

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. DIVISION
(Honorable Justices)
Hon. Sonia Sotomayor

Louis Bonanno Sr. pro se,
Petitioner,

U.S.C.A. 4TH. No: 18:1555

v.
U.S. Assist. Attorney Generals Office
Respondents.

MOTION:
PETITION FOR A WRIT OF CERTIORARI
OUT OF TIME

Dear, Hon. Clerk(s) of the U.S. Supreme Court,

Petitioner, Certifies, in seeking, Writ of Certiorari out of time, that the request is based on the grounds listed and is not being used for purposes of delay. GVR practice.

STATEMENT'S OF THE CASE

Petitioner, in his litigation(s) of this case since (2013) properly identified, unlawful misconduct against his Employer (The Person's) proximate caused, and Government Agencies (Who Acted) under and deprived Federally Protected Rights to (Mr. Bonanno Sr.) Petitioner. Under the Americans with Disabilities. Title V11 42: USCA 2000e thru. 2000e 17, / U.S.C. -1986 Amendments, U.S. Constitution Deprivation, Association-Discrimination, Prosecutors- misconduct. Acts and Omission not using reasonable care and diligence, abusing its authorities.

The U.S. Supreme Court has a high bar for taking questions, of contributory negligence from a fact-finder's, and Plaintiffs' evidence offered a basis for reasonable fact-finder's to determine that they justifiable relied on the defendants advise.

Respectfully Submitted

/s/ Louis Bonanno Sr.

QUESTION(S) PRESENTED

May a State be Sued by an individual of another State under the U.S. Constitution, if negligence and causing enhanced injuries, when a Plaintiff (Petitioner) alleges strict liability. ?

Did, the U.S. Supreme Court held, that Municipalities and local Government can be sued if the action(s) attribution to an official policy. ? Known as the State action performing discretionary functions.

Did, the Virginia Employment Commission / Assistant Attorney General / use discretionary functions not to appear, refusing to submit wrongful exculpatory evidence to the court. ?

See, (Greivant v. Virginia Employment Commission Ruling No. 2013-3579). misconduct with-in the Agency.

See, (AAG E.D. Hillman, Petitioner, v. Nueces County District Attorney office Respondent No. 17-0588 Oct. 31, 2018). Misconduct with-in the Agency.

Did, Federal and State Court(s) used discretionary functions in dismissing this case as untimely.? Since (2013).

REASONS FOR GRANTING THE WRIT

(A). Persons who act in concert, who actively participates, cooperates, engages in or approving violations, is piling on, for their own benefits. This Honorable U.S. Supreme Court, has held, that probable cause defeats a First-Eleventh-Fourteenth Amendments. The retaliatory-prosecution. While, the D.C. Circuit and the Eleventh- Circuit have held, that Mis-statements and Appearance standings alone, can be the basis of a fraudulent scheme claim.

(B). Re: Deputy Associate Attorney General, (Steven Cox) delivered remarks (March 2019) False claims and Qui-tam enforcement, Misconduct on the Tax-payer, Dismissals, Sub-regulatory Guidance, including Piling-On, in relation to all matters connected with its duties. Claims under: 42-USC-1983 as a matter of law.

STATEMENT'S OF THE COURSE OF THE PROCEEDINGS

DISPOSITION OF THE CASE AND STATEMENT'S OF THE FACTS

(1.) After plaintiff (Petitioner) was fraudulently discharged, as a heavy equipment operator in (2013) by his (employer) because of discrimination and retaliation, he filed separate actions, alleging claims arising out of the same course of events and alleging State tort of interference, as well as, violations of Title VII 1964-1990 (ADA) Title II Amer. With Disabilities. Act, 42 U.S.C. 12131 et, seq., Section 2-5 of the fourteenth Amendment. And, 42-U.S.C.1983-1985-1986 Amendments Section 2-3 deprivation under the US Constitution.

First Action: Over the long course of proceedings in this case, the District Court dismissed one action for failure to exhaust (EEOC) remedies, erred as noted (TSE). Violation of the (FRCP) especially with respect to discovery and summary judgment practice.Appealed to the Fourth Circuit and affirmed. (2013-2014)(Exhibit)). See, Williams v. Philadelphia Housing Authority Police Dept., under the (ADA).

Second Action: Filed for unemployment benefits with the Virginia Employment Div. (Bristol Va.). They requested medical documents and notice to return to his workplace. Furnished as noted, then denied and appealed. The VEC commenced a phone conference between (Bonanno / Mr. Cooper) under oath, who did not make a good faith effort to reinstate, making false accusation of quitting his employment, and denied benefits as plaintiff contends (Exhibits).

Third Action:Appealed once again (1st. VEC examiner, Ms. Pruitt Attn'y / Bonanno) both present at the Bristol Va. Office, (Mr. Norman by Phone) making fraudulent statement's under Oath. (Bonanno) presented medical documents of a requested leave. Mr. Hesbitt AAG 2nd examiner, also a former VEC employee, engaged, and failed to protect equally denying benefits, without consideration of the medical evidence.Appealed, no response by (Ms. Turner or Tribunal (Exhibits). Further, explaining, intentional violations of the rule's against the improper introduction of the evidence, and improper admission of testimony(s),

Fourth Action:Appealed to the Circuit Court, (Bonanno Appeared twice) also violated his rights is well- supported, dismissed the case as untimely, after, the AAG (Ms. Peay) failed in (2) notices to appear as ordered.Appealed to the State Cir. of Appeals, failed to review, or give notice the case was sent to the Supreme Court of Va., Followed by U.S. District Court Alex. Jurisdiction issues, 4th Cir. of Appeals, affirming Jurisdiction (Exhibits).

CONSTITUTIONAL-VIOLATIONS:

Against the Plaintiff 28: 1331

2.) Mr. D. Cooper,(VLIC) V.P. / Mr. R. Norman,(VLIC) G.M. ERRED; Violated (Mr. Bonanno) Constitutional Rights under the Fourteenth Amendments, to be free from discrimination and retaliation. Asserted under a host of Federal / State Statute's. Title 42 U.S.C. 2000e thru 17, 12112(a), Id.12111(8), 29 C.F.R. PART 1630.2(n)(1).

3.) 1st. hearing examiner,Special examiner, also, former employee of (VEC) / Circuit Court of Manassas: Hon. Johnston / State Court of Appeals, / AAG, Ms. Peay, ERRED. By violating his Constitutional Rights by not providing, adequate Training or the Supervision. 18.2.500. The Defendant's, violated Virginia Human Rights Acts. The Defendants violated the Americans with Disabilities Acts. Under a host of Federal / State Law. Including, deprivation rights to a Jury-Trial.

"U.S. CONSTITUTIONAL RIGHTS PRESERVED"

4.) The Fourteenth Amendments, afforded the protection of the Constitutions Due-process to a U.S. Citizen (Mr. Bonanno). The negligence, inducing negligent misrepresentation. The interference of the due process 42-U.S.C. 1985(2). Is an (Obstruction of Justice). Title: 18 U.S.C. Section 1519. The (Defendants) caused this action, under the American with Disabilities Act., Title VII-1964 2000e (2-5) Pursuant to Article III Standings. A State and Citizens of another is Prohibited.

5.) The Employer's, unlawfully [Rejected] (Bonanno) of his employment reinstatement and unemployment benefits. Together. The Virg. Employ. Comm.-its Attny's., engaged, and [Restricted]-[Equally] Depriving him of his unemployment benefits based on fraud statement's., See, The fraudulent engagement with-in the agency.
The Training.

6.) Also, (Ms. E.Peay Attn'y Gen.) in contempt of (2) Court Orders failure of appearance. Allowed, unlawfully by the Circuit-Court. Then issuing an order untimely against (Bonanno). State Court of Appeals, Failed to give (Bonanno) an (Order) on its ruling on appeal, or notice it was transferred to the Supreme Court of Richmond, denied it as untimely. With-out taking a (direct or indirect) participatory role on the wrong(s). Failed to properly investigate fraudulent behavior. The Supervision.

7.) Judgment should be entered for the Plaintiff, awarding a Writ of Inquiry., Which, allows review of the Plaintiff's demands and assessed his damages at this Courts discretion. Article-III was a self executing, mandatory, grant of the judicial power of the United States to the Federal Courts. The Constitution vested a jurisdiction in the U.S. Supreme Court over State defendant's. It further stated that in such a suit, judgment should be entered in default of an appearance.

8.) The (Defendant's), together, are covered entities, within the meaning of the implementing regulation, 28-C.F.R. Part 1630,[Mandate], covered entity(s) for-bids discrimination or retaliation against an qualified individual(s)-[Protected Class] or, Interference in being biased. These reasons immunity against government-actors in their immunity capacity are clearly in ERROR Constitutional violations waves sovereign immunity. The (Doctrine Deprivation), for complaining of injuries caused by State- Actor's, and it's affiliates, (Eleventh-Amendment).

9.) The (U.S. Supreme Court- D.O.J.) has held, anti-retaliation provision 2000e-3, which extends beyond the workplace related or employment related retaliatory acts and harm. Because employer(s) can effectively retaliate against an employee by taken actions not directly related to his employment as here. In (Burke v. Wetzel County Commission, Supreme Court of Appeals, W. Va. 17-0485-June 6, 2018). Reversed the Circuit Courts dismissal of the (Plaintiffs) complaint, claiming wrongful discharge against the County Commission, County Assessor, on the basis that they are entitled to qualified immunity, and that all Plaintiffs claims lacked Merits. The Circuit Court Erred. W.V.R.C.P. 12(b)(6).

10.) (Mr. Bonanno), bought this to the attention (64pgs. Transcp.) to Federal and State Courts and denied. However, all Courts of Appeals are not limited to the grounds the Federal Dist. / State Dist. relied upon. Had jurisdiction, may order judgment or remand on any basis fairly supported by the record and refused. 8.1(a-b). Disciplinary Conduct. 1983,1985-(2-3).

11.) "Persons who act in concert" are liable for the results in Civil Cases imposing liability. Who actively, Participates in wrong acts., First-Point (Cooper,V.P.), granting the leave, and then by Cooperation (Norman,G.M.), his misrepresentation, or Lends-Aid (VEC- Attn'y.), the engagement, Even Approval to the acts (AAG's). Done for their benefit(s) are equally liable.

12.) While its true that an employee's seeking leave for the first time for an qualifying reason, need not expressly assert rights under the (FMLA) or even mention (FMLA)., (Bonanno), provided sufficient information to (Cooper) he acknowledge it, and reasonably granted the leave, his obligation to do so (Asbestos Exposure). Retaliated while on leave, then Interfered in receiving benefits.

13.) Pursuant to 42 U.S.C.1983, Plaintiff, was deprived of his rights. The (VEC- Attnys) interfered with the due-process proceedings. Failed to consider or even mentioning the entire medical evidence. Certificate to return, Phone Conferences, asking to return to his position. "Sufficient-evidence Faxed" of a granted leave approval. Then {Equally} denied and lost wages and benefits. (Exhibits). The false quit accusation. Why fax documents to an employer if an employee quit his employment. An injury reported, and not documented unlawfully by the employer (OSHA) violation.

14.) (17-CV-06505 Pub.) Hon. E. A. Wolford [entered] a consent decree resolving the case, lost wages and damages, in requesting time off. Quoting: EEOC Attorney-Kevin Berry, the company made a situation worse by punishing him for trying to do the right thing, then showing Bias at the same time, that under the (ADA) employee's may take medical leave, when its a reasonable accommodation of a disability. (Cooper) reasonably Granted it, was also under the(ADA) of his own and short-tempered, then retaliated while on leave. (deceased 2015) .

15.) Here, (VEC), its Attorneys relied upon fraudulent statements, presented by the employers, claiming (Bonanno) quit his employment, causing an interference consequence behavior., Laws of the Common-wealth "Ethical Standard" established, the holding of public office or employment is a public trust. Defendant's, failed in their responsibility by, (1) An obligation to monitor, (2) Evaluate what occurred. Invading workers employment and benefits UN-consciously, causing emotional stress in several Court-house(s) appearances. The employers, clearly- made a bad choice, the defendants clearly-made a showing of bias at the same time.

16.) Utilizing grievance procedures which Def's, or Norman: G.M. who over-sees, Safety- H.R. Dept., failed to do. Created an hostile work place., See, (Norman; 4pgs. 3-3a-4-4b under Oath), failed to review the medical evidence faxed to H.R. Dept., concealed the fact. Now, employed elsewhere. Here, exhibits, (Cooper) unlawful 2-day suspended, (Norman) 90-days. Racial-Settlement. In (Amini v. Oberlin-Coll 259 F.3d,493, 498 (6th.Cir.2001), Companies and Agencies cannot mask discrimination by Retaliating or, Firing able-bodied employees who need no Accommodations. The (100% healed policy).

17.) [Bonanno], was harmed by the (Defendants) ignoring the facts. See , (Bonanno v. Don Cooper V.P., No. 2:13-CV-110, - U.S. Dist. Court of Tenn. (Hon. R. Greer), foot-note quote: It should also be Noted: That the alleged false Information supplied to the (VEC) was Actually-Supplied by (Rick Norman G.M / H.R. Dept.). (Exhibit).

Quoting: U.S. Supreme Court, “(Acting Assoc. Attny. Gen. DOJ- Jesse Panuccio)” delivered remarks June 14,2018. The topic: Multiple-law enforcement and Regulatory Agencies, pursuing a single entity, for the same or substantially similar conduct, should be compensated for their lost, including under the tort claims Act, when a company and its affiliate agencies engages in wrong-doings. Refer to it as (Piling-On). one-count of Conspiracy to commit honest service fraud.

18.) We cannot look the other way when it comes to [Subject- Matter-Jurisdiction]. The U.S. Supreme Court has a course of correcting the once profligate and incorrect use of Jurisdiction, more judicious about labeling deadlines. See, most importantly, “Case-Specific”, Dismissing in Error as untimely, filing his EEOC Charge. (Bonanno), timely filed his EEOC Charge (May 6, 2013) (Exhibit). The timing of (Bonanno Notice) raises a [Jurisdictional Question] Whether, The (E.E.O.) Commission ERRED , by Administrative delay, in transferring the case to their, Nashville Tenn. Field Office. (Case # 846-3-3580). Which, was the wrong Jurisdiction. And,

19.) Did the District Court had the power Jurisdiction Authority to hear the Case. The (EEOC, charge 2013), evidently, was received at their (Washington Office) in person by (Bonanno) as requested by (TSE). Stamped of approval Dated: 2014 (Exhibit), and Denied once again as untimely. Quoting: 10th. Federal Court of Appeals (2018), over-turning rulings, employees failure to file an EEOC charge does [N]OT necessarily, bar-consideration to a private discrimination lawsuit.

20.) Relevance is one of those concepts most Courts or Agencies take for granted. They feel no reason to examine the Rules because, the concept is self-evident. Or is it. (Mr. Bonanno) set forth a disability discrimination claim. He established that., with evidence,

(A). He is disabled within the meaning of the (ADA)-recorded since 2006; (Exhibits) ,

(B). Was-qualified to perform his duties as a heavy equip. Dmp-Trck. Dr., with-out accommodation, medical Certificate to return to his position and was denied. The falsified misrepresentation. ,

(C). All, the Defendant's- knew he was in a protected-class. The employer own (DOT) examinations. Was then forced termination while on leave, because of his disabilities and exposure (OHSA) with-out reporting or documenting his injury. (Branch- Highways. Co). ,

(D). He suffered an adverse employment action(s) by the VEC- its Attorneys / State's Circuit Court's / A.A. Gens., the concerted participation violations. ,

(E). The adverse employment action(s) accrued under circumstances that raises reasonable inferences of unlawful retaliation, interference, and systemic-biased at the same time. Discriminating against an single entity (Mr. Bonanno).

CONCLUSION:

Enacting the (ADA), Congress did not intend to abandon the rights and remedies set-forth in the Fourteenth Amendment equal protection jurisprudence. The petition for a Writ of Certiorari should be Granted.

Respectfully Submitted

/s/ **Louis Bonanno Sr. pro se.**



APRIL 10, 2019

SERVICE OF PROCESS CERTIFIED-U.S.P.S.

Joshua E. Laws, Asst. Attn. Gen. 202 N. Ninth St, Rich. Va. 23219.

By: Louis Bonanno Sr. 430 Beasley St., Apt .3. Elizabethton, TN. 37643. Phone# (423)-773-4451.

TABLE OF AUTHORITIES CITED

| | |
|---|--------------|
| Bonanno v. VL&IC | Pg.2-thru 7 |
| Virginia employment Commission..... | Pg. 2-thru 7 |
| Assist. Attn'y General..... | Pg. 2-thru 7 |
| Circuit Court of Manassas..... | Pg. 2-thru 7 |
| District Court / Fourth Circuit..... | Pg. 2-thru 7 |
| Eric D. Hillman v. Nueces County..... | Pg. I |
| Greivant v. VEC..... | Pg. I |
| Steven Cox Deputy Associate Attn'y | Pg. I |
| Burke v. Wetzel County Supreme Court..... | Pg. 4@9 |
| Honorable: E.A. Wolford..... | Pg. 5 @14 |
| Kevin Berry EEOC Attn'y..... | Pg. 5@14 |
| Honorable: R. Greer..... | Pg. 6@17 |
| Amini v. Oberlin-Col..... | Pg. 5@16 |

STATUES AND RULES

Article III Standing.

Title VII 1964-1990-(ADA)

Title V11 42:USCA- 2000e thu. 2000e-17 / 12112(a), id. 12111(8), 29 C.F.R. Part 1630.2(n)(1).

United States Constitution- 42:USC-1983 thru 1986.

Fourteenth Amendments 42- USC- 12131 et-seq, Section 2-5

Eleventh Amendments / Sovereign Imunity

FILED: November 5, 2018

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1555
(1:17-cv-00978-CMH-JFA)

LOUIS BONANNO, SR.

Plaintiff - Appellant

v.

US ATTORNEY GENERAL; ELIZABETH B. PEAY, Assistant Attorney General; VIRGINIA EMPLOYMENT COMMISSION; N. TURNER, Appointed Staff

Defendants - Appellees

O R D E R

The court denies the petition for rehearing.

Entered at the direction of the panel: Judge Wynn, Judge Diaz, and Senior Judge Shedd.

For the Court

/s/ Patricia S. Connor, Clerk

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

No. 18-1555

LOUIS BONANNO, SR.,

Plaintiff - Appellant,

v.

US ATTORNEY GENERAL; ELIZABETH B. PEAY, Assistant Attorney General;
VIRGINIA EMPLOYMENT COMMISSION; N. TURNER, Appointed Staff,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Claude M. Hilton, Senior District Judge. (1:17-cv-00978-CMH-JFA)

Submitted: August 16, 2018

Decided: August 20, 2018

Before WYNN and DIAZ, Circuit Judges, and SHEDD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Louis Bonanno, Sr., Appellant Pro Se. Joshua Edward Laws, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Louis Bonanno, Sr., appeals the district court's order dismissing Bonanno's amended civil complaint for lack of subject matter jurisdiction. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *See Bonanno v. U.S. Attorney Gen.*, No. 1:17-cv-00978-CMH-JFA (E.D. Va. Apr. 24, 2018). 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.

AFFIRMED

**Additional material
from this filing is
available in the
Clerk's Office.**