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SUPREME COURT  
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2018 MAY -9 P 11:28

No.

NE 1464

IN THE  
**SUPREME COURT OF THE UNITED STATES**  
**OCTOBER TERM 2017**

ANICA ASHBOURNE, *Applicant*,  
v.

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

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

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

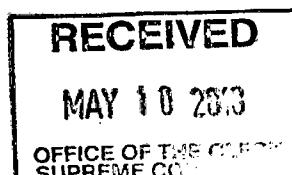
Timothy Geithner, Secretary, U.S. Department of the Treasury, Respondent

Application to the Honorable Chief Justice John G. Roberts,  
Jr. as Circuit Justice for an Extension of Time to File  
Petition for a Writ of Certiorari to the United States Court of  
Appeals for the District of Columbia Circuit

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May 4, 2018



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## **SUMMARY**

Pursuant to this Court's Rules 13.5, 22, and 30.3, Applicant Anica Ashbourne respectfully requests a 60-day extension of time until, and including, July 2, 2018, within which to file a petition for writ of certiorari in this case.

## **JUDGMENT FOR WHICH REVIEW IS SOUGHT**

The judgment sought to be reviewed is the unpublished decision of the United States Court of Appeals for the District of Columbia Circuit in *Anica Ashbourne v. Donna Hansberry, Director, Global High Wealth, Donna Prestia, Assistant Director, Global High Wealth, Thomas Collins, Territory Manager, Global High Wealth, and Timothy Geithner, Secretary, U.S. Department of the Treasury* (attached as Exhibit A).

Applicant argued that Donna Hansberry, Donna Prestia, and Thomas Collins violated the Privacy Act because they deliberately and intentionally falsified her personnel records. She argued too that they then used these records to publicly terminate her employment amidst stigmatizing charges of dishonesty. In addition to violating the Privacy Act, Applicant argued that, because they had no evidence to

substantiated their charges, they had deliberately and intentionally denied her meaningful opportunity to be heard because they had no evidence for her to refute.

The panel's decision also warrants this Court's review for the following reasons:

1. This case is of national importance because it affects more than 20 million federal job applicants. In 2016, the Office of Personnel Management reported that the federal government processes more than 22 million job applications each year. This case is of national importance because federal employers are impermissibly interfering with the application process by falsifying personnel records in order to deprive certain applicants of federal employment.

2. This case conflicts with the legislative history of the Privacy Act and with Doe v. U.S., 821 F.2d 694 (D.C.Cir. 1987) (en banc). The panel erred because the purpose of the Privacy Act is to prevent federal officials from engaging in the type of conduct that has occurred here. the type of conduct that occurred in this case. Moreover, the panel failed to acknowledge that the Privacy Act and well-settled law that a job applicant never has the burden to disprove the agency's

unsubstantiated charges. Naekel v. Department of Transportation, 782 F.2d 975, 977 (Fed. Cir. 1986).

3. This case conflicts with Arnett v. Kennedy and with circuit precedent, Doe v. U.S. Department of the Justice. The panel erred because this Court held that a person is entitled to meaningful opportunity to be heard, not a meaningless one.

The arguments made here and the cases cited in this motion are all included in the attached exhibits.

### **JURISDICTION**

The D.C. Circuit issued its judgment on November 3, 2017. On February 14, 2018, the D.C. Circuit denied Applicant's petitions for panel rehearing and rehearing *en banc* (unreported order attached as Exhibit B). Pursuant to this Court's Rules 13.1, 13.3, and 30.1, Applicant's petition for a writ of certiorari would be due on May 15, 2018. This application is made at least 10 days before that date. This Court's jurisdiction would be invoked under 28 U.S.C. §1254(1).

### **REASONS JUSTIFYING AN EXTENSION OF TIME**

Applicant Anica Ashbourne requests a 60-day extension of time until, and including, July 2, 2018, to file the petition

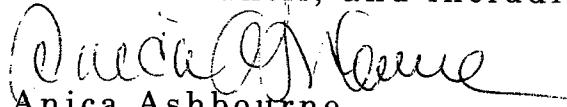
for a writ of certiorari seeking this Court's review of the judgment by the United States Court of Appeals for the D.C. Circuit in this case.

1. The extension is warranted because the Equal Employment Opportunity Commission has scheduled Applicant to participate in a teleconference concerning these same issues on June 14, 2018. (EEOC No. 570-217-00537X – Administrative Law Judge: James McGee). This EEOC complaint arose, in part, because Applicant found that Donna Hansberry, Donna Prestia, and Thomas Collins are continuing to interfere with her federal employment opportunities. The extension request is warranted because it is possible that the parties may settle all of these claims on June 14, 2018, making the filing of a petition here moot.

2. The extension is also warranted because Applicant has a Title VII complaint against these same respondents that is pending at the court below (Case No. 17-5136). She believes that a decision in that case is imminent, thereby making the filing of a petition here moot.

## **CONCLUSION**

For the reasons above, Applicant Anica Ashbourne respectfully requests that this Court grant her a 60-day extension until, and including, July 2, 2018.

  
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May 4, 2018

**CERTIFICATE OF SERVICE**

Pursuant to Rule 29.5 of the Rules of this Court, I certify that all parties listed below were served by regular mail on May 4, 2018.

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