No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Joseph Gant — PETITIONER
Plaintiff (Your Name)

vs.

Gloria Peterson Union — RESPONDENT(S)
President, AFSME Local 1583 Union Council 25
Defendant.

ON PETITION FOR A WRIT OF CERTIORARI TO

United State Court of Appeals/For the Sixth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Joseph Gant
(Your Name)

2934 Washtenaw Road Apt. B2
(Address)

Ypsilanti MI 48197
(City, State, Zip Code)

734-272-3284
(Phone Number)

QUESTION(S) PRESENTED

The basis of My petition for the Writ of Certiori is that the appellate Court (held valid or invalid) a city ordinance, state or federal statute or Treaty) or (incorrectly initially construed a controlling provision of the Michigan or Federal Constution). The issue is that — the appellate Court erred in holding my (Unlawful → Discharge Case). The basis of my petition for Writ — Is that the decision of the appellate Court is in conflict With its prior decision on the same point of law. (With the U.S. Marshal) and the (United States Court Of Appeals (and the Sixth Circuit) and (Supreme Court). I the Petitioner respectfully requests the Writ of Ceritiorari be granted and that this Court proceed under it rules to review the matters Complain of and to reverse the judgment of the of (Crimial, Civil) Appeals, — and for such other relief as Petitioner may be → entitled. My Complaint was served by the U.S. Marshal pursuant to Rule 4 (C) 3 of the Fed.R. Civ. Proc. Therefore, the Court will Grant my request. See the attached page on the back.

Civil Procedure (Seventh Edition)

Summary Of Contents

Part (A) The Constitution Framework For U.S. Litigation

Part (B) The Process Of Liligation. 6 (C) 5

Pleading (C). Respond to the Complaint (5) Amendmenls

Bonerb V. Richard J. Caron. Foundation

159 F.R.D. 16 (W.D.N.Y. 1994) Discussion

Rule 15 of federal Rules of Civil Procedure provides that once time for amending as of right has expired, a party may request leave.

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:

Joseph Gant
Plaintiff

Case No. 18-1214,
Originating Case No.: 12-cv-14721

v.

Gloria Peterson Union President
for AFSCME Local 1583, Counsel #25
Defendant

Mr. Kenneth James Bailey
AFSCME Michigan
Council 25, AFL-CIO,
1034 N. Washington Avenue
Lansing, MI 48197

Joseph Gant
Plaintiff

Case No. 18-1150
Originating Case No.: 12-14719

v.

Suellyn Scarnecchia, Vice President,
and General Counsel for the University,
of Michigan Main Hospital-Environmental
Service Department
Defendant

David J. Masson
Attorneys for Defendants,
Scarnecchia/University of
Michigan Hospital
503 Thompson Street, Room 5010
Ann Arbor, MI 48109-1340

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TABLE OF AUTHORITIES CITED

CASES

Civil Procedure Seventh Edition

Case (B). Statute of Limitations and Relation-Back. Beeck v. Aquaslide — PAGE NUMBER (Page 409) (1).

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Case (C). Stating the Case. (4)
(4). Amendment of Pleadings — (Page 25)

STATUTES AND RULES

(1). Statute of Limitations and Relation Back.
Rule 15(c) gives plaintiffs some leeway in the respect.

(2). Amendment of Pleadings. Rule 15(c).

OTHER

Order Directing Personal Service of Complaint By U.S. Marshal.

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 Jul 02, 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

(Civil Procedure)

(Part A) The Constitutional Framework For U.S. Litigation

(Part B) The Process of Litigation. (6) Pleading. (C). 5

(B) Statutes of Limitations a Relation Back.

Beeck V. Aquaslide derived it bite from the possibility that the plaintiff, having suffered a dismissal, would be unable to refile its complaint against the right defendant before the statue of limitations had run. Rule 15(c) gives plaintiffs some leeway in this respect, but the flexibility is no limitless, as the next case demonstrate. Central to the decision is question of what constitutes a claim", a question that takes us back to the beginning of this. Compare the approach taken by the next two cases: Are they consistent?

On August 26, 1991, Moore moved to amend her complaint to assert allegation of negligence by Dr. Baker in the performance of the surgery and in his post-operative care of Moore.

Moor claims that the dist Court abused is discretion by denying Moore's motion to amend her complaint on the ground that the newly asserted claim was barred by the applicable statute of limitations. (Unless the amended complaint relates back to the date of the original complaint. The amendment asserts a claim or defense that arose out of the conduct, transaction, or occurrence set out - or attempted to be set out - in the original pleading ## Fed. R. Civ. P. 15 (C) (2) The critical issue in Rule 15(C) See attach page. (The U.S. Marsh serve my orignal Complint

STATEMENT OF THE CASE

Civil Procedure (Content) Preface (1).

C. Stating the Case (4).

(4). Amendment of Pleadings. (Page 25).

The Federal Rule reject the view that case is set in stone once the pleading are completed. Instead, the Rules reflect a liberal policy toward changes (called amendments). to the pleadings. The discovery rules, which enable parties to gather information about the case, would mean little if new information could not be reflected in amended pleadings. For example — Peters v. Dodge Complaint assumes that Dodge was both the owner and driver of the vehicle. Discovery might reveal — Dodge's daughter holds title to the vehicle (suppose Dodge bought the car as a graduation present for the doughter, was borrowing it for the day while his car was in the shop). Under the substantive law, all owners of the vehicle are liable for accidents negligently — caused by a permissive driver. Dodge's daughter could be added as defendant (Which might make a difference in amount of libility exceeded the insurance coverage).

Rule 15(a) sets forth the basic amendment rules and states that the court should freely give leave (to amend) When — justic so requires. Rule 15(c) deals with amendments that are interposed after the statute of limitation on the "new" claim has run. Rule Rule 15(b) deals with amendments during or after trial.

See attach page.

REASONS FOR GRANTING THE PETITION

I Joseph Gant the Plaintiff.
had already (Order Directing Personal Service
- Of My Unlawful discharge Complaint) to be serve
By The U.S. Marshal
Whith My Summonry of complaint attach
to it. Both party Was already serve before the
Show cause was requested.
By Judge Sean F. Cox. Suellyn Scarnecchia, was-
Vice President, and General Counsel for the
(University of Michigan Main Hospital-Environ-
-mental Hospital Department)
My Complaint Contain a lot of facts.
This is Why Judge Sean F. Cox. Did not want
My case to have a hearing. Becouse the-
trueth would have been told.
This Why Gloria Peterson, Union President (the time)
for AFSCME Local 1583, Counsel #23, AFL-CIO
Refuse to sign for the Certified U.S. Postal Mail-
-With her name on it.

This is a civil rights case in Which I Joseph Gant the plaintiff alleges unlawful discharge. The case was referred to Magistrate Judge Laurie Michelson for pretrial proceedings. In response to the order to show Cause, I Joseph Gant the plaintiff requested that the U.S. Marshal serve the defendant. Having been granted in forma pauperis Status I the plaintiff is entitled to have My Complaint by the U.S. Marshal pursuant to (Rule 4(C)3 of-the Fed. R. Civ. Proc. Therefore Court GRANT my request.

REASONS FOR GRANTING THE PETITION

This is a (Civil Right Case) in which I Joseph Gant the plaintiff. Alleges Unlawful-Discharge. The case was referred to Michelson for pretrial proceedings. In response to the order to show cause. I Joseph Gant the plaintiff requested that the U.S. Marshal serve the defendant. Having been granted in forma pauperis Status. I Joseph Gant the plaintiff is entitled to have my Pettion Granted. (Order Directing - Personal Service of Complaint By (U.S. - Marshal). pursuant to (Rule 4(c)3 of the Fed. R. Civ. Proc. Therefore the Court Will GRANT My request.

(See the attach letter Writing by - U.S. Marshal.)

STATEMENT OF THE CASE

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Joseph Gant

Date: 9/24/18

No. _____

_____

IN THE

SUPREME COURT OF THE UNITED STATES

_____

Joseph Gant — PETITIONER
(Your Name)

v.

Suellyn Scarnecchia, vs.
Vice President and
General Counsel for the University of Michigan
Main Hospital-Environmental-Servie. — RESPONDENT(S)

PROOF OF SERVICE

I, _____; do swear or declare that on this date, _____, 20___, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

_____

_____

_____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20___

_____
(Signature)