

No. \_\_\_\_\_

**SUPREME COURT OF THE UNITED STATES**

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**ANICA ASHBOURNE, Applicant-Plaintiff**

**v.**

**DONNA HANSBERRY, Director, Global High Wealth,  
Respondent-Defendant,**

**DONNA PRESTIA, Assistant Director, Global High Wealth,  
Respondent-Defendant,**

**THOMAS COLLINS, Territory Manager, Global High Wealth,  
Respondent-Defendant, and**

**Timothy Geithner, Secretary, U.S. Department of the Treasury,  
Respondent-Defendant**

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**Anica Ashbourne's Application to Chief Justice John Roberts to Extend Time to File  
Petition for Writ of Certiorari to Review Judgment of the United States Court of  
Appeals for the District of Columbia Circuit**

## I. BASIS FOR JURISDICTION

Appellant-Plaintiff respectfully requests Chief Justice John Roberts, the Circuit Justice for the United States Court of Appeals for the District of Columbia Circuit, extend the time for her to file her petition for writ of certiorari to Monday, February 4, 2019. This Court has jurisdiction to grant her request since Ms. Ashbourne filed this request 10 days before the current due date for filing the petition. Anica Ashbourne is required to file her petition by Tuesday, December 4, 2018, which is 90 days from Wednesday, September 5, 2018, the date when the United States Court of Appeals for the District of Columbia Circuit had denied her timely-filed petition for rehearing *en banc*. Ms. Ashbourne requests that the due date be extended by 60 days, making Monday, February 4, 2019, the new due date for her to file her petition. [The 60<sup>th</sup> day falls on Saturday, February 2, 2019].

## II. REASONS FOR REQUESTING AN EXTENSION

In her petition, Anica Ashbourne will ask this Court to determine whether the Panel abused its discretion when it relied on *private* employment discrimination cases in deciding her *federal* employment discrimination complaint. For forty years, this Court has held that reliance on *private* sector cases is inapposite in deciding *federal* sector complaints. *Chandler v. Roudebush*, 425 U.S. 840, 846-848. (1976). This Court has determined that Congress waived its sovereign immunity in exchange for giving federal employees a right to a *trial de novo* on their discrimination complaints. Since 1972, when Congress enacted 42 U.S.C. §2000e-16(c), this Court has maintained that Congress gave federal employees an

unconditional right to a *trial de novo*, provided they satisfy the rigorous and extensive exhaustion requirements contained in 42 U.S.C. §2000e-16.

*Chandler* holds that reliance on *private sector cases* is inapposite in deciding *federal* employment cases due to the doctrine of sovereign immunity and 42 U.S.C. §2000e-16's detailed legislative history. Furthermore, denying a federal victim of discrimination an immediate *trial de novo* is an abuse of discretion because Title VII is the exclusive antidiscrimination remedy for federal employees. Unlike a federal sector employee, a private sector employee can pursue remedies under various state and federal antidiscrimination statutes. If a private sector employee pursues antidiscrimination remedies in both state and federal courts, a state court decision on his antidiscrimination complaint may subject him to *res judicata* when he files his Title VII complaint in federal court. The Panel, in the instant case, relied *entirely* on private sector cases.

In this case, Anica Ashbourne had not had a *trial de novo* on her discrimination complaint.

According to *Chandler*, the Panel erred because it relied on *private sector cases* in deciding Anica Ashbourne's *federal* employment discrimination complaint.

### III. REASONS FOR GRANTING HER EXTENSION REQUEST

Anica Ashbourne's good cause reasons for requesting that her extension be granted are as follows:

First, she has an administrative discrimination complaint involving Donna Hansberry, Donna Prestia, and Thomas Collins, the same defendants here, that is

currently pending before the Equal Employment Opportunity Commission [E E O C Case No. 570-2017-00537X]. The other parties include James Trommatter (U.S. Coast Guard Director of Security) and Thomas Harker (U.S. Coast Guard Director of Financial Reporting). She is requesting an extension until Monday, February 4, 2019, to give the Equal Employment Opportunity Commission time to rule on her complaint.

In her E E O C complaint, Ms. Ashbourne argues that Donna Hansberry, Donna Prestia, and Thomas Collins have continued to retaliate against her and to interfere with her employment since May 2011.

In 2015, Ms. Ashbourne was working at the U.S. Coast Guard when James Trommatter (Director of U.S. Coast Guard Security) and Thomas Harker (U.S. Coast Guard Director of Financial Reporting) had her called into an unscheduled meeting. When Ms. Ashbourne entered the room, she was immediately surrounded by several armed guards who had their hands on their guns and billy clubs. Thomas Harker, reading from a letter signed by James Trommatter, told Ms. Ashbourne that the armed guards were there to remove her from the facility and that her employment was being terminated. He said that this action was being taken based on the records of Donna Hansberry, Donna Prestia, and Thomas Collins.

In April 2017, Anica Ashbourne sued Thomas Harker and James Trommatter in U.S. District Court of the District of Columbia under the Privacy Act and U.S. constitution. (Civil Case No. 17-752 (EGS)). This Court should note that the court

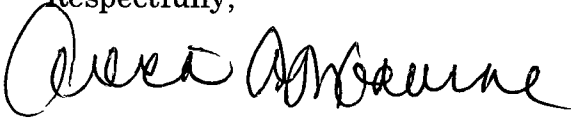
has stayed Civil Case No. 17-752 (EGS) pending the outcome of her E E O C complaint. Here, she argued that Thomas Harker and James Trommatter relied on Donna Hansberry, Donna Prestia, and Thomas Collins' records and armed guards to traumatize her into believing that she would be clubbed, tackled, or shot in the back.

**Second**, this Court's Case No. 18-426, which involves the same defendants, is also pending before this Court.

Anica Ashbourne argued in her petition that the Panel's decision conflicts with this Court's decisions and with decisions issued by every other circuit. She argued that this Court should hear her petition because the Panel has refused to comply with the Privacy Act and with this Court's decisions regarding a "meaningful opportunity to be heard". The Panel erred because the Privacy Act required Donna Hansberry, Donna Prestia, and Thomas Collins to substantiate their records with the "factual records of independent and objective third parties", i.e. *preponderant evidence*, rather than with their subjective and defamatory judgments about her. The Panel also erred because a "meaningful opportunity to be heard" does not mean that she was required to *disprove* their unsubstantiated and defamatory charges.

Therefore, Anica Ashbourne is requesting that this Court extend the due date to Monday, February 4, 2019, since an Equal Employment Opportunity Commission ruling in her favor may make the filing of these petitions moot.

Respectfully,

A handwritten signature in black ink, appearing to read "Anica Ashbourne". The signature is fluid and cursive, with the first name "Anica" being more prominent and the last name "Ashbourne" following in a similar style.

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November 24, 2018