

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.

FILED

NOV 06 2018

OFFICE OF THE CLERK

No. 18A618

FELICIA ANN UNDERDUE,
Applicant - Appellant - Plaintiff,
v.
WELLS FARGO BANK, N.A.,
Respondents – Appellee - Defendant,

APPLICATION TO RECALL AND STAY MANDATE OF THE UNITED STATES COURT OF APPEALS FOR THE
FOURTH CIRCUIT PENDING DISPOSITION OF A PETITION FOR WRIT OF CERTIORARI

INTRODUCTION

Your Honorable Chief Justice Roberts, the Fourth Circuit's denial to issue a mandate which would enable the Plaintiff-Appellant-Petitioner, Felicia Ann Underdue the opportunity to seek the necessary guidance of the Supreme Court regarding the following at minimum is wrong and denies her the opportunity to obtain justice as a layman:

1. Whether the rights granted to the people by the Ninth Amendment to respectfully request the appointment of legal counsel in civil cases following the issuance of a Right to Sue from the Equal Employment Opportunity Commission (EEOC) upon the filing a federal complaint should be granted.
2. Whether the Seventh Amendment's right to a jury trial in a complaint that exceeds \$20.00 should be granted in federal cases.
3. The Plaintiff-Appellant-Petitioner, Felicia Ann Underdue seeks a judicial review to remand a complaint back to the (EEOC) due to the agency failing to provide due diligence when investigating continuous filings of charges of continuous discrimination, harassment, and/or retaliation over a period of years (Continuous Violation Theory established in National Railroad Passenger Corp. v. Morgan, 112 S. Ct. 2061 (2002)) on multiple grounds including Title VII categories, the Age Discrimination in Employment Act and the Americans with Disabilities Act should be granted as an interlocutory order to ensure justice is served.

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SUPREME COURT, U.S.

1 TO THE HONORABLE JOHN G. ROBERTS, JR., CHIEF JUSTICE OF THE UNITED STATES AND
2 CIRCUIT JUSTICE FOR THE FOURTH CIRCUIT:

3 Justice should not only be reserved for those who can afford it. Indigent Applicants – Petitioners –
4 Appellants – Plaintiffs should have the opportunity to work with legal counsel and/or an attorney prior
5 to or upon issuance of a Right to Sue. Layman who file charges with the EEOC are generally not lawyers
6 and do not have sufficient legal knowledge to plainly relate to the court the failings of an employer in a
7 format required by federal courts.

8 A decision from the Supreme Court is necessary to combat the abuses that occur during employment for
9 layman that file charges with the EEOC.

10 Employers have lawyers and corporate counsel that provide them with guidance in areas such as Title
11 VII violations, the Age Discrimination in Employment Act and/or the Americans with Disabilities Act, etc.

12 Layman have not been trained as legal counselor and/or attorneys have been trained to identify the
13 required elements of each of these potential violations. Layman have not. To require layman to have
14 training to file a federal complaint is the equivalent to saying that indigent Applicants – Petitioners –
15 Appellants – Plaintiffs do not deserve justice against an abusive employer.

16 As a paralegal student in an American Bar Association approved course, the Applicant – Petitioner –
17 Appellant – Plaintiff; Felicia Ann Underdue (Underdue) voluntarily admits to this court and the Fourth
18 Circuit Court of Appeals that placing a specific damages amount on this complaint has casted the wrong
19 view of this complaint. As a student, Underdue has learned that placing a dollar amount on a complaint
20 may be construed negatively and may cause the reported violations to be disregarded and dismissed.
21 Upon filing the third complaint, Underdue will correct this and leave the handling of damages and
22 punitive awards to the Western District Court in Charlotte, NC.

23 As a layman, Underdue did not receive any guidance and/or guidelines of what was to be pursued upon
24 being issued a Right to Sue. Laymen require more than a Right to Sue letter to obtain justice as pointed
25 out by Justice Ruth Bader Ginsburg in the transcript for *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 512 ,
26 line (2002) on page 47, lines 12-18.

1 Either the district courts and/or the EEOC should be required to provide an outline of what the
2 guidelines for each category should include when filing a complaint in federal court. Without this
3 guidance, the briefs submitted by Underdue have read like a soap opera of details rather than the
4 specific information sought by the court.

5 The Right to Sue letter issued by the EEOC does not provide the subject matter jurisdiction that the
6 courts require, therefore, how can a layman identify this required information for the federal court
7 system.

Counsel for the Respondents – Appellee – Defendant; Wells Fargo Bank, N.A. have relied on the years of training by attorneys and/or legal counselors to educate them of their wrong-doings and the steps necessary to rectify them, however, layman have no such luxury of legal advice to pursue when violations have occurred them. This luxury is even less so when the employer has placed a charging party in an indigent status by denying training, promotions and reduced hours to even survive one's daily cost of living.

JURISDICTION

9 The Fourth Circuit Court of Appeals (4th Circuit) received the Applicant – Petitioner - Appellant – Plaintiff;
10 Felicia Ann Underdue’s motion to “Stay the Mandate” and the court’s order issuing the “Mandate” on
11 October 23, 2018. On October 24, 2018, the 4th Circuit issued the order denying the “Stay to Mandate”.

12 As per the instructions provided by "U.S. Court of Appeals for the Fourth Circuit Appellate Procedure
13 Guide April 2018 (https://www.ca4.uscourts.gov/appellateprocedureguide/decision__post-
14 decision/APG-mandate.html), Applicant – Petitioner - Appellant – Plaintiff; Felicia Ann Underdue moves
15 to seek permission to "Stay the Mandate" with Chief Justice Roberts, who is the Supreme Court Justice
16 with responsibility for the Fourth Circuit. S. Ct. R. 23.1.

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3 **CASES IN SUPPORT OF AN INTERLOCUTORY APPEAL**

- 4 1. National Railroad Passenger Corp. v. Morgan, 112 S. Ct. 2061 (2002)
- 5 2. Swierkiewicz v. Sorema N.A., 534 U.S. 506, 512 (2002)
- 6 3. Bell Atlantic v. Twombly, 550 U.S. 544, 555 (2007) AND Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- 7 4. Underdue v. Wells Fargo Bank, N.A, 3:14-cv-183-RJC

8 **OPINIONS IN REVIEW**

9 As an indigent person, Applicant – Petitioner - Appellant – Plaintiff; Felicia Ann Underdue, must rely on
10 resources that are readily available to this court and include the following oral arguments;

11

12 1. National Railroad Passenger Corp. v. Morgan, 112 S. Ct. 2061 (2002)

13 Upon reviewing the oral argument for National Railroad Passenger Corp. v. Morgan, 112 S. Ct. 2061
14 (2002) and the transcript available via the Supreme Court's website
15 (https://www.supremecourt.gov/oral_arguments/argument_transcripts/2001/00-1614.pdf), the
16 question of filing multiple charges to ensure a timeline was established was joked about by Justice Ruth
17 Bader Ginsburg and Counsel for Petitioner; Mr. Englert on page 8, lines 13-25:

18 "QUESTION: Mr. Englert, I'm not aware that there is a case -- perhaps I'm wrong about this --
19 quite like this where there are a succession of similar acts, a number of disciplines, a number of
20 refusal to give training opportunities, and the employee goes to the EEO -- the in-house person,
21 tries to settle it, tries not to make a Federal case out of it. And -- but the rule that you would
22 have us adopt would say if you're in doubt, sue instead of saying, if you're in doubt -- each one
23 of these discrete instances that he was trying to work out, we would have to have -- your rule
24 would mean that this person has to file 10 charges with the EEOC instead of one."

25 Note to Justice Ginsburg: Underdue's EEOC filings are located at 3:14-cv-00183-RJC Document
26 32-1, pp 13-46, if you should wish to view them. Regretfully, I am indigent, unemployed, and a
27 student who cannot afford the cost to add this information as an appendix.

28

1 2. *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 512 (2002)

2 Upon reviewing the oral argument for *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 512 (2002) and the
3 transcript available via the Supreme Court's website
4 (https://www.supremecourt.gov/oral_arguments/argument_transcripts/2001/00-1853.pdf), the
5 Supreme Court acknowledged that layman do not know what to do with a Right to Sue letter when
6 deciding to file a complaint within 90 days of the issuance of that letter; Right to Sue:

7 (a) As previously mentioned, on page 47, lines 12-18, the discussion of what to do with a Right to
8 Sue letter shows that a layman, who is not a trained lawyer or legal counselor, cannot possibly
9 properly file a complaint without some form of guidance from an appointed counsel or lawyer.
10 (b) Justice Ginsburg points out the following:

11 “QUESTION: You have to file a paper that's called the complaint, and a right-to-sue letter is not
12 that. You can't go into court and say, here's a nice letter, court, and I'd like you to proceed. You
13 have to have a complaint. The rules say that. The right-to-sue letter isn't a complaint, so I don't
14 think that takes you very far.”

15
16 3. *Bell Atlantic v. Twombly*, 550 U.S. 544, 555 (2007) (*Twombly*) which involves issues involving
17 anti-trust, commercial law, etc. (transcript can be found at
18 https://www.supremecourt.gov/oral_arguments/argument_transcripts/2006/05-1126.pdf) and
19 *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) (*Iqbal*) (transcript can be found at
20 https://www.supremecourt.gov/oral_arguments/argument_transcripts/2008/07-1015.pdf),
21 which involves protecting the highest level of official responsible in an organization from
22 unnecessary discovery following the actions lower level supervisors.
23 These cases will also be referred to as *Twombly-Iqbal*.

24
25 Chief Justice Roberts, I, Applicant – Petitioner - Appellant – Plaintiff; Felicia Ann Underdue, truly do
26 understand the need to protect the time and effort that Chief Executive Officers (CEOs) need to avoid
27 spending their days in discovery, depositions and interrogatories. The heightened pleading standards
28 set forth in these cases created a gap in pursuing one's protected civil rights. The victims of civil right
29 violations are were turned into suspected terrorist as appears to be the case of Javaid Iqbal and other
30 Arabs following the attacks on September 11, 2001 (9/11).

1 As an American, I appreciate the protections provided following the attacks on 9/11. The pleading
2 standards created by Twombly-Iqbal put victims of civil rights violations on a chopping block, so to
3 speak. Layman Americans cannot receive justice without the appointment of legal counsel or an
4 attorney. The plain spoken requirement set forth in Rule 8(a) of the Federal Rules of Civil Procedure
5 which provides the general rules of pleading to obtain relief due to violations of any of the following
6 types of complaints; including Title VII categories, the Age Discrimination in Employment Act and the
7 Americans with Disabilities Act were lost to layman who were violated.

8 Generally, layman under the new pleading standards require the assistance of lawyers or legal
9 counselors who can adequately surpass the well plead pleading requirements set forth by these cases
10 which reverses the protections provided by Title VII categories, the Age Discrimination in Employment
11 Act and the Americans with Disabilities Act. As I, Underdue, have found out, the lawyers and/or legal
12 counsel in North Carolina cannot fight for your civil rights if doing so will place them in indigent status
13 with their clients.

14 In the analogy purposed and discussed in the oral argument in the Ashcroft v. Iqbal, 556 U.S. 662 (2009)
15 (transcript can be found at
16 https://www.supremecourt.gov/oral_arguments/argument_transcripts/2008/07-1015.pdf) by Justices
17 Stephen G. Breyer (mouse; pages 13, lines 11-25 and page 14, line 1), David H. Souter (mouse; page 15,
18 lines 20-25 and page 16, lines 1-8) and John Paul Stevens (rats; page 42, lines 8-13) regarding the
19 plausibility of the inferences purposed by Iqbal when complaining about civil rights violations committed
20 by John Ashcroft, the attorney general, and Robert S. Mueller III, the FBI director, the Justices appear to
21 acknowledge that some CEOs may knowingly engage in wrong-doing, but then hire a legal team that ask
22 that they be given a pass on their actions when a complaint is filed against the CEO. In the verbal
23 exchange between Justice Breyer and General Garre, you can see how Rule 8(a) has been weaponized
24 (transcript of Iqbal, pages 14-15):

25 "JUSTICE BREYER: How does -- how does this work in an ordinary case? I should know the
26 answer to this, but I don't. It's a very elementary question. Jones sues the president of Coca-Cola. His
27 claim is the president personally put a mouse in the bottle. Now, he has no reason for thinking that.
28 Then his lawyer says: Okay, I'm now going to take seven depositions of the president of Coca-Cola. The
29 president of Coca-Cola says: You know, I don't have time for this; there's no basis. He's -- he's -- I agree
30 he's in good faith, but he's -- there is no basis. Okay, I don't want to go and spend the time to answer a

1 question. Where in the rules does it say he can go to the judge and say, judge -- his lawyer will say -- my
2 client has nothing to do with this; there's no basis for it; don't make him answer the depositions, please?

3 GENERAL GARRE: And I think it would be --

4 JUSTICE BREYER: Where does it say that in the rules?

5 GENERAL GARRE: It -- it says that, as this Court interpreted it, in Rule 8 of the rules, Justice Breyer.

6 JUSTICE BREYER: In Rule 8?

7 GENERAL GARRE: Yes, because in Rule 8 --

8 JUSTICE BREYER: I thought Rule 8 was move for a more definite statement.

9 GENERAL GARRE: No. Rule 8 is the -- is the plain statement showing entitlement to relief. It is the rule
10 interpreted in Bell Atlantic, and there the Bell Atlantic Court said that the plaintiff had the obligation to
11 show a plausible entitlement to relief. And --

12 JUSTICE BREYER: He shows a plausible entitlement. He says -- there's no doubt it's a claim if the
13 president of Coca-Cola did put the mouse in the bottle. It's just there is no basis for thinking that.

14 GENERAL GARRE: It's --

15 JUSTICE BREYER: So he wants to go to the judge and say: I've set out a claim here; I copied it right out of
16 the rules. All right? Now, what allows the judge to stop this deposition?

17 GENERAL GARRE: Rule 8 does, as interpreted

18 JUSTICE BREYER: Where?

19 GENERAL GARRE: -- in Bell Atlantic, because that is not a plausible entitlement of a claim to relief

20 JUSTICE SOUTER: But, Mr. Garre, you are using the word "plausible" or you're taking the word
21 "plausible" out of Bell Atlantic, I think, and you are using it to mean something that probably can be
22 proven to be true. Bell Atlantic drew that distinction. They -- the plausibility there is a plausibility that if
23 they prove what they say, they will -- they will establish a violation.

24 The pleading standard created following 09/11 in Iqbal works when defending our country, but it
25 doesn't work for layman who are civil rights victims of the CEOs in the United States. It sets the bar too

1 high for layman to state a claim for relief with just a Right to Sue letter issued by the Equal Employment
2 Opportunity Commission.

3 Chief Justice Roberts, Iqbal is now a weapon to be wielded by CEOS who violate the civil rights of their
4 employees. A review of my, Underdue's, complaint would enable this court to review the pleading
5 standards required by Rule 8(a) of the Federal Rules of Civil Procedure.

6 4. Underdue v. Wells Fargo Bank, N.A, 3:14-cv-183-RJC

7 The Equal Employment Opportunity Commission instantly issues a Right to Sue. The charges are not
8 investigated as reported by Underdue. The Western District Court of North Carolina and the Fourth
9 Circuit Court of Appeals point out that the Applicant – Petitioner - Appellant – Plaintiff; Felicia Ann
10 Underdue ability to seek a claim for relief are now restricted due to the Instantly issued Right to Sue.
11 This case is ripe for review as an interlocutory appeal. The failure of the EEOC to provide the due
12 diligence that is required by the federal courts prior to a complaint being filed is broken. Underdue
13 respectfully request the opportunity to be appointed legal counsel/lawyer to present this failure by a
14 federal agency and the need to remand the investigation back to the EEOC to ensure justice is
15 preserved. Underdue was discriminated on the basis of multiple Title VII categories, the Age
16 Discrimination in Employment Act and the Americans with Disabilities Act. As a layman, justice cannot
17 be achieved.

18 **REASONS FOR GRANTING THE STAY**

19 “To obtain a stay pending the filing and disposition of a petition for a writ of certiorari, an applicant
20 must show (1) a reasonable probability that four Justices will consider the issue sufficiently meritorious
21 to grant certiorari; (2) a fair prospect that a majority of the Court will vote to reverse the judgment
22 below; and (3) a likelihood that irreparable harm will result from the denial of a stay.” Hollingsworth v.
23 Perry, 558 U.S. 183, 190 (2010). These standards are readily satisfied in this case.

24 In the Underdue complaint, the denials for the appointment of legal counsel and remand to the Equal
25 Employment Opportunity Community Commission for a proper investigation prior to issuing a Right to
26 Sue letter should be required. A Right to Sue notice is not sufficient to present to a federal court to
27 enable discovery of the violations that have occurred.

28 The Fourth Circuit’s Decision to not allow interlocutory relief forces layman to accept discrimination that
29 occurs against them without an employer being held accountable due to limited and/or no discovery

1 being allowed (i.e a copy of one's full employment profile, including any and all records from any and all
2 departments, legal counselors, human resources, etc.). Rule 8(a) requires the details found in these
3 records to properly state a claim upon which relief should be granted.

4 The Fourth Circuit's Decision prevents layman from obtaining guidance beyond a Right to Sue letter that
5 does not outline what evidentiary requirements were not met. The expanded plausibility standards and
6 pleadings currently in place based on the Twombly-Iqbal standard requires the trained expertise of legal
7 counsel or lawyers, which layman who file with the EEOC generally are not. These heightened standards
8 make a Right to Sue letter and the filing with the EEOC meaningless.

9 **CONCLUSION**

10 For the foregoing reasons, the Court should recall and stay the mandate below as it relates to
11 remanding a case to the Equal Employment Opportunity Commission to ensure the due diligence of
12 investigation is provided to layman, such as Applicant – Petitioner - Appellant – Plaintiff; Felicia Ann
13 Underdue, prior to issuing a Right to Sue letter and the appointment of legal counsel or a lawyer due to
14 the heightened pleading and plausibility standards required under Rule 8(a) of the Federal Rules of Civil
15 Procedure, pending the timely filing and disposition of a petition for certiorari. The remand of the case
16 to the EEOC and the appointment of counsel should be granted prior to Underdue being forced to
17 submit another complaint to the Western District Court of Charlotte, NC. Prior to being forced to submit
18 another complaint, Underdue also respectfully request that limited pre-trial discovery be granted; a
19 copy of one's full employment profile, including any and all records from any and all departments, legal
20 counselors, human resources, etc.

21 Justices of the Supreme Court, it is my sincere hope to be able to present my case to you. The
22 employees of Wells Fargo Bank, N.A. were forced to engage in wrong-doing that created and/or
23 exacerbated both physical and mental disabilities. The years spent explaining and telling customers that
24 they caused the excessive overdraft fees they were being assessed broke me mentally time and time
25 again. My full employment profile will show this if I am granted discovery. Prior to the acquisition of
26 Wachovia Bank, N.A., my disabilities were manageable. I am no longer the person I was prior to working
27 under John Stumpf, CEO of Wells Fargo Bank, N.A.

28
29

Respectfully submitted,

Felicia Ann Underdue

Felicia Ann Underdue

3944 Town Center Rd

Harrisburg, NC 28075

Telephone: 704-488-8189

Felicia.Underdue@yahoo.com

Applicant – Petitioner - Appellant – Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 31st of October, 2018, the Plaintiff-Appellant hand-delivered to the court house of the Western District of North Carolina for electronic delivery of the file below using the foregoing notification system used by attorneys working in conjunction with the Clerk of Court for both the Fourth Circuit Court of Appeals and the Defendant Wells Fargo Bank, N.A. and/or to their counsel Keith M. Weddington of Parker Poe Adams & Bernstein LLP (401 S. Tryon Street Suite 3000, Charlotte, NC 28202) using the Case Management/Electronic Case Files (CM/ECF) system, which will then send a notification of such filing using the Notice of Electronic Filing (NEF) to all involved parties:

"APPLICATION TO RECALL AND STAY MANDATE OF THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT PENDING DISPOSITION OF A PETITION FOR WRIT OF CERTIORARI"

Date: April 13, 2018

Respectfully Submitted,

Felicia Ann Underdue

Felicia Ann Underdue

3944 Town Center Rd

Harrisburg, NC 28075

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Felicia Ann Underdue — PETITIONER
(Your Name)

VS.

Wells Fargo Bank, N.A. — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____
_____, or

a copy of the order of appointment is appended.

Felicia Ann Underdue
(Signature)

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, _____, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 1,000.00	\$ —	\$ 0.00	\$ 0.00
Self-employment	\$ 0.00	\$ —	\$ 0.00	\$ 0.00
Income from real property (such as rental income)	\$ 0.00	\$ —	\$ 0.00	\$ 0.00
Interest and dividends	\$ 0.00	\$ —	\$ 0.00	\$ 0.00
Gifts	\$ 0.00	\$ —	\$ 0.00	\$ 0.00
Alimony	\$ 0.00	\$ —	\$ 0.00	\$ 0.00
Child Support	\$ 0.00	\$ —	\$ 0.00	\$ 0.00
Retirement (such as social security, pensions, annuities, insurance)	\$ 0.00	\$ —	\$ 0.00	\$ 0.00
Disability (such as social security, insurance payments)	\$ 0.00	\$ —	\$ 0.00	\$ 0.00
Unemployment payments	\$ 0.00	\$ —	\$ 0.00	\$ 0.00
Public-assistance (such as welfare)	\$ 0.00	\$ —	\$ 0.00	\$ 0.00
Other (specify): _____	\$ 0.00	\$ —	\$ 0.00	\$ 0.00
Total monthly income:	\$ 1,000.00	\$ —	\$ 0.00	\$ 0.00

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>Ittec</u>	<u>4601 Corporate Dr., concord, NC</u>	<u>March to October 2018, Contract ended October 31, 2018</u>	<u>\$ 1,000.00</u>

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>Pandent/ Blue cross / Blue Shield contract</u>	<u>2745 Whitehall Park Dr. Charlotte, NC</u>	<u>July 2017 to December 2018</u>	<u>\$ 2,000.00</u>

4. How much cash do you and your spouse have? \$ 668.00

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
<u>Bank of America</u>	<u>Checking</u>	<u>\$ 668.00</u>	<u>\$</u>
<u>Wells Fargo</u>	<u>Checking</u>	<u>\$ 1.25</u>	<u>\$</u>
<u>Pinnacle Bank</u>	<u>Checking</u>	<u>\$ 4 or 85.00</u>	<u>\$</u>

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home Due to government assistance \$ 67,000
Value assistance \$ 67,000

Other real estate
Value none

Motor Vehicle #1
Year, make & model 1999 Lincoln Town car
Value \$ 700.00

Motor Vehicle #2
Year, make & model none
Value none

Other assets
Description none
Value none

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>None</u>	\$ <u>None</u>	\$ <u>None</u>
	\$ <u>None</u>	\$ <u>None</u>
	\$ <u>None</u>	\$ <u>NA</u>

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>Victoria Undeue</u>	<u>daughter</u>	<u>32</u>
<u>Daughter moved in and took over home less master bedroom.</u>		

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>267.00</u>	\$ <u>534.00</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>50.00</u> cable ^{work from home} \$ <u>50.00</u> cable ^{for family}	\$ <u>daughter pays</u> ^{electric} _{amt unk}
Home maintenance (repairs and upkeep)	\$ <u>None at</u> <u>this time</u>	\$ <u> </u>
Food	\$ <u>100.00</u> <u>monthly</u>	\$ <u>unknown</u>
Clothing	\$ <u> </u>	\$ <u>unknown</u>
Laundry and dry-cleaning	\$ <u>10.00</u> ^{monthly} \$ <u>for deter</u> \$ <u>gent</u> \$ <u>2015 about</u>	\$ <u>unknown</u>
Medical and dental expenses	\$ <u>400.00</u>	\$ <u>unknown</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 80.00 to get to school	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ _____	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ 150.00 ^{paid in full}	\$ included in money she pays mortgage for
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Motor Vehicle	\$ 100.00	\$ _____
Other: _____	\$ _____	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____	\$ _____
Installment payments		
Motor Vehicle	\$ _____	\$ _____
Credit card(s)	\$ 60.00 \$ all others defaulted	\$ _____
Department store(s)	\$ _____	\$ _____
Other: _____	\$ _____	\$ _____
Alimony, maintenance, and support paid to others	\$ _____	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ _____	\$ _____
Other (specify): _____	\$ _____	\$ _____
Total monthly expenses:	\$ 717.00	\$ _____

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I am unemployed and I am awaiting assignment to a new contract, if offered. I am awaiting confirmation if I have a new job in November 2018.

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

Executed on: October 31, 20 18

Felicia Ann Lunder
(Signature)

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-1321

FELICIA A. UNDERDUE,

Plaintiff - Appellant,

v.

WELLS FARGO BANK, N.A.,

Defendant - Appellee,

and

ILA N. PATEL; KENDRA BROWN; SUSAN LYBRAND,

Defendants.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Robert J. Conrad, Jr., District Judge. (3:14-cv-00183-RJC)

Submitted: July 24, 2018

Decided: September 13, 2018

Before WILKINSON, NIEMEYER, and HARRIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Felicia A. Underdue, Appellant Pro Se. Sarah Johnson Douglas, Keith Michael Weddington, PARKER, POE, ADAMS & BERNSTEIN, LLP, Charlotte, North Carolina,

for Appellees.

Unpublished opinions are not binding precedent in this circuit.

FILED: October 24, 2018

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1321
(3:14-cv-00183-RJC)

FELICIA A. UNDERDUE

Plaintiff - Appellant

v.

WELLS FARGO BANK, N.A.

Defendant - Appellee

and

ILA N. PATEL; KENDRA BROWN; SUSAN LYBRAND

Defendants

O R D E R

Upon consideration of the motion for stay of mandate, the court denies the motion.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

PER CURIAM:

Felicia A. Underdue seeks to appeal the district court's order granting her motion for an extension of time in which to file a third amended complaint, denying her motion for appointment of counsel, and denying her motion to remand the case to the Equal Employment Opportunity Commission. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2012), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2012); Fed. R. Civ. P. 54(b); *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 545-46 (1949). The order Underdue seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED