in a form that does not comply with this Rule or with Rule 33 or Rule 34</u>**, the Clerk will return it with a letter indicating the deficiency. A corrected petition for rehearing submitted in accordance with Rule 29.2 no more than 15 days after the date of the Clerk's letter will be deemed timely." (Rule 44.6, emphasis added in **<u>boldfaced underline</u>** for clarity; not in original)

So, since both the clerk *and myself* have discovered real (or alleged) deficiencies in my petition for rehearing (of the denied petition for Certiorari), which I shall now show **<u>*was*</u>** indeed submitted timely, the latter title ("**Rule 21 Motion for Reconsideration**") might be appropriate.

If, on the *other* hand, the clerk sticks by his interpretation that I was untimely, then I would respectfully, but firmly, dissent and ask The Full Court – all 8 or 9 Justices – (***and <u>all</u> senior clerks) for reconsideration, under the authority of a generic Rule 21 Motion. *(***Hon. Clerk Erik Fossum, Associate Clerk, was kind enough to admit to me in a recent phone conversation that he did not seek counsel from any other clerk or The Justices of The Court, but instead made the decision on his own. Thus, I infer Due Process would require any appeal of his decision to include more than just himself, to avoid any real or perceived conflict of interest –and to grant Procedural Due Process.)*

The 'route taken' would be different, but, like height, weight, and temperature, this would – as in the Laws of Physics – be a 'State Function,' wherein the 'end result' would be the same: I would show both 'facts' and 'law' **to This Court <u>to verify my claims</u>** that my motion for intervention/joinder was both timely ***<u>and</u>*** legally permitted, and *perhaps even mandatory or justified,* thus allowing me "party status," in order to legally be able to timely petition for rehearing. ***Whichever* title This Court deems appropriate for the cover page, I shall endeavor to <u>resubmit</u> my pleadings "no more than 15 days after the date of the Clerk's letter [in order to] be deemed timely."** (Rule 44.6 only covers 1 of the 2 alternatives, but as there is no time-limit on a generic Rule 21 Motion, I shall adopt the next closest thing, e.g., the '15 day' rule, and tacitly suggest to This Court to revise/update its rules on this head.)

Statement regarding JURISDICTION

The jurisdiction for the instant pleading (this one, here) is addressed above. The jurisdiction for my motions to intervene/join, as well as my petition for rehearing, seem to be covered adequately within the "4 corners" of each filing, so I shall not repeat myself here.

'SUMMARY' Statement of the Case

As stated in my motion to intervene/join and my petition for rehearing, a weak challenge to the constitutionality of current US Bankruptcy Law was derailed and "went off track" for various reasons not my fault, and so – as this touched me, and *my* college loan – I intervened in a timely manner, and, then, assuming The Court would grant my request to timely intervene, I captured and invoked 'party status,' and thereby sought rehearing.

The Clerk assigned to my case:

(1) thought that my filing was untimely based on what he perceived (but misread) as the actual postmark. I.e., he said that my filing had to have been postmarked on Feb. 05, 2016, not Feb. 06, 2016***; and,***

(2) told me in phone conversations that even ***if*** my filing was timely by number (1), above *(and it was)*, nonetheless, the fact that there had not been a petition for rehearing by the losing side makes the case 'closed,' thereby precluding, preventing, & abrogating my ability to intervene/join***; and,***

(3) did NOT notice that, while I had included a Rule 33.1(h) *('Word Count' or 'Page Count')* Certificate of Compliance (not required of *pro se* litigants, like myself), nonetheless, I had NOT included a Rule 44.2 affirmation (statement about denials of Certiorari petitions affirming that my petition for rehearing is in 'good faith' and not for the purposes of delay). Even though he missed this, **I will give him credit** for having "good faith" intent to call me on this omission, and therefore proceed 'just as if' he had called me on this, my (human error) oversight.

While point number (2) above is not clearly spelled out in the clerk's letter to me, he did clearly tell me, in our phone conversation, that this was a perceived problem on his end, and to that end, I shall give this alleged oversight **full legal effect in my representations to This Court** – and treat it as if he *had* clearly spelled out this concern in his letter to me. However, if you look closely at his claims that "[t]his case is considered closed in this Court, and no further consideration by this Court is possible," ***then:***

((A)) You can infer or read into Clerk Fossum's statements a possible reading that he is claiming that I was unable to intervene in a supposedly 'closed' case.

((B)) Moreover, I give my word that he said it.

((C)) Furthermore, if you doubt me, you can ask Associate Clerk, Erik Fossum (202-479-3392) if he affirmed this in our telephone conversation.

((D)) Finally, since I have no reason to lie, and cause myself to have "one more 'legal' hurdle" to leap, therefore you can assure yourself that Clerk Fossom said this – and thus it's included in point '(2)' of my statement of the case and facts, immediately above.

'SUMMARY' of the ARGUMENT

((1)) My pleading was filed on the 5th, not the 6th, as Clerk Fossum alleges, so it is timely.

((2)) With all due respect, Clerk Fossum misreads current case-law on Intervention.

((3)) I shall include *Instanter* a Rule 44.2 affirmation in order to comply with the rules.

Reasons for granting the Motion (argument)

I'm going to slightly alter the order of the 3 sub-arguments (above), putting the 2nd one as the lead-off argument, since it, quite frankly, is the most difficult. And, to clarify, I'm adding 3 'novel' arguments.

I. Clerk Fossum, speaking for The Court, misreads current case-law on Intervention

Remember, Hon. Clerk Erik Fossum, when returning my intervention pleadings, was not exactly clear in his letter. But, because I clarified *supra*, you can safely assume that he meant to say that once Tetzlaff was denied Certiorari, and thus a 'closed' case, it **immediately** stopped and precluded my entry via Intervention. Mr. Fossum added that The Court would wait to see if Tetzlaff would seek rehearing before ruling me out, so to speak. Since Tetzlaff declined to seek rehearing, Mr. Fossum, speaking for The Court, used this as a legal basis to say that Intervention was precluded. ***But, was it?***

First, I shall establish long-held case law that proves that Intervention is permitted in ANY stage of the game—This is hinted at when we see, at the top of many court rulings, the following phrase:

"NOT FINAL UNTIL TIME EXPIRES TO FILE
REHEARING MOTION AND, IF FILED, DETERMINED"

Though this standard from *other* courts is not legally binding upon The U.S. Supreme Court, nonetheless, this hints (read: Common Law) that since my intervention came before the time for rehearing had expired, the clerk could not say that this was a 'final' case.

Moreover, **28 U.S. Code § 2244 - "Finality of determination" (d)(1)** holds that "The limitation period [e.g., for an application for a writ of *habeas corpus*] shall run from **the latest of**— (A) the date on which the judgment became final by the conclusion of direct review **or the expiration of the time for seeking such review..."** *(emphasis added in bold/underline for clarity; not in original)*

Again, not binding (since it addresses *habeas corpus* relief, not rehearing or intervention), but persuasive to see the 'Mind of the Court' on the issue of 'finality.' **However, even *if* I had filed after the case was closed (and I did not), there *is* current case-law that I was still able to intervene:**

> “The only disputed question is whether the motion to intervene, filed one day after judgment, was 'timely' within the meaning of Rule 24, which provides for intervention 'upon timely application.'” ***Curtis McDONALD, Plaintiff-Appellee, v. E. J. LAVINO COMPANY, Defendant-Appellee, v. UNITED STATES FIDELITY & GUARANTY COMPANY, Workmen's Compensation Carrier, Subrogee and Movant to Intervene-Appellant*, 430 F.2d 1065 (5th Cir. 1970)** ***(McDonald, at 29)***

Here, the stage is set to ask the right question.

> “In contending that the motion of USF&G was not timely, McDonald relies on the well established general principle that "[i]ntervention after judgment is unusual and not often granted." Id. at p. 24-526.” ***(McDonald, at 30)***

Clerk Fossum, speaking for The Court, seems to give me the impression that since he believes that I'm seeking intervention after a supposedly 'finalised' judgment, and since this is neither common nor usual, it therefore should be denied. *But, what does the court actually say about Rule 24 Intervention?*

> “"Even though the petition [to intervene to assert a subrogation interest] was filed after the verdicts had been entered, under the circumstances of this case, and due to the nature of the requested intervention, the petition is timely within the meaning of that term as used in Rule 24. No harm, prejudice, or burden will result to any of the parties because the petition is filed on January 11, 1963, rather than on an earlier date. Indeed, the merits of the petition would not have been considered until the verdicts had been rendered anyway, for if the verdicts had been favorable to the defendants, there would have been no need to consider the petitioner's claim." 221 F. Supp. at 649 (footnote omitted).” ***(McDonald, at 34)***

The situation in *McDonald* parallels what we are facing in the case at bar, involving Tetzlaff, myself, The Court, and the Appellee: Indeed, had Tetzlaff sought rehearing and prevailed, I would not even *need* to intervene, *now would I?* So, just like *McDonald, supra,* my <u>delay</u> in intervention was actually appropriate, here, since I needed to “wait & see” if Tetzlaff's 'super lawyers' were up to the task before jumping in the deep end of this legal quagmire. *Moving on...*

> “"Timeliness" is not a word of exactitude or of precisely measurable dimensions. The requirement of timeliness must have accommodating flexibility toward both the court and the litigants if it is to be successfully employed to regulate intervention in the interest of justice. The rule has its permissive aspects, and while we do not dislodge nor denigrate the trial

> court's discretion in matters of intervention, we must view its exercise in the liberal atmosphere of the Rules of Civil Procedure, which are to be construed "to secure the just, speedy, and inexpensive determination of every action." Rule 1, Fed.R.Civ.P. In the present case McDonald seems to assume that the requirement of timeliness is a tool of retribution which can be used to punish a would-be intervenor for allowing time to pass before moving to intervene. We cannot agree with such a view. We think it is correct to say that since "the privilege of intervention stems from a desire to protect the rights of unrepresented third parties, it becomes apparent that the timely application requirement under Rule 24 was not intended to punish an intervenor for not acting more promptly but rather was designed to insure that the original parties should not be prejudiced by the intervener's failure to apply sooner." Note, The Requirement of Timeliness Under Rule 24 of the Federal Rules of Civil Procedure, 37 Va.L.Rev. 863, 867 (1951). Accordingly, it has been the traditional attitude of the federal courts to allow intervention "where no one would be hurt and greater justice would be attained." Id. at 868." ***(McDonald, at 41)***
>
> "43 ...In the unusual situation presented by this case, even though the motion to intervene came after final judgment we can detect no valid reason to deny intervention. With little strain on the court's time and no prejudice to the litigants, the controversy can be stilled and justice completely done. 44 The judgment of the district court is reversed and the cause is remanded for further proceedings not inconsistent with this opinion." ***(McDonald, at 43—44)***

I'm not trying to show disrespect to Clerk Fossum, for, indeed, he has shepherded my case through the courts quite well (not only this time, but also hearkening back to my filings in the recent *Obergefell* 'Gay Marriage' cases), and despite the boneheaded ruling This Court made in *Obergefell*, Mr. Fossum faithfully processed my paperwork, in my (failed) attempts to suggest a ruling that would satisfy both sides of the issue (*both* preserving the definition of marriage ***but also*** offering 'real' relief to victims of 'gay prejudice'). But the fact remains crystal clear: Fossum said I could not intervene after a case was 'closed', and yet undisputed and current FEDERAL case law says otherwise. **I may INTERVENE.**

II. Pleading was filed on the 5th, not the 6th, so it is timely

OK, I've already shown that This Court (if it strives to be fair in applying case law, and I must assume good faith) must entertain and review intervention – even if it's after the case was 'closed.' However, I filed when the case was not closed: The Clerk misread the postmark.

As I showed in my initial pleadings, since This Court handed down a decision in this case on Monday, January 11, 2016, then time runs, giving me 25 days (Rule 44.2) in which I may file a petition for rehearing**, with the day of the act not counted (Rule 30). – So, today, Friday, February 5, 2016, is the last day to file – and, I am so filing. *[[**We assume,* arguendo*, that I am granted intervention and/or joinder, thus granting me 'party status,' and thus, as a 'party,' I don't wait around, but rather, I jump right on it & petition for rehearing.]]*

But, then, the question becomes: Did I *really* file on Friday, 05 February 2016? ANSWER:

> **“A document is timely filed if** it is received by the Clerk within the time specified for filing; or if it is sent to the Clerk through the United States Postal Service by first-class mail (including express or priority mail), postage prepaid, and bears a postmark, other than a commercial postage meter label, showing that the document was mailed on or before the last day for filing; **or if it is delivered on or before the last day for filing to a third-party commercial carrier for delivery to the Clerk within 3 calendar days.” (Rule 29.2)**

Here, we see the obvious: Looking at the appendix, we see that I did, indeed, deliver my intervention motion and my rehearing petition to FedEx (a 3rd-party commercial carrier) “for delivery to the Clerk within 3 calendar days.” (Not only was it's 'Overnight' and 'Priority' delivery something that, legally, scheduled it “**for delivery** to the Clerk within 3 calendar days”—moreover, it **actually arrived** within its scheduled time, something that is preferable, but not actually required by the clerk. So, since I met both the former (scheduled “for delivery to the Clerk”) and the latter (actually arrived) standards, I went *above-and-beyond* what was legally required in regard to timely filing. **MATH:** It was delivered to FedEx on Friday the 5th, and arrived at Your Court on Monday the 8th, and, as the 'day of the act' is not counted in any time computations (Rule 30.1), it got there in 3 days = ON TIME:

> **Rule 30. Computation and Extension of Time**
> **1. In the computation of *any* period of time prescribed** or allowed by these Rules, by order of the Court, or by an applicable statute, **the day of the act,** event, or default from which the designated period begins to run **is not included.**

III. I'm resubmitting original pleadings, this time with required R.44.2 affirmation

It baffles me that the clerk didn't notice that I'd neglected to include a Rule 44.2 affirmation, assuring The Court that I was not acting for the purposes of delay. However, I'm not going to be too critical: I, *myself*, overlooked this. Be that as it may, it is required, so I'm including this required statement in the instant filing (i.e., this one here) *"instanter."* (I will add: Not only am I not trying to delay, in fact, I'm actually trying to expedite things so that I will stay "on the good side" of The Court, and not annoy the Justices or clerks: I really think an injustice was done, and seek review.)

Regarding my accidental omission of this Rule 44.2 Statement, I invoke Rule 44.6, since I shall benevolently give the clerk the credit for having said something: I'm resubmitting my original filings within the 15-day grace period – this time, though, with the required Rule 44.2 affirmations. See the Table of Contents, *supra*, for the proper page number of my Rule 44.2 statement.

IV. Moral Bases

If you look closely at Appendix-E in my original filing, it's a bit long, & I admit I push the limits a bit, but I comport with the rules ("The word limits do not include the questions presented, the list of parties...or any appendix." See Rule 33.1(d) & 33.2(b): "The exclusions specified in subparagraph 1(d) of this Rule apply."), **however looking generally at pp.32—35 of Appendix-E of my intervention filing, there are copious documented suicides as a direct result from college loans being unbearably stressful.**

This phenomenon is of no small moment: Suicides, which result from overwhelming student loans, is *unprecedented* in this country: *It's never happened before.* Therefore, I'd hope This Court looks beyond the 'Black and White' letter of the law and sees the moral implications of its actions: If This Court has any sense of 'Moral' rights & wrongs, I'd ask that these cruel and unusually unconstitutional laws be reviewed (by way of my intervention in *Tetzlaff*), and then struck as unconstitutional.

V. Legal Bases

So, what is the *legal* progress so far? ((#1)) I've thus far shown that even *if* my filing was *after* the case was 'closed,' I may still **intervene.** ((#2)) Additionally, I've shown that my **intervention** (and subsequent request for rehearing) was **NOT** filed after the case was closed (by showing documented proof of my filing's delivery to FedEx), **both** showings of the which vest authority in This Court to act).

However, I have not touched upon the **rehearing** aspect of things too much—and that I shall do now. In ***United States v. Ohio Power Co.,*** **353 U.S. 98, 77 S.Ct. 652, 1 L.Ed.2d 683 (1957),** This Court held that it has "consistently ruled that the interest in finality of litigation must yield where the interests of justice would make unfair the strict application of our rules. This policy finds expression in the manner in which we have exercised our power over our own judgments, both in civil and criminal cases."

In plain English, that means that even *if* you can find some "more recent" case-law that disagrees with, reverses, or otherwise overturns the case-law above, which I cited, you can (and must) reverse Yourselves. PROOF:

> "PER CURIAM.
>
> On June 11, 1956, we unanimously vacated sua sponte our order of December 5, 1955, 350 U.S. 919, 76 S.Ct. 192, 100 L.Ed. 805, denying the timely petition for rehearing in this case, 351 U.S. 980, 76 S.Ct. 1044, 100 L.Ed. 1495, so that this case might be disposed of consistently with the companion cases of United States v. Allen-Bradley Co., 352 U.S. 306, 77 S.Ct. 343, 1 L.Ed.2d 347, and National Lead Co. v. Commissioner, 352 U.S. 313, 77 S.Ct. 347, 1 L.Ed.2d 352, in which we had granted certiorari the same day, viz. June 11, 1956. 351 U.S. 981, 76 S.Ct. 1052, 100 L.Ed. 1496. If there is to be uniformity in the application of the principles announced in those two companion cases, the judgment below in the instant case cannot stand. Accordingly we now grant the petition for rehearing, vacate the order denying certiorari, grant the petition for certiorari, and reverse the judgment of the Court of Claims on the authority of United States v. Allen-Bradley Co., supra, and National Lead Co. v. Commissioner, supra.
>
> We have consistently ruled that the interest in finality of litigation must

yield where the interests of justice would make unfair the strict application of our rules. This policy finds expression in the manner in which we have exercised our power over our own judgments, both in civil and criminal cases. Clark v. Manufacturers Trust Co., 337 U.S. 953, 69 S.Ct. 1525, 93 L.Ed. 1754; Goldbaum v. United States, 347 U.S. 1007, 74 S.Ct. 861, 98 L.Ed. 1132; Banks v. United States, 347 U.S. 1007, 74 S.Ct. 861, 98 L.Ed. 1132; McFee v. United States, 347 U.S. 1007, 74 S.Ct. 862, 98 L.Ed. 1132; Remmer v. United States, 348 U.S. 904, 75 S.Ct. 288, 99 L.Ed. 710; State of Florida ex rel. Hawkins v. Board of Control, 350 U.S. 413, 76 S.Ct. 464, 100 L.Ed. 486; Boudoin v. Lykes Bros. S.S. Co., 350 U.S. 811, 76 S.Ct. 38, 100 L.Ed. 727; Cahill v. New York, N.H. & H.R. Co., 351 U.S. 183, 76 S.Ct. 758, 100 L.Ed. 1075; Achilli v. United States, 352 U.S. 1023, 77 S.Ct. 588.

Reversed." **(*United States v. Ohio Power Co.*, 353 U.S. 98, 77 S.Ct. 652, 1 L.Ed.2d 683 (1957))**

VI. Practical Bases

Heretofore, I've made 'traditional' (if unusual) legal (and moral) arguments, but I shall veer off the beaten path, and here's where it just got real: This Court might deny my intervention (thus disallowing my legal right to petition for rehearing). **The Court has two options here:** Allow me to intervene at this time – or not. Now, as a 'practical' matter, I admit that it will "ruffle a lot of feathers" if I intervene, & then convince This Court to strike some laws as unconstitutional—laws which make it almost 100% impossible for college loans to have any 'Standard Consumer Protections' (bankruptcy, refinancing, etc.) However, the (ruffled & annoyed) rich bakers will survive. Trust me on that one. **I also readily admit** that there is a lot of unspoken (but real**:** as thick as 'pea soup' fog) "peer pressure" on This Court to disregard my filing, here—and deny my intervention, under the "legal fiction" that I don't have any legal right. (After all, I'm just a *pro se* litigant, a 'small fry,' a "pipsqueak," as one Justice[footnote-1] recently described herself**:** "just ignore Mr. Watts," many surely whisper, behind closed doors!)

[footnote 1] 'During her confirmation hearing, Ms. [Justice Elena] Kagan recalled that the memorandums she drafted for Justice Marshall reflected his views, not hers. [line break] "You know, I was a 27-year-old pipsqueak and I was working for an 80-year-old giant in the law and a person who, let us be frank, had very strong jurisprudential and legal views," she said. "He knew what he thought about most issues. And for better or for worse, he wasn't really interested in engaging with his clerks on first principles."' ("A Climb Marked by Confidence and Canniness," By Sheryl Gay Stolberg, et al, May 10, 2010, *The New York Times,* http://www.nytimes.com/2010/05/10/us/politics/10kagan.html)

So, to conclude this argument: Yes, it's possible that This Court could just sweep me under the rug, and – perhaps – no one would notice. But what would be the long-term outcome? Well, besides the horrific injustices ("Justice delayed is Justice denied"), that would be allowed to continue – unchecked – there is another less-obvious implication: If I am not allowed to intervene at this time, simply because I wasn't "fast enough" to make some clerk or justice 'happy,' all that would happen is that there would be future cases, and future interventions. This outcome would be bad for both (all) parties, most especially The Court. This Court would have to eventually face the same paperwork: Why not simply get it over with? Moreover, **future cases involving the constitutionality of the corrupt U.S. Bankruptcy Laws** would create (unnecessary) paperwork for This Court not only in **new cases** that will (inevitably) come down the pike, but also **interventions** that will (inevitably) occur by litigants (like myself) who lack the financial resources (and time) to Shepard a case all the way from the beginning to the end. Remember Tetzlaff's eerily ironic warning in his reply brief: "THIS CASE COULD BE THE LAST AVAILABLE VEHICLE TO RESOLVE A CRITICAL CIRCUIT SPLIT, AS ALMOST EVERY CIRCUIT HAS RULED," since, of course "pro se debtors face certain loss in the lower courts and lack resources to pursue several layers of futile appeals for the chance to seek this Court's discretionary review." (Reply brief, p. 12).

ANTE CONCLUSION

This Court has but two options: Deal with these injustices now—or deal with them later. Your choice.

CONCLUSION

I don't intend to be a 'no show' for a merits brief (like Bobby Chen, remember him? [footnote-2]). But even if I *were,* my motion to intervene/join & my subsequent petition for rehearing were so solid that This Court would still have sufficient legal bases to overturn the Unconstitutional Federal Laws which deny bankruptcy, refinancing, & other standard consumer protections. **This Court should review them.**

[footnote 2] No. 13-10400, *Chen v. Mayor and City Council*; Decision Below: 546 Fed.Appx 187

Rule 29 PROOF (CERTIFICATE) OF SERVICE

I, Gordon Wayne Watts, do swear or declare that on this date, **Friday, 04 March 2016,** as required by Supreme Court Rule 29, I have served the enclosed **"** RULE 21 MOTION FOR RECONSIDERATION AND/OR REHEARING ** *in the alternative* RULE Rule 44.6 Resubmission"** 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. **Specifically, I am now serving the following parties:**

• Supreme Court of the United States, 1 First Street, N.E., Washington, DC 20543, ATTN: Clerk of the Court, (202) 479-3011, MeritsBriefs@SupremeCourt.gov
• ((CURRENT ADDRESS)) Douglas Hallward-Driemeier, Counsel of Record for Petitioner, MARK WARREN TETZLAFF, c/o: Ropes & Gray LLP, 2099 Pennsylvania Avenue, NW, Washington, DC 20006, (202) 508-4600, Douglas.Hallward-Driemeier@ropesgray.com
• Natalie R. Eness, Counsel of Record for Respondent, ECMC 1 Imation Place, Bldg 2 Oakdale, MN 55128 (651) 325-3636, neness@ecmc.org

*** Furthermore, I hereby certify that, contemporaneous to my service by FedEx 3rd-party commercial carrier and/or USPS, I am also serving all parties by email.

*** Furthermore, I hereby certify that, in addition to the foregoing and in addition to any availability of my brief that The Court may make available for download, I am also making both my brief and this certificate available for open-source (free) download, as soon as practically possible on the front-page news of *The Register*, whose links are as follows:

http://www.GordonWatts.com
and:
http://www.GordonWayneWatts.com

Friday, 04 March 2016

s/ Gordon Wayne Watts
Email: Gww1210@aol.com, Gww1210@gmail.com

Rule 33.1(h) PROOF (CERTIFICATE) OF COMPLIANCE

Although Rule 33.1(h) does not require *In Forma Pauperis* pleadings to certify, as a courtesy, I am certifying that all my pleadings (including, of course, this one) comport to the page requirements for pleadings of this sort: "40 pages for a petition for a writ of certiorari, jurisdictional statement, petition for an extraordinary writ, brief in opposition, or motion to dismiss or affirm; and 15 pages for a reply to a brief in opposition, brief opposing a motion to dismiss or affirm, supplemental brief, or petition for rehearing." (Rule 33.2b)

Friday, 04 March 2016

____
s/ Gordon Wayne Watts
Email: Gww1210@aol.com, Gww1210@gmail.com

Rule 44.2 PROOF (CERTIFICATE) OF COMPLIANCE

As required by Rule 44.2, I am now certifying that my petition for rehearing (of This Court's denial of the Certiorari petition to which I assume I will be a party) which I filed on **Friday, 05 February 2016,** in this case, is (and was) presented in good faith and not for delay. (I am not filing this for delay: In fact, I'm doing my best to expedite this filing, as explained *supra*.) In accordance with this rule, (at least) one copy of my certificate shall bear the signature of counsel (or of a party unrepresented by counsel—myself). *Actually, to be safe, I'm going to sign every single copy.* The certificate shall be bound with each copy of the petition. (It is.)

In fact, I certify and affirm that all of my filings are presented in good faith, and that none of my filings are presented for delay.

Friday, 04 March 2016

____
s/ Gordon Wayne Watts
Email: Gww1210@aol.com, Gww1210@gmail.com

INDEX TO THE APPENDICES

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APPENDIX A: Letter from clerk

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

February 22, 2016

Gordon Wayne Watts
821 Alicia Road
Lakeland, FL 33801-2113

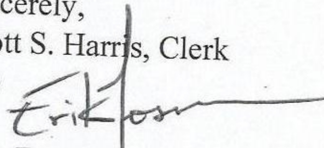
RE: Gordon Wayne Watts
No: 15-485

Dear Mr. Watts:

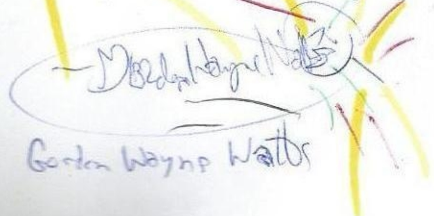
The papers pertaining to the above-entitled case that were postmarked February 6, 2016 and received February 9, 2016 are herewith returned. The petition for a writ of certioari was denied January 11, 2016, and the time for filing a petition for rehearing has expired. This case is considered closed in this Court, and no further consideration by this Court is possible. See Rule 44 of the Rules of this Court.

Counsel of record in the above-entitled matter never filed a petition for rehearing.

Sincerely,
Scott S. Harris, Clerk
By:



Erik Fossum
(202) 479-3392



Enclosures

APPENDIX B: Proof of receipt by FedEx 3rd-party COMMERCIAL carrier (official tracking link)

START

Open up favourite web browser → Go to www.FedEx.com →

Select 'North America' → Select 'United States' →

Mouse over the 'tracking' box in the centre-left section of the screen → Click on it →

Type in the proper tracking number for my filing, namely 782321062390 → Click 'Track'

Read the tracking progress, namely that I delivered my package to this 3rd-party Commercial Carrier on "2/05/2016 – Friday," and that at "9:37 pm," it was "In FedEx possession."

Compare the date here with the date that is required under This Court's rules, and note that it is the same date. (Notice, also, that it arrived safely at Your Court on Monday, 02/08/2016, as promised.)

END

*** APPENDIX C: Proof of receipt by FedEx 3rd-party COMMERCIAL carrier (official tracking page) ***

Track your package or ship...

https://www.fedex.com/apps/fedextrack/?tracknumbers=782321062390&cntry_code=us

My Profile | Support | Locations | English | Search

Shipping | Tracking | Manage | Learn | FedEx Office® | Login

FedEx® Tracking

Text. Track.
Track your shipment using SMS ▸

Track a Shipment
Help
Enter up to 30 FedEx tracking, door tag or FedEx Office order numbers(one per line).

Track

My Shipments

Track and save tracking results for your next visit to fedex.com

782321062390 Save tracking results

Print | Help

Ship date: Sat 2/06/2016
Lakeland, FL US

Delivered
Signed for by: I.BENNETT

Actual delivery: Mon 2/08/2016 9:08 am
Washington, DC US

Hold at FedEx Location | Request Notifications | Obtain Proof of Delivery

More actions

Travel History

Help Hide

Date/Time	Activity	Location
2/08/2016 - Monday		
9:08 am	Delivered	Washington, DC
8:06 am	On FedEx vehicle for delivery	WASHINGTON, DC
7:07 am	At local FedEx facility	WASHINGTON, DC
2/07/2016 - Sunday		
6:18 pm	At destination sort facility	DULLES, VA
3:41 pm	Departed FedEx location	MEMPHIS, TN
8:08 am	Arrived at FedEx location	MEMPHIS, TN
2/06/2016 - Saturday		
8:47 pm	At local FedEx facility	TAMPA, FL
3:32 pm	Left FedEx origin facility	LAKELAND, FL
1:03 pm	Picked up	LAKELAND, FL
2/05/2016 - Friday		
9:37 pm	Picked up Tendered at FedEx Office	LAKELAND, FL
9:37 pm	In FedEx possession Package received after final location pickup has occurred. Scheduled for pickup next business day.	LAKELAND, FL
9:37 pm	At FedEx origin facility	LAKELAND, FL
8:46 pm	Shipment information sent to FedEx	

Select time zone: Local Scan Time

Shipment Facts

Hide

Tracking number	782321062390	Service	FedEx Priority Overnight
Weight	21 lbs / 9.53 kgs	Dimensions	14x11x9 in.
Signature services	Direct signature required	Delivered To	Shipping/Receiving
Total pieces	1	Total shipment weight	21 lbs / 9.53 kgs
Terms	Shipper	Packaging	Your Packaging
Special handling section	Deliver Weekday, Direct Signature Required		

Date and Time Properties

Date & Time | Time Zone | Internet Time

Date: February 2016

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

Time: 3:54:27 PM

Current time zone: Eastern Standard Time

OK | Cancel | Apply

start | Microsoft Security Es... | AOL 9.0 VR | Track your package o... | Track your package o... | 3:54 PM

Address: 4525 S FLORIDA AVE
LAKELAND
FL 33813
Location: LALK
Device ID: -BTC01
Transaction: 870129037189

FedEx Priority Overnight
782321062390 20.3 LB (S) 169.83
Direct signature required
Declared Value 100

Retail Box- 13x9x11
790363305026 1 (T) $2.75

Shipment subtotal:	$169.83
Merchandise taxable subtotal:	$2.75
Tax(State): 6.000%	$0.17
Tax(County): 1.000%	$0.03

U.S. Supreme Court

Total Due:	$172.78

ATTN: Clerk

Cash:	$172.78
Change Due:	$0.00

M = Weight entered manually
S = Weight read from scale
T = Taxable item

Terms and Conditions apply. See
fedex.com/us/service-guide for details.

Visit us at: fedex.com
Or call 1.800.GoFedEx
1.800.463.3339

February 5, 2016 9:38:03 PM

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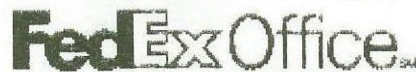
Redemption Code: ___________

*** Thank you ***



****APPENDIX D: Proof of receipt by FedEx 3rd-party COMMERCIAL carrier (printed receipt) ****

Address: 4525 S FLORIDA AVE
LAKELAND
FL 33813
Location: LALK
Device ID: -BTC01
Transaction: 870129037368

Doug Hollwood-Driemeir, Esq.

FedEx Ground
782321072299 1.7 LB (S) 9.45
Declared Value 100

FedEx Ground
782321074730 1.7 LB (S) 9.89
Declared Value 100

Natalie R. Enns, Esq.

Mailr Kraft 10.5x15
771342328267 2 (T) $3.38

Shipment subtotal:	$19.34
Merchandise taxable subtotal:	$3.38
Tax(State): 6.000%	$0.21
Tax(County): 1.000%	$0.03
Total Due:	$22.96
Cash:	$25.96
Change Due:	$3.00

M = Weight entered manually
S = Weight read from scale
T = Taxable item

Terms and Conditions apply. See
fedex.com/us/service-guide for details.

Visit us at: fedex.com
Or call 1.800.GoFedEx
1.800.463.3339

February 5, 2016 9:48:28 PM

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Tell us how we're doing
& receive a discount on your next order!
fedex.com/welisten or 800-398-0242
Redemption Code: ___________