

18-8553

No. _____

Supreme Court, U.S.
FILED

MAR 06 2019

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Amy M. Hicks — PETITIONER
(Your Name)

Dallas County Community vs.
College District — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Amy M. Hicks
(Your Name)

1506 Nightingale Ct.
(Address)

DeSoto, Texas 75115
(City, State, Zip Code)

469-579-1478
(Phone Number)

ORIGINAL

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

- 1) John Edward Brockard vs Publishers, Saturday Evening Post Magazine of Philadelphia, PA (1956)
F.Serv 29 19 FRD 511 DEED Pa 19 (1958)
- 2) AS Bohn 1935 cited by 1 Related articles
- 3) Plaintiff's complaint (not claim) must show grounds for the federal court's jurisdiction. This requirement (referenced in: A.D. 1950) might or might not have been imposed relative to Article III courts.
- 4) National Labor Relations Board v. United Insurance Co. of America, 390 US 254

STATUTES AND RULES

- 1) Pertaining to case above - John Edward Brockard vs. Publishers, Saturday Evening Post Magazine of Philadelphia, PA - a complaint will not be dismissed to failure to state a claim. It cannot be said that under no circumstances will the party be able to recover.
 - 2) Pertaining to AS Bohn - the second case or article mentioned above, entitled to affirmative "equitable" relief; (The Right to a Jury Trial in Civil Case, entitled to affirmative "equitable" relief).
 - 3) Pertaining to third case above - Plaintiff's claim or every claim should also include proof of the federal court's jurisdiction. If the jurisdiction is in the claim then the jurisdiction is surely in the complaint.
 - 4) Case #4 National Labor Relations Board v. United Insurance Co. of America that challenges the constitutionality of a federal statute, court or common law rule will usually contain at least two legal bases for decision:
 - OTHER the constitutional provisions as well as the challenged statute or rule.
- So Also where the decision turns on the statutory jurisdiction of a federal court, and the holding does not specify it (e.g., United States v. King, 395 U.S. 1).

QUESTION(S) PRESENTED

- 1) Do employer provide an appeal or grievance hearing? No not to my knowledge
- 2) Union? — Employment contract? ☒ Employee Handbook? —
- 3) Positions held and duties performed for each:
Adjunct Instructor in the beginning of my tenure only teaching + training The Dental Assisting Course out of the Continuing Education Dept. at Cedar Valley Community College with the Dallas County Community Colleges District
- 4) Date hired: June 10, 2010. Date last employed: November 09, 2016
- 5) Were you dismissed or harmed by your employer because you:
 - a) Yes Harmed ~~in~~ in my a) Reputation, b) Career and c) Health
 - b) Refused to go along with illegal activity? Yes I, Amy Hicks refused to go along with illegal activity. Breached two contracts while I was still working, lecturing and training students. Then the classrooms became a Hostile Environment to work out of, called Campus Police so that they can take a visual look at the condition and make their Report of it.
 - c) Complained about pension or retirement fund, wages due or overtime pay? Was not compensated for the two breach contracts only half the amount on each of the two contracts. Was not compensated for the market and Advertising the Dental Assisting Program and other Programs out of the Continuing Education Department. Was not compensated for being a Supervisor over 1st. and 2nd. Employees, I, Amy Hicks was never compensated for none of the duties mentioned. Additionally not for Building of the Dental Assisting Program that was in place for generations to follow. Also the Externship Program that I built for Cedar Valley Community College District.

QUESTION(S) PRESENTED

- 7) At Present is there a Dental Assisting Program at Cedar Valley Community College under the Dallas County Community Colleges District? The Continuing Education Department at Cedar Valley Community College is closed for now or presently, for a lot of programs and the Dental Assisting Program is one of them.
- 8) How did this happen? I, Amy Hicks can't register any of issues on how I was treated while teaching the last class I was assigned meaning Dental Assisting Course DNTA
 Term - August 16, 2016 through November 09, 2016
 Time - 6pm - 9pm - Tuesday, Wednesday and Thursday
 on August 23, 2016 at the Cedar Valley Community College Adjunct Evening Event - where Petitioner received a Certificate of Appreciation Thanks You For Five Years of Service.

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A - Decision from The United States Court of Appeals on January 09, 2019 Fifth Circuit
APPENDIX B - Decision from The United States Court of Appeals on December 06, 2018 Fifth Circuit
APPENDIX C - Decision from The United States Court of Appeals on November 07, 2018 Fifth Circuit
APPENDIX D - Decision from The United States Court of Appeals on October 05, 2018 Fifth Circuit
APPENDIX E - Decision from The United States Court of Appeals on August 28, 2018 Fifth Circuit
APPENDIX F - Decision from The United States District Court on July 12, 2018 For The Northern District of Texas Dallas Division
APPENDIX G - Decision from The United States District Court on June 12, 2018 For The Northern District of Texas Dallas Division
APPENDIX H - Decision from The United States District Court on May 17, 2018 For The Northern District of Texas Dallas Division
APPENDIX I - Decision from The United States District Court on December 28, 2017 For The Northern District of Texas Dallas Division

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	J - Decision from The United States District Court on September 18, 2017 For the Northern District of Texas Dallas Division
APPENDIX B	K - Decision from The United States District Court on August 28, 2017 For the Northern District of Texas Dallas Division
APPENDIX C	L - Decision from The United States District Court on January 25, 2018 For the Northern District of Texas Dallas Division Filed on February 02, 2018 and filed on February 08, 2018 both of these orders as it relates to Second Amended Complaint Filed by Plaintiff, Pettiford on January 25, 2018
APPENDIX D	
APPENDIX E	M - Decision from The United States District Court on April 25, 2018 For the Northern District of Texas Dallas Division
APPENDIX F	O - Plaintiff filed motion for Reconsideration on May 25, 2018 in The United States District Court For the Northern District of Texas Dallas Division

(4)

On pursuant to the United States Court of Appeals for the Fifth Circuit and Honorable Circuit Judges Owen, Ho and Dunnean

Plaintiff-Appellant pro se is bringing forth that errors have been made in the decision dated December 06, 2018 in this said

The United States Court of Appeals Fifth Circuit, Plaintiff-Appellant pro se believe it is fair to state as follows:

a) Plaintiff-Appellant pro se was told over the phone by the Case Manager over this or Appellant's case would be reviewed by the three panel Judges in this Court mentioned and ~~that~~ that Appellant will not receive any more orders, and the length of time for this case to be heard would be lengthy, but not soon.

b) Plaintiff-Appellant pro se believe and declare that my Motion of Reconsideration was filed with this Court in a timely manner on September 25, 2018 and all of the documents that followed including this document.

(2)

Again with the same Case Manager in or from this Court, Plaintiff-Appellant prose was told over the phone that Appellant would have to file an Out of Time Motion of Reconsideration. Even though Plaintiff-Appellant prose was not agreeable to this Instruction-Appellant was compliant to this Instruction because Appellant wanted this case to be heard in its entirety in this Court, (United States Court of Appeals Fifth Circuit).

c) On May 25, 2018 Motion of Reconsideration was filed in the United States District Court for the Northern District of Texas, Case Number 3:17-cv-00809-B and was filed on time. By all means Plaintiff-Appellant prose believe and declare there were errors on June 12, 2018 (order) presented. Plaintiff-Appellant prose believe that this order stating the Rule 59(e) Fed. was not accurate because all that was mentioned in the May 25, 2018 Document was stated in the initial Complaint when first filed into the United States District Court for the Northern District of Texas on March 22, 2017. Plaintiff-Appellant prose was not changing nothing that was stated by me, but simply giving this Court the true non-disputative material facts in this matter in its entirety. On April 6, 2017 the Questionnaire ordered from the Magistrate Judge for Plaintiff prose to answer. One question in particular Plaintiff-Appellant prose demanded a jury trial to the question that was asked.

(3)

In this same court it was mentioned early on case number 3:17 cv 00809-B that Plaintiff prose may not need a jury trial, not an Attorney and a Hearing only if the Magistrate Judge Irma Carrillo Ramirez found it necessary especially while the judicial process kept moving forward. Plaintiff Appellant prose believe and declare that I would not have a chance to be heard in a jury trial because of all the circumstances mentioned before me, was already denied. Plaintiff Appellant would like my day in court and have a jury trial. By the way

Nothing was not warrant to the Attorney Gavin Martinson under the firm Ogletree, Deakins, Nash, Smoak & Stewart, P.C. Attorneys at law that he was employed by with no credentials what so ever to practice in the State of Texas.
Law

This matter has harmed Plaintiff Appellant prose harmed Plaintiff Appellant prose in my reputation, career and health.

Plaintiff Appellant prose is suffering with mental anguish, emotional distress, and pain and suffering throughout this judicial process in its entirety, because I have stated the claim 12(b)(6) Rule over and over. Plaintiff Appellant prose wasn't compensated from the two breached contracts in full, nor the overtime and expenses I endure while working at the Dallas County Community College District, and for the curriculum that I had put in place for generations to come.

(4)

No Employment, No Income, No Health benefit package, then I became ill with a serious illness. Plaintiff Appellant pro se would not had expected this type of treatment towards me from the Employer because of my tenure ^{and} ~~of~~ five years of Great Service that was awarded with a Certificate from the Employer. This led me to the Bankruptcy Court and the Hearing that followed on February 01, 2018.

Plaintiff Appellant pro se Amy Hicks,
I believe and declare that this statement mentioned under penalty of perjury is true in its entirety and is at liberty that Justice will prevail.

Respectfully Submitted,

Amy Hicks, Plaintiff Appellant
pro se

Amy Hicks Plaintiff Appellant
pro se

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 E to the petition and is
☒ reported at <https://doockets.justia.com/browse/circuit-5/court-ca-5/noseat-4>; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished. <https://www.gpo.gov/fdsys/pkg/USCourts>
and these two documents are included

The opinion of the United States district court appears at Appendix H+I to the petition and is <https://doockets.justia.com> and <https://www.gpo.gov/fdsys/pkg/USCourts-finds>
☒ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished. www.leagle.com
These three documents are included
@justia.com, @gpo.gov and @leagle.com included

☐ 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 28, 2018 - due to Appellant filing information to the United States District Court For The Northern District of Texas Dallas Division on August 22, 2018 - first was request of Plaintiff. Look at packet sheet and it was posted online.

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

It was a Motion for Reconsideration filed on September 25, 2018 and September 26, 2018

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: October 5, 2018, and a copy of the order denying rehearing appears at Appendix D.

☐ 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

All issues that were mentioned in the initial complaint filed on March 22, 2017 one issue and most importantly is the EEOC complaint that was filed with the Texas Workforce Commission, later Texas Workforce Commission forward this complaint of discrimination to Equal Employment Opportunity Commission because or after the Texas Workforce Commission's investigation they were out of jurisdiction. Petitioner have enclosed the material documents from these entities.

Complaint of discrimination consist of ^{Caution} (one Instructor) in Continuing Education Dept. at Cedar Valley Community College had only one Student and was paid a full contract. Compared to Plaintiff, Appellant, Petitioner,

Who is Black
African
American

Pro se who had six Students and was paid half on each of the two contracts (the amount on each contract was \$2994.00). So Petitioner received \$1497.00 on each of the two breached contracts and my

Expenses, my Health benefits etc, my curriculum and overtime violation. While enduring an illness which was cancer and Doctors are keeping a watchful eye on my health during this judicial process.

Petitioner while going through this entire matter was able to complete this assignment of training and lecture, the six Students completed the Dental Assisting course on November 09, 2016 and graduated.

Employer did not give petitioner no assignments, especially after being confronted by Petitioner for the two breached contracts and not being compensated for the other half of the amount \$2994.00 of each contract. Employer stated they would look into this issue or issues it will be investigated. Petitioner kept checking for the status but no prevail. Petitioner filled out the

Dallas County Community College District Employee Grievance - Form As governed by DCCCD board policy DGBA then Petitioner filed this form mentioned above to Cedar Valley College Human Resources Department. All issues are on this form in detail to the best of my ability. Petitioner believes that Justice will Prevail.

STATEMENT OF THE CASE

- a) Two breached Contracts } Petitioner suffered Mental Anguish, Physical
and Overtime Violation, } Pain suffering and Emotional distress.
Marketing, Advertising and
Curriculum
- b) Dallas County Community College - Dated November 28, 2016 was given in
District - (Employee Grievance Form) Person to Human Resources
at Cedar Valley Community College - All Issues explained in detail
including the Texas Workforce Commission and the EEOC and Grievance Form
- c) Matter has harmed me -> (meaning Petitioner) in my Reputation, Career and
Health. Petitioner suffers with Anxiety, can't sleep, in addition
to Mental Anguish Physical pain and suffering and Emotional distress
- d) Hearing from the Bankruptcy Case #17-34764-HDH-13 that was
held on February 01, 2018 as it relates to this case. Petitioner
was requested by the The United States District Court for the
Northern District of Texas Division to have the CD from
the Bankruptcy Hearing transcribe. Petitioner was compliant
to the best of Petitioner's ability. The transcription of the
Hearing will be included. Additionally Magistrate Judge
Irma Carrillo Ramirez had the authority or using her
discretion whether or not if a Hearing would be appropriate or not
for this case #3:17-cv-00809-D, as well for a Jury or Non Jury Trial
- e) Due to No Health Insurance from Employer I once had. Petitioner
had Cancer and was out of work, loss of Income and No Income,
No Health Benefits for a Great period of time, due to the intent of the Employer
Package for Employees } Dallas County Community College District. It became a
Financial Hardship in every area of Petitioner's life in order
to live.

STATEMENT OF THE CASE

f) Motion for Summary Judgment filed by Petitioner on August 25, 2017 in The United States District Court For The Northern District of Texas Dallas Division. The Motion for Summary Judgment should be granted when the Attorney for the Defendant who are not admitted to practice in the Northern District of Texas, and same method for Second Amended Complaint Plaintiff, Petitioner filed on January 25, 2018.

g) When Plaintiff, Appellant, Petitioner pro se has been compliant to this matter in its entirety to the best of her ability throughout this Judicial Process by completing the Teaching (Lecture) and Training Assignment Term from August 16 through November 09, 2016 while the breaching of the two contracts had taken place. Nevertheless Defendant, Appellee, Respondent did not adhere to the two contracts that they had agreed to pay Petitioner, which was stated on both contracts the amount \$2,999.00 on each contract, Petitioner only received half of the amount \$1,499.00 on each of the two contracts. Petitioner has endure a whole lot of suffering and pain, mental anguish, and emotional distress that cannot be measured along with career; my doctors are watching me closely.

In spite of all that has been mentioned above Petitioner believes and declare under Penalty of Perjury ^{that} this entire matter is true and is at liberty that justice will prevail.

REASONS FOR GRANTING THE PETITION

- a) Petitioner's Right as a Citizen and Law Body of the United States of America.
- b) Petitioner has been compliant throughout this Judicial Process. While this Judicial Matter has cause Petitioner Pain and Suffering in every way; physically, mentally and emotional distress
- c) Petitioner believes in the Constitutional Right guaranteed by the United States Constitution that cannot be violated by laws or by Congress.
- d) Listed on the Docket Sheet upon filing the Second Amendment by Petitioner on January 25, 2018, also filed - unless exempted, Attorneys who are not admitted to practice in the Northern District of Texas must seek Admission promptly. This firm was responding to Petitioner's responses almost a year, since the first day or date Petitioner first filed the case on March 22, 2017 Case Number #3:17-cv-00809-D. Maybe one Attorney or a few from Ogletree, Deakins, Nash, Smoak, & Steward, P.C.

This information
is posted on docket
sheet January 25, 2018.

Attorneys at Law
Preston Common West
8117 Preston Road, Suite 500
Dallas, Texas

www.01GETREE.COM

- e) Petitioner believe that lawfully or by law entitled to Financial Relief and to be made whole to the Full extent of the law, as it relates to the statement of the case all what Petitioner has gone through and still is. No Employment, No Income, was sick with Cancer, and No Health Benefits, had to get a Bankruptcy before losing my Home.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Amy M. Hicks Petitioner prose

Date: March 06, 2019