

JUN 07 2019

OFFICE OF THE CLERK

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

ELLA WEE HORN

PETITIONER,

VS.

CRC HEALTH GROUP, INC., AKA ACADIA HEALTH CARE, INC.

RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

ELLA WEE HORN

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## QUESTIONS(S) PRESENTED

1. Whether the District court and Ninth Circuit violated the Fifth and Fourteenth Amendment of the due process clause for equal protection by failing to address and apply (**42 U.S.C Section 1981**) for Petitioner's (Fourth Cause of Action) she sufficiently pleaded as a motivating factor and her causes of actions that may arise from Section 1981, that establish requirements for a *prima facie* case of race discrimination, sexual harassment, retaliation, wrongful termination, emotional distress and public policy?
2. Whether the District court and Ninth Circuit may decline to follow this Court's ruling decisions to deny **Petitioner's right to prevail** on Petitioner's claims when applying, *Meritor Savings Bank v. Vinson*, U.S. Supreme No 84-1979, June (1986) and *CBOCS West, Inc. v. Humphries*, 128 S. Ct. 1951 (2008) and hold to *Minarsky v. Susquehanna County*, 3<sup>rd</sup> Cir., No. 17-2646 (2018) and **42 U.S.C. Section 1981**, for reporting her claims after the employee termination? Whether *CBOCS West, Inc. v. Humphries*, 128 S. Ct. 1951 (2008) construed to include an employee right to prevail on such claims, and or should *CBOS v Humphries* be revised to include such employee's rights?
3. Has the Circuit Clerk violated the FRAP and **Cannons for court Clerks** and therefore violating Petitioner's rights listed in The 14th Amendment for procedural due process, by deleted or instructing to delete, in Pacer the Respondent's docketed Response Brief and attachments that were electronically filed by the Respondent and then the Clerk uploads [or instruct to upload] as pdf files the Respondent's 'new and different' Response Brief and attachments after the deadline date and 'new and different' documents that were never served on Petitioner showing impartially?
4. Whether the District Court and Ninth Circuit shown judicial bias by violating Petitioner's constitutional and civil rights and deprived Petitioner of a **property interest** that the Constitution requires that Petitioner be afforded adequate due process for all Petitioner's claims?

5. Whether the Ninth Circuit's abuse of its power of discretion and showing of impartially violated FRAP, The Fifth and Fourteenth Amendment by ruling on Petitioner's case when she had **not been served with the Respondent "new and different" Response Brief** and attachments?
6. Whether the Ninth circuit abused it power of authority to not make a ruling on Petitioner **Judicial Misconduct Complaint** against the District Judge and clerk before ruling against Petitioner?
7. Did the Ninth Circuit show judicial bias and violate Petitioner's constitutional rights, FRAP, The Fifth and Fourteenth Amendments to ignore Petitioner's Motion and Request to be granted free **PACER Access** as a low-income pro se in forma pauperis litigant?
8. Did the Ninth Circuit disregarded the U.S. Supreme Court's decision as precedence for *McLane Co vs. EEOC* ruling for review in De Novo and "abuse its discretion" showing judicial bias in deciding the proper review standard as "**de novo**", producing a **MEMORANDUM** that skimmed the surface of the facts of the case which holds civil, criminal and constitutional violations by the District court and clerk, Ninth Circuit court and Clerk, in addition to judicial violations by CRC, the Respondent?
9. Whether the Ninth Circuit abused its authority by allowing the District court to accept **Respondent's new and additional Discovery evidence** passed the deadline date for filing Respondent's Motion for Summary Judgment, violating Petitioner's constitutional rights showing impartially?
10. Whether the Ninth Circuit may decline to follow its own decision that establishes a precedent for low-income litigants in *Stanley v. University of Southern California*, 178 F .3d 1069, 1079 (9<sup>th</sup> Cir. 1999) and other supporting cases which forbids courts to impose improper and unduly burdensome on such litigants with the inability to pay Respondent's **bill of cost**?
11. Did the Ninth Circuit violated the Fourth and Fourteenth Amendment by failing to timely upload documents in Pacer and address Petitioner's

subpoenas? The Clerk of the Ninth Circuit failed to **upload Petitioner's subpoenas** the Clerk received. The judge failed to review and address and timely execute Petitioner subpoenas for two former employees, delaying the discovery for Petitioner in favor of CRC that showed impartially, and clear conflict of interest..

12. Whether the District Court and Ninth Circuit abused its power of discretion and violated Petitioner's constitutional rights by refusing to acknowledge or address Petitioner's notice to the Court of Respondent's **willful misclassification** of her employment?
13. Whether the Ninth Circuit affirm the District Court ruling correctly for the furtherance of justice and **application of the law** in various ruling cases to justify their ruling that the Petitioner disputed as misapplied case law in her Ninth circuit Informal Brief?
14. Whether the Ninth Circuit violate the Fifth and Fourteenth Amendment for due process and equal protection by abuse of discretion and or to apply the proper fact of law for the Respondent's **reasons to terminate** while those reasons conflict with admissible discovery evidence that dispute Respondent's reasons?
15. Whether an employee alleging disparate impact of discrimination under Title VII, bears the burden of proof of a "**new argument**" introduced by the Ninth Circuit and not Petitioner while the Petitioner is punished for not presenting a defense for the "**new argument**"?

16. Should the District judge have **rescued himself** from Petitioner's case aligning with due process for the Fourth and Fourteenth Amendments for equal protection under the law?

## 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:

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## STATUES AND RULES

Statues and Rules noted in Appendix - G

## OTHER

N/A

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 A 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 B to the petition and is

reported at Don't know if case opinion is published or to be published; 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 Retired 7th Cir Judge Posner and Brian Vukadinovich v Hanover Community School court appears at Appendix Pg 20-21 to the petition and is

reported at Posner-New York Times, Chicago Daily Law Bulletin 8-2017, Vukadinovich -Washington Examiner 8-2017; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## JURISDICTION

[X] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 17, 2019.

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

Provisions involved can be found in:

### APPENDIX - G

1. 42 U.S.C. Section 1981 Equal Rights Under The Law
2. Fifth Amendment  
Due Process
3. Fourteenth Amendment  
Equal Protection  
Due Process
4. Title VII of The Civil Rights of 1964  
42 U.S. Code § 2000e-2. Unlawful employment practices
5. Cal. Gov't Code Sec 12940(a),  
Cal. Govt. Code Sec 12940(j)(1) and Sec 12940(h) and Sec 12940(k))
6. FEHA, Fair Employment and Housing Act.  
FEHA- Government Code Section 12920 and 12921(a) and 12940(a)
7. Code of Conduct for Judicial Employees

Canon 2: A Judicial Employee Should Avoid Impropriety and the Appearance of Impropriety in All Activities

Canon 3: A Judicial Employee Should Adhere to Appropriate Standards in Performing the Duties of the Office

Note: A number of criminal statutes of general applicability govern federal employees' performance of official duties. These include:

18 U.S.C. § 285 (taking or using papers relating to government claims);  
18 U.S.C. § 2071 (concealing, removing, or mutilating a public record);

## STATEMENT OF THE CASE

### **A. An Overview of The Case or The Underlying Events**

This case is about Judicial violations of Horn's constitutional and civil rights by the Court's and CRC's manager, Sylvie Cosgrove and her very close personal friend Frank Yang of CRC, who sexually harassed and retaliated against Horn including discrimination against her due to Horn's race.

Cosgrove allowed her personal close friend Frank Yang to control her decision making. Cosgrove assigned Horn to Yang for training. Yang was also a project manager for CRC who also like Horn both reported to Cosgrove. However, Yang held power and authority over Cosgrove that allowed Yang to bully, sexually harass and retaliate against Horn. Cosgrove held the title as Yang's manager and Horn's manager however, Yang held control over Cosgrove in her role and controlled Cosgrove's decision making. Cosgrove knowingly and willfully allowed Yang to control her.

Horn testified of several personal conversations between Cosgrove and Yang, where Horn was present. Horn heard both Cosgrove and Yang's conversations that were heated and Cosgrove became emotionally unstable and Yang tried to comfort Cosgrove by telling her time and time again to just calm down. The content of these conversations were overwhelmingly clear of who dominated, who had the authority and power, and that person was Yang and not Cosgrove.

Cosgrove was the one who called Yang on his cell phone several times, while Horn was present. In these calls Cosgrove was upset and complain over and over again about Acadia upper management's objection and challenge to her authority. In each call Yang instructed Cosgrove on when, what, and how she was to take action and respond to each situation. Yang yelled at Cosgrove

on several occasions telling her to listen and calm down, as a parent would tell their young child.

It's important that the Court has insight of Cosgrove and Yang's relationship that reveals and explains Cosgrove's actions towards Horn when Horn sought to communicate with Cosgrove time and time again, but Cosgrove refused to directly communicate with Horn. Because Horn was aware of the closeness of Yang and Cosgrove, Horn wanted to speak personally to Cosgrove and inform Cosgrove that Yang sexually harassed her while traveling for CRC work projects and how Yang was currently retaliating against her once they had return from traveling. And to tell Cosgrove how Yang degraded Blacks as if Blacks didn't matter by telling Horn a racist story his parents experienced, also while Horn rode alone for hundreds of miles in Yang's rental car. Horn never got the chance to speak with Cosgrove and tell her because Cosgrove refused to return communication from Horn due to her race.

Cosgrove took the advice and instructions from Yang about Horn and never confirmed with Horn or communicated with Horn after meeting Horn face to face and discovering her race. And approximately three weeks into Horn's employment Cosgrove wrongfully terminated Horn's employment. Horn was employed by CRC for approximately nineteen days.

The case is also about judicial misconduct and bias by both the District court and Ninth Circuit including the Clerks of the Court who violated judicial Cannon's and Horn's constitutional civil rights for the Fifth and Fourteenth Amendment for procedural due process, equal protection, lack of impropriety while showing favoritism to the Respondent. Lastly, the case is about judicial violations by CRC legal defense attorneys. Based on how Horn was treated, as a pro se litigant by the courts and Respondent, this treatment confirmed that Horn as a pro se litigant was equivalent to trash, ignorant and someone who doesn't know what she's talking about regarding her position of employment.

Horn understands 'Right from Wrong', and that she received punishment for doing what is right.

## **B. The History of The Case**

CRC employee, Sylvie Cosgrove, Horn's hiring manager of CRC, discovered Horn's race face to face on Horn's first day of employment June 9, 2015, working in person with Horn. Horn's race is African American. Horn, was hired by CRC Health Group, (which had been acquired by Acadia Healthcare Inc.) from telephone interviews on May 28, 2015, by her CRC manager Sylvie Cosgrove, Cosgrove's manager Annette Owens, and a CRC project manager Trina Franklin.

Prior to Horn's CRC Health interviews, Horn was first interviewed by two (2) Experis Manpower human resource managers; first by Mr. Adrin Ayson and second by Ms. Tonya Rosado of Experis, a Manpower employment placement agency who placed Horn at CRC for employment.

Horn's position was a project manager for CRC Health Group, Inc. through Experis, a Manpower employment agency via a fully executed contract agreement of June 02, 2015. The position was a remote work-from-home position, with limited travel. The contract term was a one year term per the agreement from June 8, 2015 to June 8, 2016.

Prior to accepting the position, Experis HR manager Adrian, asked if Horn would accept the position in approximately 90 days as a permanent position. Horn agreed to accept the position as a permanent position and provided her expected permanent salary as Adrian of Experis requested.

On June 9, 2015, Horn's first day of work, CRC employee, Cosgrove of CRC, asked Horn if she knew the position would become permanent in approximately three (3) months and asked if Horn would be ok with accepting

her position as permanent. Horn told Ms. Cosgrove, that she was aware and had already agreed to accept the permanent status.

Immediately after Horn's first face to face day of employment, June 9<sup>th</sup>, 2015, Horn's manager Sylvie Cosgrove refused to communicate any further with Horn in capacity.

CRC Health refused to provide Horn with a rental car of her own to travel from the State of Missouri to the State of Kansas and back to the State of Missouri, approximately 137 miles one-way and a little over two (2) hour drive. Contrary to Horn's request for a rental car, CRC provided Eric Anderson with his own rental car and Anderson was not required to ride with anyone.

Anderson is a white male who worked the same projects as Yang and Horn, traveled to the same airport on the same day as Yang and Horn, met the same day and time at the same work sites as Yang and Horn, and stayed at the same hotel as Yang and Horn and traveled back to CRC's departure locations the same day. Anderson was the field construction support assigned by Cosgrove to work the same two projects Horn assisted Yang with, which were supposed to be transitioned to Horn as her projects, but never were.

Approximately 275 miles round trip and a little over four (4) hour total driving time for the trip was required. CRC Health demanded that Horn travel "alone", with Yang who was assigned by Ms. Cosgrove to train Horn: and whom Horn had never met nor spoken to. Yang is approximately 6'5" and 280lbs. Horn is approximately 5'7" and 135lbs.

While Horn traveled alone in the rental car with Yang, Horn endured disrespectful comments, a very negative bully attitude, and insults about other team members on any topic that would come up during the very long drive, with Yang.

Moreover, Horn endured unsolicited sexual harassment and extensive staring at her breast by Yang. Advancements which Horn ignored and tied to

pretend she didn't notice. On the return trip back to Missouri, after traveling farther out of the City limits to what appeared to be more rural farm land, Yang and Horn approached an Adult Video Book Store exit sign.

Yang, turned to Horn while driving and asked, "what would you say if I stopped at this Adult Video Book Store"? Horn felt her body tighten up severely in shock and fear. Horn froze and couldn't speak. Before, Horn could compose herself to speak, Yang said, "I was just kidding". Horn remained silent and was forced to pretend that Yang had never said a word on this subject to protect herself and keep her job.

Cosgrove, Horn's manager, stood idle and would not respond to Horn in any form for help. For Horn's training, Yang would "very rudely", provide Horn bits and pieces of information on the budget tab and downplay information needed and required on the milestone plan tab for the Excel deliverables tracker.

Yang referred to Horn as a "dumb ass project manager", on a conference call with other project managers on the call. Horn was very shocked and hurt when she heard Yang's disrespectful words. Horn tried to continue being professional as if she didn't hear what Yang had referred to her as, and continued to speak on the topic of discussion. Horn was not successful in downplaying this tactic to ignore Yang's negative comment about her. Yang, spoke up louder and said "*that's what IT tells a dumb ass project manager like you*".

The other team members on the conference call were completely quiet. This was just one of many insults Yang labeled upon Horn, alone on a call with Yang and or with others on the call. Yang's actions were equivalent to retaliation against Horn's rejection of his sexual harassment that resulted in an adverse action that harmed Horn and her family.

During the three (3) week time frame of Horn's employment, Horn tried desperately to communicate directly with Cosgrove, Horn's manager, but Cosgrove refused to communicate with Horn.

Approximately one and half weeks of Horn working for CRC and with no response from Cosgrove, Horn called Experis HR Manager, Tonya Rosado. Horn informed Ms. Rosado of Experis, US, Inc, a Manpower Brand Company that Horn had tried several times to communicate with Cosgrove that Cosgrove, was un-responsive and that the training offered and promised by Cosgrove and Yang was not occurring and lacking.

Ms. Tonya Rosado, of Experis US Inc., A Manpower Brand Company, told Horn that (*"Sylvie is simply busy with the buyout of CRC by Acadia Healthcare and that Sylvie would be in touch with you soon".*) Sylvie never got in touch with Horn.

Horn tried communicating with Cosgrove by every known means possible without physically driving unannounced to her unknown home office. Cosgrove had informed Horn her first day of work that she also worked remote from home and on occasions visited her base office, the CRC Health Cupertino, CA regional office.

Horn called Cosgrove's cell phone, office desk phone, placed VOIP calls to her and left messages again and again, emailed her, texted her, sent instant messages, checked her OutLook calendar and Instant Message for her availability, asked other managers to make Cosgrove aware that Horn wanted to speak with her. Cosgrove ignored all Horn efforts to communicate with her.

And approximately three (3) weeks later, (without Horn ever having spoken to Cosgrove since Horn's first day of work) Cosgrove wrongfully terminated Horn's employment due to discovering her race. The Respondent changed their reasons for terminating Horn several times, first based on Yang and Wilson reporting to Cosgrove of Horn's a lack of Excel skills and lacking in performance. Wilson (another manager of CRC and a personal friend of Cosgrove) clearly testified in his deposition that he knew nothing of Horn's performance and did not (as CRC alleged he did), tell Cosgrove that Horn's performance was poor or otherwise.

Second, Cosgrove stated in her deposition the reason for Horn's termination was due to Horn's failure to provide her with weekly updates of the two projects Horn assisted Yang with. However, Horn did provide Cosgrove with these weekly updates which Cosgrove refused to respond to. Yang in his deposition stated that it was his responsibility and not Horn's to provide Cosgrove with weekly updates. That the two projects were his projects and had not been transition to Horn for reporting.

### **C. The District Court Judicial Bias**

In summary the District court violated Horn's constitutional and civil rights for The Fifth and Fourteenth Amendments as follows:

1. The judge failed to recuse himself for improper communication between the CRC legal counsel Snyder and himself, due to his personal relationship with counsel for the respondent. *See 9<sup>th</sup> Cir. No. 18-90115 filed 8/29/2018 and 9<sup>th</sup> Cir. DktEntry No. 7. for 18-16380, 18-16660.*
2. Court showed impropriety during the Discovery process in favor of the Respondent when the Respondent violated the Discovery process deadline response dates. *See 9<sup>th</sup> Cir. DktEntry No. 7.*

3. Court showed impropriety denying Horn default judgment when Respondent made an admission of evidence that Horn had months prior, effective proper service upon the Respondent with her Complaint, and the Respondent ignored service and failed to respond within months proceeding, the time frame required. *See District Court DktEntry No. 115.*
4. The Court failed and or refused to timely address Horn's two subpoenas received by the Clerk. Horn made the Court aware of this fact in a letter to the judges' Clerk and Horn had to resend the two subpoenas months later, again to the Clerk. *See DktEntry No.(s) 93 and 96 and Appendix-F.*
5. The District clerk failed and or refused to notice Horn of the court's motions, orders, etc., made by the court from May 16, 2018 to August 31, 2018, including the courts order granting MSJ to Respondent. *See District Court Docket Entry 147 and 148. See Appendix-F.*
6. The District clerk failed and or refused to upload into Pacer, the District Court Electronic System, several of Horn's motions, requests, etc. in a timely manner after receipt. The clerk informed Horn each time that her documents had been removed from its mailing envelope and were discovered in the judge's chambers, after the clerk conducted a search for Horn's missing documents. Such delays reduced the time Horn had to prepare and respond to the court and Respondent's motions, etc., violating her civil rights to equal protection under the law. *See DktEntry No.(s) 93 and 96. See Appendix-F.*
7. The judge acknowledged the Respondent's admission that Horn was indeed a CRC employee and not an Experis employee, but failed to take action on Horn's request to pursue CRC's Misclassification of Horn's employment with the Labor Commission. *See DktEntry 13,2. See Appendix-B, DktEntry No. 115,2.*

#### **D. The Ninth Circuit Judicial Bias**

In summary the Ninth circuit violated Horn's constitutional and civil rights for The Fifth and Fourteenth Amendments for the following:

1. The Ninth Cir. violated Horn constitutional and civil rights twice, as a low-income pro se litigant In Forma Pauperis, by not addressing or approving or denying her request for free Pacer access pursuant to PACER, Electronic Public Access Fee Schedule 28 U.S.C. Statute 1913, 1914, 1926, 1930, 1932) See 9<sup>th</sup> Cir. DktEntry No.(s) 6 and 10 and DktEntry No. 8.1. See *Appendix-D*.
2. It is clear that the Ninth Cir. Clerk violated *FRAP 45(b)(d)* and *Circuit Rule 25-5(c)(1)*. The law clerk deleted CRC's original brief e-filed by CRC on 1/8/2019 and replaced the deleted brief on 1/10/2019, two days past the brief due date of 1/8/2019, with a corrected PDF brief using the same Entry date of 1/8/2019, when in fact the Entry date was 1/10/2019, in favor of CRC. CRC's corrected PDF brief was not the same and was not identical. CRC's PDF brief no longer included a **Red** cover page but a **White** cover page, while there were also an enormous number of changes made to the new PDF brief; Horn had not been served with a copy of CRC corrected PDF brief or any attachments that showed its changes. The Ninth Cir. made its ruling against Horn being fully aware of the circuit clerk's actions and the fact that Horn had not been served a copy of CRC's corrected PDF brief. See 9<sup>th</sup> Cir DktEntry No. 22. See *Appendix-E*.
3. The counsel for CRC has shown to be in violation of attorney's ethical rules for inducing and or soliciting improper assistance from the Ninth circuit law clerk, to violate Horn's civil rights by deleting CRC's original brief and having uploaded a corrected and completely different copy passed the brief due date and failure to effect service upon Horn with a copy. See 9<sup>th</sup> Cir DktEntry No. 22. See *Appendix-E*.

#### **E. Judicial Bias Against Pro Se Litigants**

Judicial bias against pro se litigants should provoke further important and substantial governmental interest; since such a governmental interest is related to none suppression of the right to due process of law. The U.S. Supreme Court emphasizes by its authority the prevention of 'judicial bias discrimination' against pro se litigants, as a compelling government interest. Judicial bias is an ongoing practice in the cases for pro se litigants in the judicial system with far-reaching adverse consequences. Judicial bias against self-represented litigants is the biggest threat to justice. The practice is so extensive that a top circuit judge, Richard

Posner, for the 7<sup>th</sup> U.S. Circuit Court of Appeals told the Chicago Daily Law Bulletin in September 2017, that he decided to retire because of conflicts with his colleagues over the treatment of *pro se litigants*, who represent themselves.

In a new interview with the *New York Times*, Posner elaborated on his concerns about the treatment of such litigants and said, “*The basic thing is that most judges regard these people as kind of trash not worth the time of a federal judge. . . In the 7th Circuit, staff lawyers review appeals from pro se litigants, and their recommendations are generally rubber-stamped by judges, he noted. The sad and ugly truth is that even pro se litigants who can apply the law to their cases must still overcome judicial bias.*” Judge Posner further stated to the *Chicago Daily New Bulletin*, “*I was not getting along with the other judges because I was (and am) very concerned about how the court treats pro se litigants, who I believe deserve a better shake.*” In a *New York Times* interview on his sudden retirement, Judge Posner accused the court of funneling pro se appeals to staff lawyers, to be summarily dismissed over trivial technical issues.

In another pro se employment federal civil case in Indiana, *Brian Vukadinovich vs. Hanover Community School Corp.* also showed judicial bias towards pro se litigants. In August 2017, after winning his case, Mr. Vukadinovich told the *Washington Examiner* “. . . , but the apparent disdain and discrimination that courts and judges show toward pro se litigants make it that much harder. . . unless there are reforms to protect pro se litigants with meritorious civil cases, others will suffer injustices for exercising their right under federal law to manage their own litigation.” Vukadinovich also spoke about how the federal judge disregarded the court’s own local rules, simply because he was proceeding pro se. He further stated the judge “*berated me in open court for my refusal to retain an attorney, and condescendingly informed me that he didn’t think I would prevail at the trial . . . he urged me to accept the . . . settlement offer, I felt he was trying to intimidate me simply because I chose to represent myself.*”

The truth be told as Vukadinovich put it “*The disdain by federal judges against pro se litigants is a serious problem in our country, which the Supreme Court and Congress should rectify.*” He further stated that . . . “*It follows that federal judges must respect the pro se litigants’ right to represent themselves. Thus, the Supreme Court and Congress have means to remedy the problems with federal judges who disrespect and ignore the rights of pro se litigants. . . Whether through binding or nonbinding language on the topic, Congress can make clear that complaints about violations of the rights of pro se litigants must be taken very seriously by judicial councils.*” Unfortunately in this current climate Horn’s judicial complaint was ignored by the judicial councils.

CRC Health Group discrimination is contrary to the law. Racial discrimination, sexual harassment, retaliation in employment is prohibited by *42 U.S.C. Section 1981*, which ensures that all people have the same right to make and enforce contracts “as is enjoyed by white citizens.” *Section 1981* was enacted to eradicate racial discrimination in employment and is derived from the *Civil Rights Act of 1866*, and applies with full force today. Through this lawsuit, Horn seek to vindicate her rights under *42 U.S.C. Section 1981* as presented in her Complaint with the District Court, Brief and Reply Brief to the Ninth Circuit and now Horn’s Petition to the Supreme Court of The United States.

## REASONS FOR GRANTING THE WRIT

The Court should grant this Petition because it presents a question of heightened significance over which there exists a growing injustice for pro se litigants amongst the District and Circuit Courts and provides an ideal vehicle for addressing the judicial bias against pro se litigants seeking justice in the legal system.

At its core, this is a case of judicial bias and constitutional and civil rights violations against a pro se litigant. It demonstrates, a negative view of the truth and how pro se litigants are degraded and their claims are not given full respect to receive an equal and just outcome as would be provided to their opposing legal counsels.

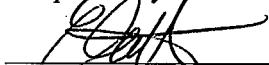
Perhaps with the evolvements of Judge Posner retiring from the Seventh circuit after many years and his witnessing the established precedent of judicial bias against pro se litigants gives rise to the conclusion that a 'serious' development for the rights of pro se litigants needs to arise and be fully implemented and integrated into our legal fabric.

Thus, the ultimate question before this Court is not whether, granting certiorari would vindicate Horn in her claims but, would granting Horn certiorari give sufficient notice to the Courts and establish a precedent that judicial bias against pro se litigants and violations of pro se constitutional and civil rights, (both minor and major) will no longer be ignored but looked upon as improper justice. If no consequences are applied to injustice for pro se's in our judicial system, then injustice continues. "*Injustice anywhere is injustice everywhere*" MLK. Granting Certiorrari in Horn's case is a start in the right direction to begin to rectify the wrong for all pro se litigants suffering from judicial bias in this nation.

## CONCLUSION

For the foregoing reasons, this Court should grant Horn her petition for certiorari.

Respectfully submitted,



Date: June 7, 2019

Ella Wee Horn  
21623 McDaniel Road  
Smartsville, CA 95977  
530-432-6657

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

ELLA WEE HORN — PETITIONER  
(Your Name)

VS.

CRC HEALTH GROUP, INC, aka — RESPONDENT(S)  
Acadia Health Care, Inc.

**PROOF OF SERVICE**

I, ELLA WEE HORN, do swear or declare that on this date,  
June 7, 2019, 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:

Michael L. Russell, Heath Edwards and Mark W. Peters, Waller Lansden Dortch and Davis,  
LLP, 511 Union Street, Suite 2700, Nashville, TN 37219. Via U.S. Certified Mail 7018 1830 0001  
2005 6633

Timothy L. Davis and Megan Snyder, Burke, Williams and Sorenson LLP, 1503 Grant Road, Suite  
200, Mountain View, CA 94040. Via U.S. Certified Mail 7018 1830 0001 2005 6640

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

Executed on June 7, 2019



(Signature)