

No. 19-5151

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IN THE  
Supreme Court of the  
United States



Jeffrey T. Maehr,

Petitioner

v.

United States

Respondent



PETITION FOR REHEARING



Jeffrey T. Maehr  
924 E. Stollsteimer Rd.,  
Pagosa Springs, Colorado [81147]  
(970) 731-9724



Petitioner comes before this honorable court with this Petition for Rehearing for cause. Petitioner moves this court to strongly consider the “controlling” constitutional parameters of this case, and that Petitioner, in good faith and with as much understanding and belief as he has, believes this falls into the “intervening circumstances of substantial or controlling effect” since this court’s own constitutional precedent is being discarded;

**1. This court originally ruled in multiple past court cases on original intent on the following constitutional and statutory issues:**

a) The original definition of “*income*” which is not defined in the Internal Revenue Codem but was originally defined by this court, but is being misdefined and unconstitutionally misapplied<sup>(1)</sup> by Respondent against millions of Americans.

b) The true purpose of the 16<sup>th</sup> Amendment as Congress, and this court, originally decided, which is contrary to the Respondent’s claims and administrative actions against millions of Americans.

c) The nature and purpose of the grand or special jury and its separation from the three branches of government, and now being denied to the public, and is suppressed and controlled by the judicial branch of government, preventing crimes from being investigated.

**2. Petitioner filed a “Motion to Compel Response” from Respondent**, with Default NOTICE under Rule 55, prior to this Court’s Conference, (stamped August 16<sup>th</sup>, 2019) but the Notice and all copies were returned for alleged non-compliance with Rule 15.8. Petitioner has reviewed Rule 15.8 and can find no obvious compliance issues.

Petitioner points this court and its clerks to the fact that this court has already ruled on pro se filers not being constrained with some *form* issue and ignoring the substance of the case.<sup>(2)</sup>

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<sup>1</sup> Taxing American’s wages is a direct tax according to this court, and thus, by law should be apportioned according to population. “No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or enumeration herein before directed to be taken.” Article I, Section 9, Clause 4.

<sup>2</sup> The United States Supreme Court, in *Haines v Kerner* 404 U.S. 519 (1972) stated that all litigants defending themselves *must* be afforded the opportunity to present their evidence and that the Court should look to the substance of the complaint rather than the form, and that a minimal amount of evidence is necessary to support contention of lack of good faith. *Fortney v. U.S., C.A.9 (Nev.) 1995, 59 F.3d 117*; The spirit of all these rules is to settle controversies upon their merits rather than to dismiss actions on technical grounds, to permit amendments liberally... *Fierstein v. Piper Aircraft Corp., D.C.Pa. 1948, 79 F.Supp. 217*; It is contrary to spirit of these rules for decisions on merits to be avoided on basis of mere technicalities. *Forman v. Davis, Mass.19632, 83 S.Ct. 227, 371 U.S. 178m 9 K,Ed2d 222, on remand 316 F.2d 254*; Spirit of these rules is that technical requirements are abolished and that judgments should be founded on facts and not on formalistic defects. *Builders Corp. of America v. U.S.,C.A.Cal.*

Petitioner moves this court to please consider the substance, please consider the evidence, please consider that he is doing this alone, without assistance of counsel, without help from anyone, and to not focus on or be restrained or controlled by mere discretionary form, or on “status quo” and to go on your conscience, truth, justice, freedom, and *what the constitution and original intent of this court clearly states*. I ask merely for due process, and to restore to Americans what has been unlawfully taken, wittingly or unwittingly, by Respondent, and bring a level of freedom back, and *restore the credibility of the judicial system* in defending the Americans it claims to serve.

**3. Petitioner then filed a separate “Default Notice under Rule 55”**, (stamped October 16<sup>th</sup>, 2019) with grand jury request under U.S.C. 18, (with personal letter to Justice Gorsuch) and all 11 copies, (minus letter) were returned as well, with only a reference to filing a “Petition for Rehearing” given, leading to this Petition for Rehearing.

**4. Petitioner brings this petition for rehearing under “intervening circumstances of substantial or controlling effect”<sup>(3)</sup> as follows;**

a) The Supreme Court Justices have sworn. 1, a “Constitutional Oath” to defend the Constitution where it might be threatened by any, including domestic sources...

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.”

And, 2, a Judicial Oath...

“I, \_\_\_\_\_, do solemnly swear or affirm that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as \_\_\_\_\_, according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States. So help me God.”

Or, 3, a “Combined Oath...

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as \_\_\_\_\_

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1958, 259 F.2d 766.

<sup>3</sup> See Certificate attached.

under the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.”

The issues at hand are certainly Constitutional in nature, to the core, and are at the heart of our Republic’s ability to exist and survive under the rule of law. Anything contrary is an act of, in this court’s own decision... “war against the constitution”<sup>(4)</sup> regardless of who is involved.

b) *According to the Constitution (Art. III, §2): "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States..." (https://www.supremecourt.gov/about/courtatwork.aspx).*

Petitioner has established that the issues raised in this case are certainly “in law and equity” and are “*arising under the Constitution*” and “*Laws of the United States.*” He has also established that this affects over 150 million Americans as it is being applied by Respondent, and is contrary to standing case precedent of this court. Petitioner’s constitutional due process rights have been denied in all lower courts and his evidence as provided by this court has been dismissed as “frivolous”<sup>(5)</sup> as originally ruled upon. “Substantial and Controlling” constitutional authority clearly exists, as well as the damage being done that certainly needs intervention.

**5. Petitioner brings this petition for rehearing under “substantial grounds not previously presented”, as follows;**

Petitioner’s case in the Federal District of Colorado (18-cv-02273) was recently dismissed without due process of law, and discovery of existing exculpatory assessment evidence in Respondent’s possession which was allegedly used to create the assessment against Petitioner, was denied and suppressed by the court and Respondent. A fraudulent tax assessment was created by Respondent, and garnishment of 100% of Petitioner’s social security followed as of February, 2016, with further claims of right to also garnish 100% of Petitioner’s Veteran’s Disability Compensation contrary to this courts own decisions on this subject in *Porter v. Aetna*

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<sup>4</sup> “No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it.” *U.S. Supreme Court Cooper V. Aaron*, (1958).

<sup>5</sup> **Frivolous.** “Of little weight or importance. A pleading is ‘frivolous’ when it is clearly insufficient on its face, and does not controvert the material points of the opposite pleading... A claim or defense is frivolous if a proponent can present no rational argument based upon the evidence or law in support of that claim or defense. *Liebowitz v. Aimexco Inc.*, Colo.App., 701 P.2d 140, 142.” Black’s Law Dictionary, 6<sup>th</sup> Edition. See also *Ervin v. Lowery*, 64 N. C. 321; *Strong v. Sproul*, 53 N. Y. 499; *Gray v. Gidiere*, 4 Strob. (S. C.) 442; *Peacock v. Williams* (C. C.) 110 Fed. 910. *Cotrill v. Cramer*, 40 Wis. 558.”

*Cas. & Sur. Co.*, 370 U.S. 159 (1962). No. 604.

Further, ongoing ***irreparable harm*** (*Williams Packing Exception*) is occurring and has been occurring since the garnishment, and contrary to standing statutes protecting such, as well as exacerbation of Petitioner's Navy veteran disabilities. Petitioner believes this is standard operating procedures for Respondent against all Americans similarly situated.

Lastly, the above named court case is under appeal, and if dismissed again, the issues will be raised in this court for the fourth time.

**6. Petitioner has been denied a jury hearing the evidence of the fraudulent assessment and this court's stare decisis and other clear evidence, despite being demanded repeatedly.** Petitioner has been completely unable to secure any attorney on these issues willing to defend his rights under the law, and has been forced to do so pro se, and being biased in the lower courts for doing so.

**7. Standing statutes governing all courts in this nation dictate that when a party "fails to plead or otherwise defend" under FRCP, Rule 55<sup>(6)</sup>, "the clerk must enter the party's default."** Respondent waived its rights to respond to the charges, thus under Rule 55(d), this court can issue a default judgment against Respondent "***...if the claimant establishes a claim or right to relief by evidence that satisfies the court.***"<sup>(7)</sup>

To satisfy the above criteria, Petitioner has provided this court's with its own stare decisis evidence, and congressional and other testimony and evidence, with clear argument, on the questions presented, which are persuasive issues never answered or addressed by Respondent, **ever**, apart from being dismissed as "frivolous." These issues have never been adjudicated in **ANY** court in America since this court. This court's own past rulings are in question, and the lower courts cannot continue to cast aside this court's own still-standing case rulings, or said rulings are rendered moot and of no effect for Americans, and establishes a bad precedent for setting aside any other Supreme Court decided case in the future.

**8. This court is charged with upholding the constitution and rule of law.** It is charged with defending Americans rights and upholding liberty and truth in law. These are major constitutional and liberty issues, and this court has now had three opportunities to address the ignored evidence of its own stare decisis, and it has ***three times denied affirming its own rulings***

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<sup>6</sup> FRCP Rule 55 Default; Default Judgment: (a) ENTERING A DEFAULT. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.

<sup>7</sup> Rule 55 (d) Judgment Against the United States. A default judgment may be entered against the United States, its officers, or its agencies only if the claimant establishes a claim or right to relief by evidence that satisfies the court.

on these issues that all lower courts have called frivolous rulings and are ignoring and making moot, to the severe damage of 150+ million Americans, and the integrity of the court system.

Respondent has consistently refused to provide answers to this court's stare decisis on the questions given, (despite Respondent's Mission Statement, and TABOR...), or defend against other issues that only require simple answers with simple existing evidence that should be readily available. Considering Respondent has consistently stated to Petitioner, and all others similarly situated regarding these issues, that they may **ONLY** "be challenged through the judicial system"<sup>(8)</sup>, and considering that lower courts have consistently refused to provide due process on the actual evidence, or provide findings and conclusions<sup>(9)</sup> in decisions against this court's stare decisis, it is vital that this court finally step in to quiet the many contradictions of record, and which will continually be raised by many others in the future till addressed. ***Where else can Americans turn to receive justice and due process of law?***

**9. Considering all of Petitioner's past court cases have not provided answers** to the questions, or even addressed the issues with any response at all, and considering that this is the third time that some of these basic constitutional questions have been presented to this court, it would seem these issues are ripe for adjudication and for Respondent be held accountable for redress of grievances it has routinely denied Americans since the mid 90's, or before.

**Therefore**, Petitioner moves this court to hear this case and finally adjudicate the evidence, and sustain, or overturn with cause, its own original stare decisis on the issues raised, or;

Under stated Rule 55, to enter a mandatory DEFAULT judgment against Respondent based on the persuasive and never adjudicated evidence presented in the record, and;

Under constitutional and statutory authority under 18 U.S.C., where crimes are reported to any judge, with presented evidence, as well as this courts own rulings in *U.S. v Williams*, 504 U.S. 36 (112 S.Ct. 1735, 118 L.Ed.2d 352) No. 90-1972, and with much more standing evidence available, to convene a grand or special jury or have the U.S. Attorney/General convene a grand or special jury to investigate these firsthand criminal complaints against Respondent, per the previously filed "Motion to Compel Response" with "Notice and Demand" for Summons a Grand Jury, with Memorandum of Law, (documents in stamped documents dated August 16<sup>th</sup>, 2019), and "Default Notice Under FRCP Rule 55" stamped October 16<sup>th</sup>, 2019), as well as

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<sup>8</sup> See Respondent's document Exhibit C1 of stamped documents dated October 16<sup>th</sup>, 2019.

<sup>9</sup> FRCPA Rule 52; "The parties are entitled to know the findings and conclusions on all of the issues of fact, law, or discretion presented on the record." Citing *Butz v. Economou* 438 U.S. 478, 98 S. Ct. 2894, 57 L. Ed. 2d 895, (1978). *Federal Maritime Commission V. South Carolina State Ports Authority et al.*, No. 01-46. 2.535 U.S. 743, 122 S. Ct. 1864, 152 L. Ed. 2d 962, (2002).

evidence from multiple independent parties with inculpatory evidence against Respondent thus far never adjudicated.

Petitioner respectfully moves this court, under its own decided cases in Foot Note #6, to also provide “Findings of Fact and Conclusions of Law” on any decision rendered on the relevant issues at hand, or why these constitutional and statutory issues should not be finally adjudicated by this court.

Respectfully Submitted,

Date: October 24<sup>th</sup>, 2019

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Jeffrey T. Maehr,  
924 E. Stollsteimer Rd.,  
Pagosa Springs, Colorado [81147]  
(970) 731-9724

#### **CERTIFICATE OF SERVICE**

Petitioner attests to sending a true and complete copy of this Petition for Rehearing document to the party named below, on October 24<sup>th</sup>, 2019.

Solicitor General of the United States, Rm. 5616, Department of Justice, 950 Pennsylvania Ave., NW, Washington, DC, 20530-0001.

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Jeffrey T. Maehr

#### **CERTIFICATION**

Petitioner herein certifies that, to the best of his knowledge and legal understanding, this Petition is presenting in “good faith and not for delay” (since this is truly a justice and constitutional case, and since there is nothing that can be delayed in this case), and due to “intervening circumstances of substantial or controlling effect” (controlling constitutional questions affecting 150 million Americans), and based on further “substantial grounds not previously presented”, in the way of a recently dismissed related court case, as discussed herein.

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Jeffrey T. Maehr