

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Kevin Pennington — PETITIONER
(Your Name)

vs.

Arkansas Game & Fish Commission — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

KEVIN PENNINGTON
(Your Name)

1221 CHAR-DEL LANE
(Address)

LITTLE ROCK, ARKANSAS, 72206
(City, State, Zip Code)

501-888-4036
(Phone Number)

QUESTION(S) PRESENTED

- a. Does the state government have a due process of laws and why wasn't it applied ?
- b. Why did the state agency ignored all the veterans and minorities that met the qualification for a position and was denied an interview ?
- c. Does the state agency honors U.S.Veterans and supports employment programs ?
- d. Why the Director of a state agency use a negative racial remark on classifying an employee in any form ?
- e. Why is there still no minorities in this state agency in higher counsel or executive administration past 10+ years ?
- f. Why the state agency did not use state policy equally to its employees, especially disciplinary procedures ?
- g. Why does this state agency allows unfair treatment, hostile work environment, favoritism at work and bias decision making process ?
- h. Why a Federal judge in the opinion and order create false statements which is not found in evidence records ?
- i. Why did the U.S.Court of Appeal did not address any of the issues so stated in my document ?
- j. When a judge shows favor to a party and falsify statements in the opinion and order isn't that libel or defamation ?

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [☒] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Mr. James F. Goodhart : james.goodhart@agfc.ar.gov

Mr. John Parker Marks : john.marks@agfc.ar.gov

Mr. Jim McCormack

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TABLE OF AUTHORITIES CITED

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: APRIL 13, 2018, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Title VII of Civil Right Act of 1964

Civil Right Act of 1991

The American with Disabilities Acts (ADA)

The Age Discrimination in Employment Act (ADEA)

The 5th Amendment Due Process of Law

The 14th Amendment Equal protection Clause

The 6 Amendment Impartiality

Article 1 Right to Equality

Article 6 Right to Recognition as a person before law

The Veterans Act of 1944

The Uniformed service Employment and Reemployment Right Act (USERRA)

The Veteran Employment Opportunity Act (VOA)

Title S. United States codes,section 2108

Equality Act 2010

42 U.S.C. 2000e-2 (a)(disparate treatment)

42 U.S.C. 2000E (k) (i) (disparate impact)

STATEMENT OF THE CASE

Title VII prohibits intentional act of employment discrimination based on race, color, religion, sex and national origin. 42 U.S.C. 2000e-2 (a) (disparate treatment) as well as policies or practices that are not intended to discriminate but in fact have a disproportionately adverse effect on minorities. 2000e-2 (k) (a) (i) disparate impact.

No. 08-328 Ricci et al v. De Stefano et al

The Fourteenth Amendment Equal Protection clause is being violated in this case of employment discrimination. Watson v. Fort Worth Bank & Trust 487. U.S. 977.993 Connecticut v. Teal 457 U.S. 440.446

The title of this case 17-2338 includes (1) failure to promote, (2) retaliation/harassment, and (3) wrongful termination.

Amendment 5 and '14 deals with the right to due process. Without proper or no hearing, trial or courts to give a full representation of the case including eye witnesses, evidence and facts. Article 1 gives Rights to Equality. Article 6 gives Right to Recognition as a person before law.

The Veteran Act of 1944 Title S United States Codes, Sect 2108. Veterans Employment Opportunity Act. (V.O.A.)

In the failure to promote case, as a veteran and minority, I was not granted an interview for a position that I applied for within the agency in which I met the qualifications for so stated by the agency. A co-worker Mr. Potts (white) was granted an interview for the same position. I filed an EEOC charge at that time and found that the agency did not acknowledge any veterans or minorities that had applied for the position. (EEOC 493-2014-01009) The EEOC supervisor noted that some of the veterans were

more qualified than the applicant that was chosen for the job. In Mr. Potts deposition on this matter, he noted the racist remark made about Mr. Pennington by the Director of the Agency before the job listing was ever posted. Under the Veteran Employment Opportunity Act, this state agency failed to honor any veterans during this time period including myself. "Protected veterans under Sect 4212".

After filing EEOC charges in the first case, the second case of retaliation/harassment (EEOC 493-2016-00060), Title VII would also apply here for unfair treatment, relocating offices, workplace and office space restrictions, falsifying state records, adverse action, being exposed to racist slurs and a hostile work environment.

In the wrongful termination case (EEOC 493-2016-00987), state policy applies to all employees, as all employees are required to sign the policy in the orientation process. State employees, Mr. Schiefer (white) serviced his and other employee's personal vehicles in the auto shop during work hours using state property. He had been employed less than two years. Mr. Pennington (black) worked on a female co-worker's vehicle under State Policy 6-21, which allows for emergencies. This work was done on the parking lot, not in the shop, and it was done after hours. Exhibits show it was on the parking lot about 5:30-6:30 PM, March 15, 2016.

I did use a jack, air and water. I was not given any form of discipline or grievance offer for aiding a female co-worker stranded on the parking lot. I was handed a termination letter and told to get my stuff and get out. Being a U. S. Army veteran with 16+ years of employment, 2013 Employee of the Year, I still was not given any chance for redemption. Mr. Schiefer received no disciplinary action whatsoever and still has his

job. Equal Act 2010 42 U.S.C. 2000e-2 Unlawful employment practices Pub. L. 88-352,
title VII § 703, July 2, 1964 78 Stat. 255; Pub

42 U.S.C. Ch. 21 Civil Right Act.

Purpose of 1991 Amendment Pub. L 102-166, § 3 Nov. 21, 1991, 105 Stat. 1071

The final case in the situation involves the judge and/or judges. I filed a judicial complaint on the judge, Case No. 4:15CV00663SSW due to the fact she added falsified statements in her Opinion and Order. I tried to state the issues in her Opinion and Order that were falsely presented but was ignored. I was not given due process, a hearing or a trial. Her ruling shows bias and partiality with information of fact that is not part of the factual records. Fundamental rights to an impartial tribunal and a biased judge robs a party of due process violating judicial rules of evidence, bias or prejudice.

I also filed a misconduct complaint against the appellate judges as they did not address any of the issues concerning the first judge's bias and false statements in her merits.

It is my right as an American citizen and especially as a U. S. Army veteran to be granted a hearing and/or trial to at least clear my name from the false and stigmatizing charges and to clear my employment record.

REASONS FOR GRANTING THE PETITION

I was not given a hearing, trial or due process of the law to give a full representation as a state employee, us. veteran and a citizen of United States of America.

With the respect of the courts, I would like to clear my name from the false and stigmatizing charges and wrongdoings.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kevin J. Pennington

Date: June,30 2018