

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Dionne C. Saunders — PETITIONER
(Your Name)

vs.

Nancy A. Berryhill — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

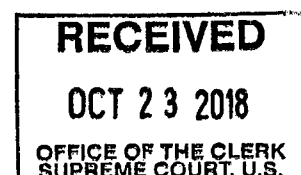
PETITION FOR WRIT OF CERTIORARI

Dionne C. Saunders
(Your Name)

1519 17th Street
(Address)

Lynchburg Va. 24501
(City, State, Zip Code)

(434) 546-1095
(Phone Number)



QUESTION(S) PRESENTED

1. Why did Nancy A. Berryhill (Acting Commissioner) improperly ignore and discount available evidence from myself and treating sources opinion?
2. Why is treating sources opinions on issues that are reserved to the Commissioner (Nancy A. Berryhill) are never entitled to controlling weight or special significance.
3. How can Commissioner (Nancy A. Berryhill) deny my claim for disability due to the fact that she admitted that ~~there~~ treating sources didn't treat or examine me the plaintiff.
4. Why is Nancy A. Berryhill awarded a motion judgment when she failed to provide evidence (proof), failed to reply to my claim (briefing), and fail to serve documents by mail and certified mail during each court? ~~not~~
5. Why was Social Security (Nancy A. Berryhill) taking information out of context?
6. Why is Nancy A. Berryhill continuously to denial my approval for my disability due to my health issues and disability that I am struggling with daily.

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:

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

This case still have facts in dispute
needs to be disputed. I have been harmed by the
actions taking by Nancy A. Berryhill ~~to~~ ask the court for
relief and award damages and compensate for any
harm suffered. I am asking for the judgement to
be removed

STATUTES AND RULES

This case should have been dismiss, If Social
Security administration felt that the ALJ didn't
do a proper analysis this case should have went
back and not been awarded a motion judgement
when Nancy A. Berryhill defaulted. What really happen
in this case it needs to be resolved, Nancy A. Berryhill
needs to be ~~res~~ held responsible for her actions due
to false Allegations and failure to provide the evidence
OTHER

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 August 10, 2018.

☐ 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: _____, 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).

See Attachment ①

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The judge and commissioner has proving violations ~~the~~ ^{violated} the law.

1. Nancy A. Berryhill claimed the ALS in his consideration of the factors, and claims is deficient or he did not conduct a proper analysis and the court is precluded from reweighing the facts.
2. The judge did re-weigh ~~the~~ after claiming he don't undertake to reweigh conflicting evidence make credibility determinations, or substitute. He claimed (judge) he reviewed the record and perceive no reversible error. "The ALS applied the correct legal standards in evaluating Saunders claim for benefits. They affirmed her decision for the motion and denial of my disability." ^{serve}
3. Nancy A. Berryhill didn't ~~file~~ ^{serve} court document by mail or certified mail.
4. Judge awarded judgment and didn't dismiss the case due to the fact Nancy A. Berryhill failed to file an answer to the complaint and to provide evidence to her ^{alleged} accusations failure to end ~~on~~ case with a motion to dismiss, failure to take action the defendant should have been legally responsible for

Constitutional and Statutory provisions involved ^②
the damages alleged by me the (plaintiff).

the court did not treat me fairly as a pro se litigant just because I was not obtain by a lawyer

Nancy A. Berryhill violated because she has non examine's source opinion, and non consultant evaluations.

didn't use the regulations that require to evaluate the findings of factor's used in evaluating any of my treating or examining medical opinions. my treating sources wasn't giving controlling weight Doctor's opinion wasn't adopted due to mental health opinion no recommendation or report. There ~~was~~ ^{was} no treating or examining on Nancy A. Berryhill evaluation reports

Any factors or claims reserved to Nancy A. Berryhill.

See Attachment

Constitutional and Statutory Provisions ③

Due to the fact Nancy A. Berryhill defaulted on the claim no answer or provide proof.

Due to the fact the court reweigh the case base on Nancy A. Berryhill motion for judgement and claim ALJ applied the legal law which shows he reweigh after stating what he wasn't going to do. And ~~but~~ the court not going to decide on Plaintiff's claim on it's own independant findings. The court affirm commissioner decision it must be defer. And that the court would have decided the case differently it must give difference to the commissioner and affirm her findings but there's nothing to support her findings the only thing commissioner did was go behind everything ALJ considered and denied it and claim it was a failure for me plaintiff to provide to commissioner and to show I was not proving a burden to show I am disabled. which ALJ already consider and provide it. legally improper this case

Statement of the case

I Dionne Saunders(Plaintiff) is filing a civil suit against Nancy A.Berryhill (acting commissioner) for social security administration due to Nancy A.Berryhill defaulted on my claim to respond, answer, and to provide evidence to support her allegations and my benefits being denied for my back pay disability insurance benefits from 2012 until now present. This case still have facts in dispute and the facts needs to be disputed this case is lacking a lot of information and substantial information and is taking out of context due to consideration made by ALJ creditability of me (plaintiff). Allegations stated by Nancy A. Berryhill is not very supportive in this case it is legally improper the way I was (Plaintiff) being judge and my case is precluded from being reweighed by the courts the facts considered by ALJ. Nancy A. Berryhill don't have any legal records to support evaluations from her social security treating or examing sources opinions and its not presented in any records to support commissioner (NancyA. Berryhill allegations. The judge favored one party and gave greater weight to the defendant after stating the court is precluded from reweighing the facts considered by the ALJ. Qouted! By the courts the courts may not undertake de novo review of the commissioner's decision or otherwise decide plaintiffs claim. This court must defer to the commissioner decision and affirm, even if the court would have decided case differently, it must defer to the commissioner and affirm her findings where substantial evidence supports them. This court had violated after making the decision not to reweigh but did so. In the commissioner defense to support her substantial evidence there where no evidence commissioner (Nancy A.Berryhill) failed to provide answer and to show cause of allegations and to serve legal documents to me(plaintiff) by certified or by mail by law. The district court has so ordered a motion for judgement its not fair. The case was reweighed when in the records stated by the court it wasn't going to be reweighed as the case have been open a lot of

errors, damages and mistakes have been violated and improper laws have been addressed this case should be remand and awarded my benefits. I am asking this honorable judge to have this motion judgement remove and ENTRY DEFAULT JUDGEMENT against (Nancy A. Berryhill My claim should be rewarded and this case be remanded for the wrong doing, damages, and that social security is reliable and responsible and avoiding legal documents and not participating that has been done in this case. Nancy A. Berryhill (acting commissioner) I feel this case is unfairly prejudicial due to social security is not admitting to the errors and judgements that she causes trying to make this case conflicts which it is not this case has been already consider by ALJ decision as to the credibility of my impairments and treating sources opinions. She made the accusations I feel social security Should provide evidence before a case its fair not to myself that I have to serve and offend myself and she not mailing or certified any legal documents to prove her side of the allegations and be awarded judgement and not be held responsible for her actions. May 5, 2015 social security claim they review the case but september 20, 2016 they denied the review so they didn't review my record at all but May 5, 2015 ALJ consider but social trying to say ALJ consider out of date. Nancy A. Berryhill defaulted on this case. I am asking this honorable judge to have this motion judgement remove and have an Entry Of Default Judgment against the defendant Nancy A. Berryhill (acting commissioner). If I can't have this judgement removed and be awarded a Default Judgement against Nancy A. Berryhill I ask this court to serve by publishing a notice in a legal paper due to the fact that in Federal Court Nancy A. Berryhill was filing legal documents with the court but would not serve or certified me plaintiff any legal documents and fail to answer and to present evidence of her allegations in front of these courts and myself claiming she has rights and substantial evidence and

not proving them. And in Fourth Circuit court she didn't defend her accusations or show any proof of evidence to support her statements/accusations/allegations to prove that it is accurate for the record. There was not an answer within the time frame of the claim/brief that was file against social security administration. This case is more of a conflict of rights on my behalf (plaintiff) instead of conflicts of evidence because when the ALJ considered the evidence from plaintiff's treating and evaluating physicians, her medical history, treatments, and medications, her testimony about the effect of her pain on her daily activities, and her own statements about her pain and symptoms. Whatever ALJ credits social security (Nancy A. Berryhill) goes behind ALJ and ask the same questions to make this case a conflict of evidence when it really not ALJ already considered what been ask of Social Security Administration. For example (Plaintiff fails to recognize that the critical inquiry is whether her pain and symptoms were of disabling severity during the relevant period of August 6, 2012, to May5, 2015.Evidence fails to support plaintiffs claim that she experienced disabling pain, or any other disabling symptoms, during the limited relevant period). The ALJ already consider these accusation so why social security trying to make it out to be as if I wasn't trying to prove my burden when I file this claim in court as if the ALJ didn't already credit what social security looking for as you notice the same questions ask ALJ review the same question social security looking for ALJ considered it. Why would the court give deference to the commissioner and affirm her when they say they don't re-weight conflict evidence? The court conclude that substantial evidence supports the commissioner decision in all respects. How would they know the ALJ applied the right legal standards in evaluating my claims for benefits? When the judge do not undertake to reweigh conflicting evidence, make credibility determinations, or substitute our judgement

for that of the ALJ. The court just reweigh the conflicts he awarded Social security the motion summary judgement when Nancy A. Berryhill didn't respond to my claim and didn't file and answer or produce any evidence of her accusations. And claim ALJ applied the right legal standard towards social security when he credit me the plaintiff and social security rejected it. Stated by social security why the ALJ can order physical or mental examinations, he need not to do so when he is able to "get the information (he) needs from (claimant's) medical sources. (Quoted) Social Security stated In sum, the above residual functional capacity assessment is supported by the medical record. The undersigned has considered all of medical evidence, including from the treating sources and from DDS physicians has considered the claimants own subjective. Given the ALJ's consideration of these factors, any claim that the ALJ's RFC finding is deficient or that he did not conduct a proper analysis of plaintiff's subjective statements and complaints must fail. Courts is precluded from re-weighing the facts considered by the ALJ why would social security not have the court reweigh evidence supported by ALJ credibility of considering. Social Security is not the one who is evaluating the plaintiff it the ALJ so how can social security denied my benefits if the ALJ finds the RFC finding creditable or any factors in his own opinions? I had the severe impairments, I had no work activity report/SGA determination in file that on the record (work clearly not SGA). This was a ruling in my favor, the evidence indicates that claimant has been prescribed and has taken appropriate medications for the alleged impairments, which weighs in the claimant's favor. Although supplemental security is not payable prior to the month following the month in which the application was filed (20 CFR 416.335), the undersigned has considered the complete medical history consistent with 20 CFR 416.912(d). The undersigned finds that the evidence of record does not, at this point, support a conclusion that

the claimant engaged in substantial gainful activity after her application date therefore "Quoted" Social Security Administration (Nancy A. Berryhill) If claimant is doing substantial gainful activity the commissioner will find that she is not disabled. The records support there was no substantial gainful activity since August 6, 2012 the application date in that time period. If the social security wanted the ALJ to reweigh conflicts of evidence why is it taking this long to have ALJ reweigh this case and I have to file a claim in courts because my case cannot be reviewed by ALJ or social security but at the same time any factors he considers is deficient and must fail so why should he have to reweigh it. (Quoted) by social security Nancy A. Berryhill ALJ he not fully creditable, DDS Physician, and treating sources, and claimant not fully creditable. Everything relies on Social Security administration (Nancy A. Berryhill) acting commissioner statement.

Dionne Saunders

1519 17th Street

Lynchburg Va, 24501

Dionne Saunders
NOVEMBER 8, 2018

See attachment

REASONS FOR GRANTING THE PETITION

unjustified weighing in the case

1. Nancy A. Berryhill was awarded a judgement but she did not respond to the claim that was brought against her. Errors was made justice wasn't fair.
2. Nancy A. Berryhill didn't provide any evidence or Show Proof of Claim of accusation.
3. Her treating Sources didn't treat or examine me as she stated.
4. She did admit she didn't adopt to one of my treating sources' opinion that why my doctor's opinion don't pull weight
5. Defendant motion should have been dismissed but awarded judgement
6. There was not conflicts
7. Given the consideration of the ALS factors should not have been deficient.
8. She made an accusation that Yvonne Patton (therapy) which is my case manager I told something uncritical reputation. But no proof and she basis my disability denying on that.
9. I am entitled to my disability due to my health
10. ALS Credit and consider but Commissioner denying.

11. The Court reweigh the case after stated the courts don't reweigh conflicting evidence and took the side of the commissioner after there was no answer and no proof of evidence provided to the court or plaintiff.
 12. The court failure to dismiss and awarded default judgement to the defendant.
 13. Commissioner Nancy A. Berryhill needs to be responsible for the damages
 14. Not serving legal documents as it is under court's law.
 15. Not answer any of these papers I have been sending it for my claims,
 16. Court not gone ^{decide} ~~make~~ plaintiff claim ~~as~~
~~that~~ ~~over~~ he affirm commissioner whether errors being made or not.
 17. Legally improper in the ~~case~~ case the court overlooked a lot of errors and mistakes made by commissioner Nancy A. Berryhill as this claim has been filed but was awarded judgement. The court took one side
- Reasons for Granting the petition

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Dionne C. Saunders

Date: October 18, 2013