

18-9418

No -----

ORIGINAL

In the

SUPREME COURT OF THE UNITED STATES

Dr. Indika Bandara – PETITIONER

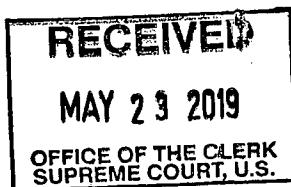
Vs.

Dan Mann,, Richland-Lexington Airport (AAE Director), James A. Compton, Richland-Lexington Airport (Chairman), Carol Fowler, F. Xavier Starkes, Esq. William Dukes, Jerrod F. Howard, Richard McIntyre, Dan P. Bell, Richard McIntyre, Hazel L. Bennett, DJ Carson, David N. Jordan, James L. Whitmire, Duane Cooper, Lynne Douglas, Richland-Lexington Airport District Commission Members -

RESPONDANTS

ON PETITION FOR A WRIT OF CERTIORANI TO
U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT
PETITION FOR WRIT OF CERTIORANI

Dr. Indika Bandara
1601 Longcreek Drive Apt 172
Columbia SC 29210
803 391 9930



10

QUESTIONS PRESENTED FOR REVIEW

The questions are presented to be review based on the violation of the 14th amendment under equal protection. The CAE airport has terminated non-white immigrant owned small cab companies by stating that “they do not have access to Fort Jackson base” while Airport continues to allow White-American Owned cab company drivers to work at Airport without having Fort Jackson base access. During discovery, Airport has shown to courts they did not/do not have Fort Jackson Base access information of airport drivers who worked for White-American owned companies. Magistrate judge denied motions to collect evidence based on Fort Jackson base access even though non-white immigrant owned cab companies have been terminated from Airport based on the Fort Jackson base access. The plaintiff believes the judgment by the District court and appeal court may be erroneous and misapplies the plaintiff’s rights under the equal protection of the 14th amendment.

LIST OF PARTIES

Dr. D.M. Indika Bandara, PhD (Chemistry)

PETITIONER,

Dan Mann,,Richland-Lexington Airport District Commission Members, AAE Director, James A. Compton, Richland-Lexington Airport District Commission Members, (Chairman), Carol Fowler, Richland-Lexington Airport District Commission Members, F. Xavier Starkes, Esq., Richland-Lexington Airport District Commission Members, William Dukes, Richland-Lexington Airport District Commission Members, Jerrod F. Howard, Richland-Lexington Airport District Commission Members, Richard McIntyre, Richland-Lexington Airport District Commission Members, Dan P. Bell, Richard McIntyre, Richland-Lexington Airport District Commission Members, Hazel L. Bennett, Richard McIntyre, Richland-Lexington Airport District Commission Members, DJ Carson, Richland-Lexington Airport District Commission Members, David N.Jordan, Richland-Lexington Airport District Commission Members, James L. Whitmire, Richland-Lexington Airport District Commission Members, Duane Cooper, Richland-Lexington Airport District Commission Members, Lynne Douglas, Richland-Lexington Airport District Commission Members

RESPONDANTS

TABLE OF CONTENTS

OPINIONS BELOW-----	1
JURISDICTION-----	2
CONSTITUTIONAL AND STATURORY PROVISIONS INVOLVED	2
STATEMENT OF THE CASE-----	2
RESONS FOR GRANTION THE WRIT-----	5
CONCLUSION-----	7

INDEX OF APPENDICES

- APPENDIX A – Judgement from District court of South Carolina
- APPENDIX B – Judgement from U.S. COURT OF APPEALS FOR
THE FORTH CIRCUIT
- APPENDIX C- MEMERANDUMS HAVE BEEN ISSUED BY
CAE AIRPORT
- APPENDIX D- DEFENDANTS RESPONSES TO PLAINTIFF'S
DISCOVERY QUESTIONS
- APPENDIX E- DEFENDANTS OBJECTIONS TO COLLECT
EVIDENCE FROM AIRPORT WHICH RELATED TO CASE

STATUTES AND RULES

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORANI

Petitioner respectfully prays that a writ of certiorari issue to review the judgement below

Judgement from U.S. DISTRICT COURT OF SOUTH CAROLINA which included in Appendix A

Judgement from U.S. COURT OF APPEALS FOR THE FORTH CIRCIT which included in Appendix B

JURISDICION

The United States district court of South Carolina has denied the respondent's case and respondent appeal to Court of appeals for the Fourth Circuit Court. The Appeal court has affirmed the decision of original district court decision. The respondent was granted an extension to file Writ of Certiorani to the United State Supreme Court.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The respondent has filed the case based on the violation of the 14th Amendment under equal protection of the law. The airport has removed non-white immigrant owned small cab companies from the CAE airport by stating that they do no have access for Fort Jackson base access and allow only white American owned cab company drivers to work at airport without having Fort Jackson base access.

STATEMENT OF THE CASE

The non-white immigrant owned small cab companies including the plaintiff and their drivers were terminated from Columbia metropolitan airport on 1st of October 2016 due to them not having access to Fort Jackson base access. In addition Airport commission released a statement to the media stating “ the independents (non-white immigrant owned small cab companies) have fluctuating rates for the customers” which is untrue and non-white immigrant owned small cab companies follow all the rules and regulation much like other White-American owned big cab companies who work at the airport. In addition, Airport allowed Checker Yellow Cab company (owned by White American) to work at Airport without first passing a Federal Background Check and without paying the airport fee between August and October 2016. Even though a majority of the drivers from Non-white immigrant owned small cab companies, airport only had discussions with White American owned big cab companies to remove non-white immigrants before their rules changed and facilitated White American owned big companies to make more money from Airport.

The plaintiff has made the following claims against CAE Airport with evidence based on the violation of 14th amendment under equal protection.

***Removing small cab company owner operators/drivers based on the denial of access to Fort Jackson and allowing Checker Yellow/Capitol City/Blue Ribbon drivers to work at CAE without having Fort Jackson access**

***Creating an environment to join big companies and pay a high lease and working as slaves for them**

*** Introduction of new fees and increase of existing fees which favor for the White-American owned big companies**

*** Use of extraordinary powers by the airport commission to abuse small cab companies which were owned mostly by non-white immigrants**

***Providing false information to media regarding non-white immigrant owned small cab company fares**

***The Richland-Lexington Airport District Commission has not adequately informed non-white immigrant owned small cab companies of the termination**

*** Checker Yellow drivers are not required to pass the federal background check to work at CAE, while non-white immigrant owned small cab company drivers must pass the federal background check**

*** Consultation with big companies and use of their policies, holding frequent meetings with their representatives, and having a prior plan to remove small cab companies which were owned by non-white immigrants, to facilitate big companies and establish a monopoly at CAE**

*** Lost the income from CAE due to the cumulative effects of Dan Mann and the commission members' recent action**

*** Providing false information regarding the percentage of military traffic, which was used to justify the removal of non-white immigrant owned small cab companies from CAE, and to indirectly show that small cab companies make military traffic uncomfortable, while allowing the big company drivers to work at CAE without having Fort Jackson access 11)**

- * **Willful abuse of SC Code of Laws Sec.55-11-340(6)**
- * **Intentional discrimination, and violation of the 14th Amendment of the U.S. constitution clause of “equal protection of the law”**
- * **Violation of Title VI of the civil rights act of 1964, while accepting federal grants**
- * **Intentional discrimination against some of the small cab companies**
- * **Intentional discrimination regarding the Richland – Lexington Airport District rules**

The plaintiff has proved CAE airport did not have any knowledge on whether Fort Jackson base access was allowed by White-American owned cab companies. In contrast majority of the drivers from White-American owned cab companies did not have Fort Jackson base access according to the FOIA information and airport photographs. The plaintiff has proved to District court how CAE airport ruin the non-white immigrant owned cab companies reputation by stating that “they have fluctuating rates”.

Magistrate judge of District court of SC Columbia division has denied her summary judgement by stating that there is no evidence to prove the violation of the 14th amendment. Interestingly Magistrate Judge denied all the motions to collect the evidence from airport which related the Fort Jackson authorization of drivers (from American owned big companies) who worked at the companies after the termination of plaintiff and other non-white immigrant small cab companies. Defendants have written a letter to Magistrate judge and informed the plaintiff has violated the court order by collecting information (photographs) at Fort Jackson access of drivers who work at the companies after termination of non-white immigrants. In addition plaintiff has requested a hearing since Airport terminated non-white immigrant owned cab companies based on Fort Jackson base access but they do not have the information of Fort Jackson base access of drivers from White-American owned big companies. Magistrate Judge never gave a hearing date for this issue.

The plaintiff has appealed to Fourth Circuit and appeal court affirmed the district decision.

REASON TO CONSIDER FOR WRIT CERTIORANI

The plaintiff does not have information to compare decisions of other district courts with SC district court decisions. according to supreme court regular procedure. Because no any U.S. Airport has taken this type of termination of non-white immigrants by stating to improve the ground transportation based on the Fort Jackson base access while not having the information of Fort Jackson base access.

Factors which lead to submit WRIT CERTIORANI into supreme court

Issues related to collecting evidence from CAE and how Magistrate judge responds to plaintiff's request

The airport has terminated non-white immigrant owned small companies on the first of October 2016 and stating that “we do not make this lightly and they have made this because of the 20% of military traffic. (ECF # 29 in District court documents), memorandum dated on 27th of September 2016 in Appendix C). The Airport has also mentioned that “Checker Yellow, Capitol City and Blue-Ribbon Cab are the only companies permitted on the Fort and **they have 96 drivers authorized**” (ECF # 29 in District court documents), memorandum dated on 27th of September 2016 in Appendix C).

During Discovery Period, the plaintiff asked Richland-Lexington Airport district commission, (Please refer appendix D; Defendants' Responses to Plaintiff's Discovery Requests, page 5, Question 4).

4. Provide a list of Checker Yellow/ blue Ribbon/Capitol City drivers who have and who do not have an automated installation entry card (DBIDs), and worked at CAE between October 1st, 2016 and January 31st, 2017 (DBIDs are required to enter Fort Jackson Base)?

Response: The Airport does not have this information.

During Discovery Period, the plaintiff asked Richland-Lexington Airport district commission, (Please refer appendix D, Defendants' Responses to Plaintiff's Discovery Requests, page 4, Question 3).

3. Provide a list of all Checker Yellow, Blue Ribbon and Capitol City drivers who have an automated installation entry card (DBIDS), and who do not have

automated installation entry card (DBIDS), and worked at CAE between January 1st, 2013 and October 1, 2016 (DBIDs required to enter Fort Jackson Base)

Response: There were twelve drivers prior to the rule change from Checker Yellow, Blue Ribbon and Capitol City. After October 1, 2016 we no longer kept records for the individual drivers. We contracted with Checker Yellow, Blue Ribbon and Capitol City and they perform the background checks.

According to the response to the plaintiff's discovery questions it is very clear that defendants have removed the non-white immigrant owned small cab companies not based on the denial access of Fort Jackson base.

Then the plaintiff requests photographs from public areas from airport to prove most of the drivers from Checker yellow/Capitol City /Blue Ribbon Cab companies do not have fort Jackson authorization. Magistrate judge from District Court denied the motion to take photographs from airport twice which would be needed to prove most of the Checker Yellow and Capitol City drivers who work at the airport do not have access for the Fort Jackson base during the case hearing.

Even though the plaintiff explained to the magistrate judge the reason she needed DBIDS information for this case during the hearing, the magistrate judge denied the motions twice even though airport removed the plaintiff and other non-white immigrant owned small cab companies based on the Fort Jackson authorization. The southern justice system has not concerned the plaintiff's right to get information which required to prove the defendant's action (removing non-white immigrant owned small cab companies) not based on the Fort Jackson base authorization.

The plaintiff had to collect some information with fear to prove that the majority of Airport drivers do not have Fort Jackson authorization.

In addition the airport opposed to collect evidence related to DBIDS information of drivers and defendants attorney wrote letter to Honorable Judge the plaintiff has violated the court order (Appendix E). The southern justice system has not seen how airport removed the non-white immigrants from Airport based on denial access of Fort Jackson and did not know how many drivers who had DBIDS from Checker Yellow and Capitol City.

The plaintiff has submitted motion to Magistrate Judge of District Court to have a hearing regarding the removal of small cab companies based on the denial access of Fort Jackson base access while Airport does not/did not have DBIDS information of any company drivers and the hearing was not scheduled according to the plaintiff's request.

The magistrate judge has denied the plaintiff's summary judgement based on non-availability of evidence while not allowing plaintiff to collect evidence in proper way. Even though U.S. constitution has protected everyone equally, the plaintiff believes she has not been treated the same way in the southern justice system. The plaintiff is aware of United States attempt to protect the human rights all over the world. Unfortunately, the plaintiff has not received any relief from southern justice system.

CONCLUSION

Airport has terminated the non-white immigrant owned small cab companies from Airport not based on the Fort Jackson base access. Because non-white immigrant owned small cab companies work independently and do not work as slaves for White-American owned cab companies to make high profits. Airport allowed White-American owned cab company drivers to work at airport without having Fort Jackson base access. Magistrate judge denied all the motions to get information (Fort Jackson base access) of drivers who work at airport after termination of non-white immigrants on 1st of October 2016. Airport tried to hide information of drivers who work at the airport after termination of non-white immigrants. Magistrate Judge has not seen any evidence which was produced by plaintiff to prove non-white immigrants were terminated because of the country of origin and they do not work for White American companies as slaves. Magistrate Judge has considered non-white immigrants have to work as slaves for White American cab companies as just financial difficulty in her order. Southern justice system has accepted working (driving) more hours without having breaks to pay high lease for White American owned companies is a just financial difficulty even though U.S. constitution has protected all of them equally according to 14th amendment.

By considering all above mentioned evidence and facts the plaintiff respectfully requests to grant the certiorari to rehear/review the case in the United State Supreme Court.

Respectfully submitted

By: Indika Bandara..... Date 05-19-2019

Dr. D.M. Indika Bandara (Ph.D.)

160 Longcreek Dr. Apt 172

Columbia SC 29210