

No. 18-754

In The
SUPREME COURT OF THE UNITED STATES

DAVID A. RAMIREZ,

Petitioner,

v.

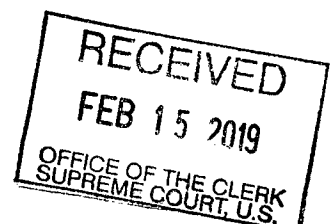
WALMART Inc.

Respondent.

On Petition For Writ Of Certiorari
To The Supreme Court State Of North Dakota

REPLY IN OPPOSITION TO
PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Inside Walmart, manager Bernice and the offices of Open Door and Walmart Global Ethics are AUTHORITIES.

The letter sent to these offices, is EVIDENCE that consists of a start and 23 numerals. To issue an opinion, from this letter the supreme court of ND,. used one (1) single numeral and mutilated the rest; departing from the accepted and usual course of judicial proceedings.

1. Is this a violation of the constitutional rights of a citizen to receive a fair trial?
2. How can the Walmart lawyer be so sure that I did not file a complaint with the authority if the same lawyer never consulted such authority to prove it?

LIST OF PARTIES

Pursuant to Supreme Court Rule 14.1(b), the following list identifies all of the parties before the Supreme Court of North Dakota.

David A. Ramirez was the Appellant below and he is the Petitioner in this action.

Walmart Inc was the Appellee below and is the Respondent in this action.

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TABLE OF CITATIONS.

1. Letter sent to: Walmart Global Ethics.
2. U.S. Equal Employment Opportunity Commission. (EEOC)
3. 34-01-20. Employer retaliation prohibited- Civil action for relief – Penalty.

STATEMENT OF THE CASE

Petitioner, David A. Ramirez, offers this statement of the case for better explanation and clarity of the facts.

In the law 34 01 20 on the retaliation, the employee in knowledge of a violation of the internal work regulations, must report it to an **authority**.

This authority is the manager Bernice, and the internal offices of "Open Door" and Walmart Global Ethics. But the Walmart lawyer did not bring to the court any proof of **authority** to confirm whether or not I made the proper report.

The lawyer's argument then lacks weight and foundation, without basis.

The Walmart lawyer insists on remarking again on the issue of dismissals and nothing else. and type in this part, and only in this part, to justify the decision of the courts of the state of North Dakota.

But it is important that you recognize that "Answer Brief to Motion for Dismiss" is part of the file. The appendix goes from page 10 to page 34. This is the letter to "Open Door" and Walmart Global Ethics. between pages 23 and 30. What is EVIDENCE.

Evidence because this letter was never intensified to be in a court, but so that the authorities of Walmart acted before what I was denouncing. and had denounced (past tense), before manager Bernice.

The letter for being long was divided into numerals. It consists of a start and 23 numerals. But for reasons unknown the supreme court ND. took only the numeral 6, where I start in relation to the dismissals. And with that they dismiss the case.

It remains then to emphasize that the other numerals, it is as if they did not exist.

... This requires attention ...

The litigator Pro Se depends on a guide, this part to follow has support by the N.D.R.App.P.10 and 11. It says:

"The record, consisting of all the original papers and exhibits filed with the district court. "

"The record will include the transcript, if any was ordered; the complaint and other pleadings; pretrial orders; motions; any written orders, opinions, memoranda, or judgments by the district court; docket entries; jury instructions; and all documents and exhibits admitted into evidence by the district court. Also, any evidence that you presented to the district court (or administrative agency) that was not admitted into evidence is considered to be part of the record on appeal for determining the admissibility of the evidence. "

As a citizen, I have the right to have all evidence presented before the court, which must be:

revised minutely and meticulously, verified, studied, analyzed, and scrutinized. But there is no evidence that the courts of the North Dakota, will work properly in my case.

THE FUNCTION OF THE AUTHORITY.

The lawyer of Walmart is trying to introduce this phrase as true, which was retaken by the Supreme Court ND. In App. 4 numeral 10 of the "opinion" document, it says: "Ramirez did not identify any law or regulation allegedly violated by Walmart ..."

The lawyer has hidden the role played by the "AUTHORITY." I'm going to show that the Walmart lawyer cheated the court, to start with an example:

suppose that some citizen is witnessing a robbery. or at least he thinks so, for some obvious circumstances; and decides to call the police.

When the police arrive, they hear some details of the incident, and then proceed.

The authority never asks a witness for codes of law.

Within the everyday and in the ordinary, it has never been heard that an AUTHORITY questions the witnesses by law codes, to identify a violation, quite the contrary, this is the work of the AUTHORITY. The authority has the power to know, once the facts have been heard, to know what law is being violated.

But Walmart's lawyer wants to impose the absurd.

The EEO, App. 13 says: **"... the employee was acting on a reasonable belief that something in the workplace may violate EEO laws, even if he or she did not use legal terminology to describe it."**

If an authority (an employer) is told about law 34 01 20, they understand it, and if they are told about retaliation against an employee, the authority also understands it.

Then in the law 34 01 20. 1. a. who represents the **authority** is:

" an employer, a governmental body, or a law enforcement official."

As a Walmart employee and following the regular procedure, reporting the violations of the internal work regulations to manager Bernice, I am correct.

Tell the manager that in the dismissals they were doing, and that they have been doing this for a long time and report that the invention of a false cause as a justification to dismiss the employee, and thus not pay a due compensation, is an **illegal activity**.

After my dismissal, I took this same complaint before the internal offices of "Open Door" and Walmart Global Ethics, which are another **authority**.

The invention of false causes, to justify the dismissal, is a violation of the statutes that in serial dismissals, also protect the dismissed employee, that is, that they receive the due compensation, and they are marked in the system as a dismissal without just cause.

Walmart's lawyer is directly responsible for pigeonholing and deviating my complaint, only related to dismissals and nothing else, and justify before the courts, but **away from the internal authority** of Walmart, that is, the same manager Bernice, or the offices internal "Open Door" and Walmart Global Ethics, which are also **authority**. Note that before the court, the Walmart lawyer, did not bring a single statement from these **authorities**.

For that reason, if the reported to the manager, and then to the internal offices of Walmart, it was only about the dismissals of the associates and nothing else, that it would have cost them to have pronounced about it? But they did not.

This silence was taken as a confirmation, that my complaint went far beyond simple dismissals.

My commitment to report violations of the internal work regulations to the **authority** (managers) and Walmart authorities (internal offices), **has ended**. and with it I give full compliance to what is required by law 34 01 20.

ARGUMENT

My request for a Writ of Certiorari should be granted because with evidence I demonstrated that the Supreme Court of ND, focusing on a very small part of the evidence, and mutilating the rest, as in its entirety is contemplated by the NDRApp.P.10 and 11. has departed from the accepted and usual course of judicial proceedings. As indicated by the U.S. Sup. Ct. Rule 10 (a).

When the courts of North Dakota split evidence or take a small part to issue a judgment or opinion, their decision is really regrettable and wrong, far from the truth; it constitutes a real outrage against the rights of a citizen or citizens.

A. This case is for Certiorari Review.

Rule 11. A petition for a writ of certiorari to review a case pending in a United States court of appeals, before a judgment is entered in that court, will be granted

only to that part of that imperative public importance as to justify deviation from normal appellate practice and require immediate determination in this Court. 28 U.S.C. §2101 (e)

From the outset, the matter for which I am requesting a Petition of Certiorary is for a very large number of people affected. They are:

1. Fired employees

Walmart is stealing the right to be properly compensated.

2. Pro Se Litigators in the state of North Dakota.

- a. A guide manipulated by lawyers, so that the pro se litigants, before their demand begins, is already lost.
- b. By the supreme court of ND. where the Pro Se litigant is affected because the court has departed from the accepted and usual course of judicial proceedings. That for unknown reasons does not fully comply with the N.D.R.App.P.10 and 11. And with it the right to a fair trial is violated.
- c. By lawyers, where the Pro Se litigant is affected by manipulation and wordplay. As I showed where Walmart's attorney deviates from the concept of what **authority** is. Such authority that paradoxically, the lawyer never consulted.

B. The North Dakota State Courts erroneously dismiss a Complaint.

Superficial reviews, which for unknown reasons do not give full compliance to the

N.D.R.App.P.10 and 11. violate the rights of the Pro Se litigant.

At present, because there is no order to stop the abuse of Walmart store 1649, and as indicated by the manager, that the layoffs would continue, the remaining staff that still continues to work, is the most affected, now with an overload of 250%.

Creating another problem, to the point that the associate standing, collapses to the ground, crashing his head against the pavement. (Case of the stocker Heather.) And others leave their work and do not return.

CONCLUSION

As I demonstrated, with evidence, I have fully complied with the requirements of Law 34 01 20. of North Dakota. May this Honorable Court grant my Petition for Writ of Certiorari.

Respectfully submitted this February 7, 2019.

A handwritten signature in black ink that reads "David Ramirez". The signature is stylized with a large, looping 'D' and a cursive 'R'.

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