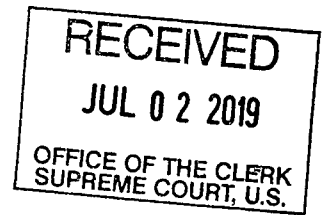


ORIGINAL

No. 19-5214



IN THE
SUPREME COURT OF THE UNITED STATES

Beatrice Downs — PETITIONER
(Your Name)

vs.

Terry McAuliffe, — RESPONDENT(S) Assistant Attorney General
Governor of Virginia
ON PETITION FOR A WRIT OF CERTIORARI TO Alexander Page
202 North Ninth St
Richmond, Virginia
23219

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

PETITION FOR WRIT OF CERTIORARI

Beatrice Downs Pro Se
(Your Name)

P.O. Box 1362
(Address)

Glen Allen, VA. 23060
(City, State, Zip Code)

804-307-6691
(Phone Number)

III

Questions Presented

Under Title VII Civil Rights Act 1964

42 U.S.C. 1981-1991

1. AS a citizen of United states does the civil rights act of 1964 gives me the right to file a claim with the EEOC against state agency without fear of retaliation, punishment, harrassment from state government?
2. Is it lawful for the state of Virginia to have a system where by when I go to hospital for medical care, when my information is put into the computer my name comes up on alist to receive adverse medical treatment?
3. Am I entitle to get health care without the state using its power and position over me to create an environment that is not conducive to safe health care in the community?
4. Are there laws to protect citizens against state government implementing, and instructing, informing doctors and hospitals to carry out adverse treatment against african americans citizens in there retaliation

IV¹

system?

5. Does the law protect my fundamental, unalienable right to earn my living without interference from state government agents(see *Stidham v. Tex Comm on private sec* 418 F.3d 486,491,(5th cir 2005) the supreme court has said that the right to work for a living in the common occupations of community is the very essence of the personal freedom purpose of 14th amendment to secure life, liberty, pursue of happiness.

(see *Zaklama v. Mt. Sinai Medical Center*, 842 F.2d 291 11th cir, 1988).

List OF PARTIES

The following is a list of all parties to the proceedings in the court below, as required by Rule 24.1(b) and Rule 29.1 of the Rules of the Supreme Court of the United States.

1. Beatrice Downs, Petitioner; and

2. Governor Terry McAuliffe

3. Assistant Attorney General: Alexander K. Page

202 North Ninth Street, Richmond, Virginia

23219. 804-786-2071 Respondent.

A handwritten signature, possibly reading "IV", is located at the bottom center of the page. It consists of a large, stylized letter 'V' with a horizontal line above it and a small mark to its right.

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Beatrice Downs

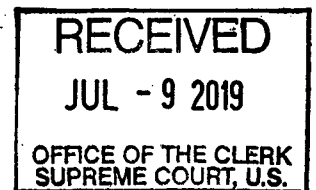


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Beatrice Brown

TABLE OF AUTHORITIES

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Zaklama vs. Mt Sinai Medical center, 842 F.2d 291 (11th cir, 1988)

Gomez vs. Alexian Bros Hosp, 698 F.2d 1019,1022(9th cir 1983)

Sibley Memorial Hosp. vs. Wilson 488 F.2d 1338, 1341
(D.C. cir 1973)

Hodgson vs. Charles Martin Inspectors of Petroleum Inc.
(5th circuit)

Wilborn vs. Primary Care Specialist, 866 F. Supp.
364(N.D.Ill 1994)

Williams vs. Carrier Corp, 889 F. Supp 1528, 1529-30
(D.Ga.1995)

Stidham vs. Tex Comm sec 418 F. 3d 486, 491(5th cir 2005)

Balesh vs. Hot Springs, 173 Ark 661,663,293, S.W. 14

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(1927)

People vs. St. John, 108 Cal. App. 779, 784, 288 P.53 (1930)

Blumenthal vs. Board of Medical Examiners, 18 Cal. Rptr. 501, 368 P.2d 101 (1962)

Goff vs. Continental Oil Co,

Ex parte Drexel, 147 Cal. 763, 764, 82 P. 429 (1905)

Sailor Inn, Inc. v. Kirby, 5 Cal. 3d 1, 17, 485 P.2d 529 (1971)

OPINIONS BELOW

The unpublished decision of the United States Court of Appeals, for the Fourth Circuit denies the petition for rehearing en banc. April 9th, 2019.

JURISDICTION

This court has jurisdiction to review the decision of the United States Court of Appeals for the Fourth Circuit decided on April 9th, 2019.

FEDERAL STATUTE CONSTRUED

Under Title VII of the Civil Rights Act of 1964, It shall be an unlawful practice for an employer to retaliate against any of his employees. Because he has opposed any practice.

Section 704(a) of title VII forbids an employer tp retaliate against employee because he or she egaged in certain protected activity.

Statement of Case

In 1991 I filed a claim with the EEOC here in Richmond Virginia. Due to discriminatory practice on the job.

Against state agency, I worked at the Medical College of Virginia Hospital, In the capacity of a LPN nurse.

As a result I loss my job. And have been in the state of Virginia retaliation system punishment for filing case with the EEOC. I've been a victim of harsh unrelenting abuse for over 20 years, in terms of employment, harassment, being stalked by white men on a daily bases with no signs of relief in sight. I have sought relief from under 4 governors here in Virginia. But have not been sucessful in getting any

kind of relief seemigly it all falls on deaf ears. 2017 I made signs did a peaceful protest on the side walk at governor's

McAullife office here in Richmond, Virginia. On state property to publicize my grievances, concerns and dissatisfaction with the action from state and county agents against me, in terms of severe pervasive and unrelenting abuse over 20 years now. The security guard came out and told me I could not protest there that i had to leave the area. which I did as I was told by the security

guard. My conduct was peaceful and orderly, just walking carrying my signs. First Amendment free speech, free assembly, and freedom to petition for redress seeking relief from harsh abuse of power for unalienable right to work and provide for myself and family. The state created an environment that was not conducive to my receiving safe medical treatment in the community. as when I go to the hospital and my information is put in the computer my name comes up for adverse medical treatment.

On 6/11/2002 went to ER complaints sharp pains in back and abdomen. The treatment I received was abusive, four CT scans were done back to back plus two chest xrays. unnecessary and excessive exposure to radiation, administered improperly. As a result I developed blisters around my neck and waist left arm.

4/18 went to patient first due to a nonproductive cough xrays were done and I was told by the doctor I had fluid around my lungs diagnosis bronchitis, pluera effusion.

Three days later went to the ER Saint Mary's Hospital and I woke up in ICU I ask the nurse why was I here, she state I had a triple bypass surgery done. I later found out that

was not true. I was in the hospital for 2 weeks, the doctor that did the surgery Dr. Steven Fiser would not answer any of my questions, I ask him what kind of surgery did I have he refuse to answer, ignored me. He made rounds everyday for 2 weeks, I continue to ask about what kind of surgery was done and he continue to ignore me kept his distance, did not address the surgery at all. I also had 7 to 8 chest xrays done had problems with breathing asked why so many chest xrays no one answered. found out later he punctured my lungs in two places. I had no issues nor problems with my lungs prior to this. He discharged me from the hospital I ask the nurse my feet and legs are still swollen am I going to get treatment for that she said he has discharged you. I went home the swelling in my feet and legs increased I went back to the ER at Saint Mary's Hospital treated me with lasix IV swelling decreased they gave me a prescription for 40mgs Lasix to take at home but when I got home the next day the swelling began to increase again I was taking the medicine as ordered but it was not working my feet was so swollen and painful I could barely walk. I went to Henrico Doctor Hospital ER I was admitted, was there 4 to 5 days treatment then discharged.

I went for a follow up visit to cardiologist after the surgery, He ordered a CTA Scan. After reviewing the results of the CTA scan he called me on the phone told me I needed to get to ER immediately, My condition is a life or death situation the surgery I had done was a dissection of aorta and it needed to be fixed, damaged need to be corrected. I was afraid to go to ER here in Va. Because of what I had already experience in terms of retaliation from the state. So i went to John Hopkins Hospital, Baltimore Maryland instead. The Doctors at Hopkins after reviewing The CTA scan done at Hopkins, stated you are lucky to still be alive because two out three do not make it with this kind of surgery. They said I needed to have Aorta Repair surgery to correct the damage done, and that my condition is serious they put me on medication for my blood pressure to keep it down until I get the surgery done to repair Aorta. I am 71 years old living on social security, I don't have money to travel to get the medical treatment I need.

The doctors have told me Its just a matter of time that I could have serious problems, need to be done as soon as possible. I have no doubt this is yet another incident of state's retaliation against me filing claim EEOC .

This kind of action is unlawful, for state to use it's power and connections to plot to take my life, that I should have to die for exercising my rights as an american citizen. This is wrong, evil, cruel this should not be allowed to go on here in Va. I know that if I return back to the hospital here in Va. I know they will finish what they started.

I filed a claim with Kepro medicare quality care, they requested my records from St. Mary's hospital in 2018 and 2019 to investigate, but they were denied both times and closed the case. Because I was told they could'nt get my records. Also filed case with OCR after waiting 3 months for a response I received a phone call from Ms Winston on Monday morning I explain to her what happen and she told me she could help me open a case, she would get back to me by Friday. I received a letter in the mail that

week stating she can't help me because I was not in there jurisdiction. Which I found out that was not true.

Statement of Case

Under Title VII of civil rights Act 1964 amended 1991

Post termination retaliation, and post formation retaliation were cognizable under the statute 704(a)

42 U.S.C. 2000e-3(a) 1994.

In Goff v. Continental Oil Co, the fifth circuit explained why post formation retaliation was a cognizable claim under 1981. In this case an employee alleged she was

terminated in retaliation for filing a lawsuit against his

employer for discriminatory practice on the job.

recognizing the plaintiff claim under 1981 the court

expounded its reasoning for allowing claims of retaliation

to be pursued under this statute. The benefit of receiving

job references is clearly part of the contractual relation

between an employer and former employee; and while

violates the giving of discriminatory references in

retaliation against an employee opposing unlawful

conduct during the course of her employment violates

1981, it also deprives an employee of his or her right to

enjoy all benefits of the contractual relationship.



First the court found that when applying for a job, employers always require names of previous employers as references, potential employers are not likely to hire an applicant once they receive poor evaluation or hear that the applicant filed a complaint against a previous employer. By expanding the scope of 1981, congress clearly prohibited employers from discriminatorily interfering with an employee's contractual relations, either present or future. So long as a person has the ability to affect an employee's position with an employer, that person should be liable under 1981 for any discriminatory interference with that employee's contractual relationship including employment opportunities see (*Sibley Memorial Hospital v. Wilson*) thus if a party who has control over another's access to employment retaliates against her, that party should be held liable under 1981. see (*Wilson v. Primary Care Specialists*). see (*Zaklaman v. Mt. Sinai Medical Center*, 842F. 2d 291 (11th cir, 1988)).

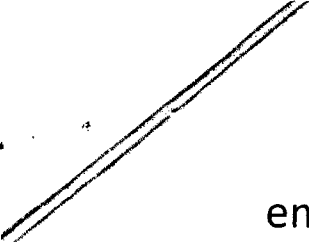
Statement of Case

Post Termination Retaliation

In *Hodgson v. Charles Martin Inspectors of Petroleum inc.* The fifth circuit determined that the risk of retaliation is far from being 'remote and speculative' with respect to former employees, the court found that when applying for a job, employers always require names of previous employers as references. Potential employers are not likely to hire an applicant once they receive poor evaluations or hear that the applicant filed a complaint against a previous employer.

(*Zaklana, v. Mt. Sinai Medical Center*, 842 F.2d 291 11th cir, 1988) The court reasoned that: To permit a covered employer to exploit circumstances peculiarly affording it the capability of discriminatorily interfering with an individual's employment opportunities with another employer, while it could not do so with respect to

J



employment in its own service , would be to condone
continued use of the very criteria for employment that
congress has prohibited.

Statement of Case

Equal Rights Under The law

All persons within the jurisdiction of the United States shall have the same right in every state and territory to make and enforce contracts, to sue, be parties , give evidence, and to the full and equal benefits of all laws and proceeding for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses and exactions of every kind, and to no other this statute, inter alia afforded all persons the same right to make and enforce contracts as white citizens enjoyed. Supreme court held provisions of 1981 applied to private contract including employment contracts.

Reason For Granting The Writ

This court should grant the writ because the lower courts were erroneous, in they disregarded, overlooked my constitutional rights. Violated my civil rights Title VII to file a complaint with the EEOC without retaliation.

First amendment rights

14 amendment rights

Employee's Retaliation Claims Under 42 U.S.C. Sec. 1981:
Ramifications of the Civil Rights Act of 1991.

42 U.S.C. 1983 Under color of State Law.(Monroe v. Pape)

Moreover, I am not the only citizen here in Virginia who are victims suffering under this egregious cruel and evil system. it's the kind of punishment and retaliation that is specifically for african american citizens, double standard treatment that's been going on for years now.

They has become so embolden to carry out this harsh

B

abusive treatment against african americans, they are comfortable and confident that they have back up and support with their white power and there is no accountability to anyone. As long as the criteria is an african american citizen who have no voice, poor without resoures, everything taken away from them, make their lives as miserable as possible, keep them in as vulnerable position as possible, with no regards for human frailty.

That's when we can step in with the power and might of the commwealth at their disposal, and use their white power, white privelege to crush them like a bug.

Then go home feeling proud, egos soaring what a good job we've done.

Seeking Monetary Damages/Punitive Damages

- 1. Loss of wages**
- 2. Loss of standard living**
- 3. Emotional distress**
- 4. Loss of stable housing/caritas homeless shelter 3 years
Living hotels**
- 5. Damages to my car/ nails in tires,crack front window,parts
taken off car, dents and scratches**
- 6.Falsely arrested twice no probable cause, no warrant
Incarcerated for over 30 days,it was a devastating and
Humiliateing experience for me as I've never been in
Jail before I was shackle and chain to another inmate.
Loss of my freedom, it was terrible.**

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Beatrice Dawns

Date: 6/30/19