

18-9223

No. _____

Supreme Court, U.S.
FILED

OCT 26 2017

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Michael R. Gamble — PETITIONER *PROSE*
(Your Name)

vs.

Greater Cleveland Regional Transit — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Michael R. Gamble
(Your Name)

1391 EAST 110 STREET
(Address)

Cleveland, OHIO 44106
(City, State, Zip Code)

(216) 205-9367
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

1. Due to the injury, whether Plaintiff's sustained muscular atrophy which rendered him ("Plaintiff") him disabled under the American Disability Act, 42 US Code 12102 Section (1) (A) which support federal jurisdiction Attached as Ex. A.
2. Whether Plaintiff stated states a claim for which relief can be granted based upon defendant position that " Only if the Attendance Policy prohibit, defendant attributable to Industrial injuries can plaintiff ("Gamble") succeed on his claim
3. Whether plaintiff's industrial injuries attached to defendant's brief opposing plaintiff's claim by stating ("Absences approved under Workers Compensation Law will not be counted as absences occurrence") as stated at par's. No. 1 and 2 attached as Ex. B.
4. Whether defendant harbored animus toward the disability of plaintiff which caused plaintiff's termination because of plaintiffs ADA claim by 1.) Intentionally misclassifying plaintiff's approved worker compensation injuries 2.) Causing defendant to voluntarily dismissing an appeal in opposition to plaintiff's worker compensation which was obviously approved among other things such as 3.) A long held animus in opposition to plaintiffs previously filed EEOC Charges and 4.) Which extend to a September of 2007, reinstatement with defendant. See Plaintiff's

response motion to defendant attached as Ex. C and D, at page ("4") of Bernice B. Donald's dissent.

5. This court has jurisdiction of these claims pursuant to 42 U.S.C. Sec 2000e-5, 42 U.S.C. section 12101 because the action arise under the laws of the United States of America and involves federal question based on the Americans with Disability Act and Title I and VII.

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:

V

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	3
STATEMENT OF THE CASE.....	4
REASONS FOR GRANTING THE WRIT.....	5
CONCLUSION.....	6

EXHIBIT ^{PAGE} 22-33 V1

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

OTHER

VIII

CT

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 No. 15-4208; 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 June 2, 2017.

☐ 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: August 4, 2017, 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 PROVISION INVOLVED

42 U. S. C. 2000e-2 (a) (1) provides in pertinent
Part. "It shall be an unlawful employment practice for
an employer. . . to fail or refuse to hire or to discharge
any individual, or otherwise to discriminate against
any individual, with respect to compensation,
terms, condition, or privileges, of employment
because of such individual's race, color, religion, sex
National origin or disability."

STATEMENT OF THE CASE

From June 24, 2000 to May 22, 2012 petitioner Michael R. Gamble worked as a bus operator for the Greater Cleveland Regional Transit Authority who presents himself as a hardworking person for example a team player safety oriented show up on time work.

On April 3, 2011 petitioner Gamble was operating a motor coach while working for the respondents petitioner was exiting his seat for the next driver petitioner struck his left knee on the steering column which caused the petitioner to be injured at work petitioner filed for workers compensation and petitioner was granted to have left knee surgery from the Industrial Commission of Ohio November 11, 2011

On May 14, 2012 petitioner received a letter from the respondent for a pre termination hearing petitioner attended the termination hearing a week later petitioner received another letter from the respondents Stating that petitioner is terminated for a non -industrial injury.

Petitioner filed a charge of discrimination with the Equal Employment Opportunity Commission for wrongful discharge and violations of the Americans with Disability Act which petitioner sustained Muscular Atrophy which is defined under the A.D.A. from the workers comp injury.

After exhausting petitioner remedies with the E.E.O.C. petitioner timely filed a pro se complaint against the respondent in the U.S. District Court. In the petitioner complaint alleges that petitioner was subjected to work place discrimination on violations of respondents policies 8.1 and discrimination under the A.D.A and Workers Comp Discrimination.

District Judge Gaughan issued its memorandum order granting respondents motion to dismiss for lack of subject matter or Motion to dismiss for failure to state a claim. Because this case comes to the court on a dismissal of the complaint for failure to state a claim, all factual allegations must be accepted as true.

Petitioner, still proceeding pro se filed a timely objections to the District Court Judge Gaughan in the Sixth Circuit Court of Appeals petitioner should have been giving the opportunity to amend complaint.

REASONS FOR GRANTING THE PETITION

The Federal Court of Appeals and Federal Agencies are to enforce Title VII.

The court who is in charge of enforcing Title VII has created uncertainty for employees and Americans with Disabilities and Workers Compensation Law who have suffered pervasive discrimination from employers.

Only this court can resolve this discrimination under the A.D.A. and Wrongful Termination on this important issue and it is vital that the court do so now.

The Court of Appeals and Federal Agencies are to enforce Title VII and the Statutes that cover discrimination under the A.D.A. and Workers Compensation Law (Act).

Your honor the purpose of these laws is for the federal courts and agencies are to protect employees from discrimination in public and private employment.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Michael P. Gamble

Date: 10.24.2017