

No. 12-1229

**UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT**

---

MIKE TURCOTTE  
Plaintiff - Appellant

v.

PAUL LEPAGE  
In his capacity as Governor of the State of Maine  
Defendant - Appellee

---

ON APPEAL FROM THE UNITED STATES  
DISTRICT COURT FOR THE DISTRICT OF MAINE

---

**PETITION FOR REHEARING EN BANC**

---

Respectfully submitted by,

MIKE TURCOTTE  
24 Cortland Circle  
Bangor, ME 04401  
(207) 991-7070

The Plaintiff, Michael Turcotte, respectfully submits this petition for rehearing *en banc* pursuant to Rules 35 and 40 of the Federal Rules of Appellate Procedure.

The panel decision does not conflict with prior decisions of the United States Supreme Court nor of this Court because this is a nonprecedential proceeding.<sup>1</sup>

The panel decision does raise a question of exceptional importance. The declaratory relief sought by the Plaintiff in Paragraph 19 of his original complaint, Article IV, Part Third, Section 1-A of the Maine Constitution – establishment of a redistricting commission by the political parties of the Maine legislature in drawing congressional districts, conflicts with Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. Simply stated, state and federal governments cannot deprive an individual or class of people of the rights enjoyed by other persons who are similarly situated.

The Voting Rights Act of 1965 establishes precedent for this Court on the basis on race. Yet, in this proceeding, the Plaintiff is denied equal protection enjoyed by the members of political parties on the basis of non-

---

<sup>1</sup> An extensive search by the Plaintiff resulted in no Supreme Court or Federal Circuit Court cases involving individual rights versus political parties in the establishment and of a congressional redistricting commission.

party membership. Presumptuously, with no precedent, consideration by the full Court is necessary to secure and maintain uniformity of the spirit and or intent of the Equal Protection Clause and of Amendment XIV of the U.S. Constitution.

Dated this 13th day of December, 2012, in Bangor, Maine

/s/ Michael Turcotte  
Michael P. Turcotte  
24 Cortland Circle  
Bangor, Maine 04401  
Telephone: 207-991-7070  
michaelturcotte@gmail.com

## CERTIFICATE OF SERVICE

Michael P. Turcotte certifies that he served a copy of this document  
by Electronic Mail today on the following:

PAUL STERN  
Deputy Attorney General  
Office of the Attorney General  
[paul.d.stern@maine.gov](mailto:paul.d.stern@maine.gov)  
Tel: (207) 626-8568

PHYLISS GARDINER  
Assistant Attorney General  
[phyllis.gardiner@maine.gov](mailto:phyllis.gardiner@maine.gov)  
Tel: (207) 626-8830

6 State House Station  
Augusta, ME 0433-0006

Dated: December 13, 2012

/s/ Michael Turcotte  
MICHAEL P. TURCOTTE  
24 Cortland Circle  
Bangor, ME 04401

207-991-7070