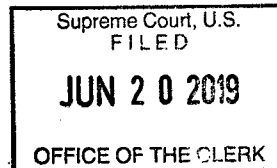


No. 19-5318

IN THE  
SUPREME COURT OF THE UNITED STATES



Marilee Brown — PETITIONER  
(Your Name)

David Bernhardt vs. Acting Secretary of U.S. Dept of  
Interior, U.S. Fish and Wildlife Service, et al — RESPONDENT(S)

USCA 9 No 17-16063  
ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals For the Ninth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Marilee Brown  
(Your Name)

45 Nives Court  
(Address)

Sparks, Nevada 89441  
(City, State, Zip Code)

775-425-4216  
(Phone Number)

June 20, 2019  
Resubmitted July 18, 2019

\* Per Court Clerk, Resubmit within 60 days of June 26, 2019 - original only  
w/in 40 Pg limit (Removal of <sup>Most</sup> Appendix E Exhibits)  
Body of writ

Pg 1/39 \* Court A-D  
Excluding Appendices : Proof of Service (39 Pgs total)

## QUESTION

1. Although More Lengthy than what is Standard, Petitioner Respectfully seeks Leave of the Court to Provide this More Detailed Response Because of the Importance to Not only to Petitioner, But to All ADVERSELY IMPACTED by the Lower Court's Decisions. Petitioner Respectfully Prays the Court will REVIEW and GRANT this Petition For Writ Of Certiorari for the Meritous Reasons Herein and so she may be a VOICE FOR OTHERS.

a. As noted herein and in her District/Appellate Court Filings SAC Ken Endress **COMMITTED SUICIDE** because of the impact the Petitioner's Wrongful Removal had on him and all employees – fear of losing their law enforcement position and their livelihood because of a negligent, fraudulent FFD process: and illegal actions against him by Defendant similar to what was done to the Petitioner, all as disclosed Herein and in the Petitioner's District and Appellate Court filings

b. Petitioner supported that SAC Ken Endress' supervisor, Ed Grace illegally placed surveillance equipment on SAC Ken Endress' computer at his home because he expected him to be in touch with Petitioner as she was litigating her Wrongful Removal (stemming from this fraudulent, negligent FFD process and pursuant to illegal personnel actions, discrimination, favoritism, retaliatory animus, disparate treatment, etc.) - Similar to the Unlawful Actions enacted against Petitioner as described herein and in the Petitioner's District Court Complaint and Other Lower Court Filings, All Supported with Evidence

2. The Petitioner simply Requests to be Heard and she Represents many in her position. A Voice for those such as SAC

Ken Endress who COMMITTED SUICIDE because of the abuse he Endured in a hostile work environment similar

to the Petitioner's/Appellant's situation. (1-18cv-00162-SPW-TJC)(11/13/18) *Assertions of DOJ / LE malfeasance / other allegations*

A. Petitioner Refers to the STATEMENT OF THE CASE With Reference to APPENDIX E Arguments and Exhibits Attached (Available) - Retaliation and Other Stated Claims of Relief Supported:

1. The Lower Courts dismissed the in voluntary Pro Se (government employee) Petitioner's case, which was indeed eligible to proceed to a jury trial of her peers, by erroneously ruling in partiality for the U.S. government - Without Regard to Petitioner's meritous arguments supported by extensive (Weight of the) Evidence that supported her Claim of Retaliation.

2. In addition, the Lower Courts Completely Disregarded and Failed to Address the Petitioner's OTHER NOTED Statutes /Claims for Relief regarding: Discrimination, Disparate Treatment, Illegal personnel actions, Unfair Labor practices (negligent, wrongful termination), Etc which provided OTHER Valid Claims for Relief sought.....

3. The Lower Courts Overlooked the TOTALITY of Evidence and Facts that Refuted the "Four (4) Corners" of Defendant's erroneous Motion To Dismiss and simply reiterated Defendant government's arguments WITHOUT REGARD to Petitioner's meritous Arguments, Exhibits supporting her VARIED Claims for Relief including Retaliation, Discrimination, Unfair Labor Practices, Illegal Personnel actions, Unlawful Negligent Removal, Etc; And did NOT hold Appellant in "Most Favorable Light" as required per Legal Requisites, ETC - All Addressed in Court Filings/Herein.

4. The Appellate Court asserted Petitioner did not provide any Claim for Relief at all in her Motion for Reconsideration. Yet these same Circuit Judges presided over Petitioner's Appeal Brief wherein Petitioner clearly addressed both Retaliation and Other Claims for Relief as she did in ALL her Filings - Valid Claims that were clearly overlooked by these same judges.

Note: The same occurred in the District Court where the Presiding Judge forgot about Petitioner's Reconsideration Motions until the Petitioner had inquired about the return of exhibits – this was followed by a Denial of her Reconsideration Motion.

B/1. Petitioner's case addresses **PARTIALITY AGAINST GOVERNMENT EMPLOYEES BY JUDICIAL ENTITIES**  
**And CONTENDS WITH GOVERNMENTAL DISCRIMINATORY, ILLEGAL PERSONNEL ACTIONS;**

B/2. Petitioner's case addresses **PARTIALITY NOTED AGAINST INVOLUNTARY PRO SE LITIGANTS;**

C. Petitioner Refers to the STATEMENT OF THE CASE and APPENDIX E Arguments and Exhibits, With Reference to Attorney Products of and/or Consult with:

- Excerpt of 7<sup>th</sup> Circuit Appellate Court Judge Prosner / Other Judicial Entities address partiality against involuntary Pro Se litigants and erroneous reasonings to dismiss valid cases – including reference to U.S. District and Appellate Court partiality for government (Appendix E Attached herein); And

Exh 1 - Behind the Question as it Relates to a Brief,

Reference to Attorney Products of and/or Consult With:

Excerpt of 7<sup>th</sup> Circuit Appellate Court Judge Prosner and other Judicial Entities  
Michael Pritchard Esq., Fairfax, VA (Washington DC Office also)  
Scott Mishkin, New York  
Esq., Dennis Kennedy, Esq. (former Asst U.S. Attorney, Alexandria, VA  
Supreme Court Law Firm, Washington D.C. (Presidential Referral)

\* \* D. WITH THE ABOVE ALL RESULTING IN ADVERSE IMPACT ON THE PUBLIC NATIONWIDE FROM UNJUSTIFIED BAD CASE LAW THAT CAUSES EXTENSIVE NEGATIVE EMOTIONAL, PHYSICAL AND FINANCIAL IMPACT ON THE PUBLIC VICTIMS THAT MAY LEAD TO SUICIDAL AND HOMOCIDAL TENDENCIES AS WAS NEXUSED TO PETITIONER'S CASE (1-18cv-00162-SPW-TJC) (11/13/18) - Assertions of  
DOJ / LE malfeasance and other Allegations

The above describes Unjustified Rulings in addition to Defendant's illegal actions (U.S. government and Private Sector) that:

1. Can and have caused Suicidal and Homicidal tendencies in otherwise productive and rational persons, such as:

a. what occurred in Petitioner's case when a Special Agent In Charge Committed Suicide because of harassing, illegal personnel actions by his supervisor - nexused to Petitioner's case; And

b. Homicidal tendencies as portrayed by examples such as:

- Los Angeles Police Officer Christopher Dorner (sp?) went on a shooting rampage;

- Los Angeles, CA U.S. Customs agent harassed by supervisor went on a shooting rampage;

- (New Jersey) U.S. Department of Labor official who lost everything years after his unlawful removal, and addressing U.S. Congressional personnel making inquiries, went on a shooting rampage;

- Many other recent workplace violence issues because of Judicial Condonement of Defendant illegal personnel actions

2. Can and Have caused ongoing illegal acts to continue against persons resulting in meritorious protests and lawsuits such as the CURRENT class action by female Federal Bureau of Investigation Agents (June 2019)

E. CONCLUSION:

It is for the aforementioned briefly described meritorious reasons (*repeatedly stated in this Petition*) that the Petitioner Prays the Supreme Court will Review this Case for meritorious Return of Same to the Lower Court for:

• ongoing proceedings before a Jury of Petitioner's Peers or

• To reach Resolution that is Judicially Sound IN THE BEST INTEREST FOR THE PUBLIC NATIONWIDE – WHO ARE AFFECTED NATIONWIDE by such Partial, Unjust Decisions, with no accountability by Defendants

ALL WORTHY OF U.S. SUPREME COURT JUDICIAL DISCRETION FOR REVIEW

LIST OF PARTIES - All in Caption of Case on Cover Page

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Pg 3/39 Const / Statutory Provisions; Opinions; Jurisdiction; Statement; Grant; Conclusion

RE:

APPENDIX E Exhibit 1: Retaliation and Other Stated Claims of Relief Supported:

Excerpt of 7<sup>th</sup> Circuit Appellate Court Judge Posner and other Judicial Entities address partiality against involuntary Pro Se litigants and erroneous reasonings to dismiss valid cases – including reference to U.S. District Court partiality for the Defendant government – with Petitioner's Pleadings

Lower Court subjectivity for the government / against involuntary Pro Se Appellant

1. The presiding Magistrate Judge was an AUSA (Federal government prosecutor) in Sacramento, CA, the same position

Defendant's counsel is; Hence Appellant's 3/22/17 Filing of Concern after this Judge wrongfully ruled against the

Appellant's Meritous, Refuting Opposition to Defendant's Motion to dismiss when this Judge and her law clerks simply parroted

Defendant's false, erroneous assertions and disregarded Appellant's factual refutes supported by her evidence – reiterated

Herein. The District Court Judge read Appellant's 3/22/17 Filing of Concern and immediately ruled against Appellant – clearly

giving the impression of subjectivity against the Appellant.

2. The Sacramento District Court was accused of Civil Rights concealment, "Moonlight Fire" Federal Court case nexused to Sierra Pacific Moonlight Fire State case:

*"Sacramento Superior Court watchdogs, Whistleblowers assert that judges in Sacramento Federal District Court (USDC EDCA) individually and collectively are responsible for the concealment of systematic civil rights violations, fraud, Rico, etc by Sacramento Superior Court family law judges and judges pro terms attorneys against indigent, financially disadvantaged, disabled, pro per litigants. For over 10 years the (USDC EDCA) has obstructed, impeded and dismissed Federal Civil Rights litigation against the Rico enterprise conspirators" By Robertson and Sidney Powell October 15, 2014*

3. The ~~Petitioner's~~ presiding District Court Judge was involved in contending with proceedings nexused to these assertions,

meritous or not, and appears to have incurred some subjectivity against the Appellant now because of her 3/22/17

Filing of Concern (Appendix E Exhibit 2) about the Magistrate Judge's clearly partial ruling for the government paralleled the

forementioned case issues – despite Appellant's meritous arguments and exhibits that clearly Refuted the Defendant's entire instant

four (4) Corners of his Motion to Dismiss

3a. The Petitioner Prays the Supreme Court will look consider the merits of her case for Review. The Petitioner Affirms she was

treated in the partial manner towards the government and against \* involuntary Pro Se Litigants as referenced by

(7<sup>th</sup> Circuit Appeals Court Judge Richard Allen Posner of Chicago); and by (the Judicial Watch Branch (Dylan Smith))

regarding the Federal District Court Eastern District of CA/Sacramento: whose Judges indeed treated the Petitioner in

a subjective manner towards the government and completely disregarded Appellant's meritous case as supported by

factual arguments and evidence, giving the impression of partiality all supported herein:

7<sup>th</sup> Circuit Appeals Court Judge Richard Allen Posner of Chicago:

Education: Yale and Harvard University

Appointment: Ronald Reagan

30 year Tenure: Retired in September 2017 to advocate for Pro Se Litigants, who simply cannot afford the \$300.00/hour attorney fees which amount to \$48,000/month – such as Appellant's Position

\* Sept 2017 Judge Posner: Pro Se litigants often have their meritous cases dismissed for Failure to Claim Relief or other unrighteous reasoning, simply because Judges consider Pro Se litigants as nuisances

(Yet the Courts still mandate Pro Se Appellants pay the same extensive Court Fees their attorneys submit to the Court after obtaining the funds from their clients – yet the Pro Se Litigants are then Denied, Righteous Adjudication of their cases which are simply dismissed)

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Appendix E - Exh 1 (Supporting Brief)

*"Pro Se litigants are increasingly denied justice by federal courts so hung up on arcane rules that Pro Se litigants never receive a fair hearing.*

*"Inscribed a 54 page Opening Brief, with the assistance from Mathew J. Dowd, regarding Fourth Circuit Ruling on a \* Pro Se Complainant addressing government corruption; and federal judiciary writ large, to task for its cavalier and dismissive treatment of the pro se world".*

*Pro Se Complainant William Bond having his case dismissed by the trial judge for the usual reasoning, failure to State a Claim – as is often the case when a civilian files a lawsuit; Complainant twice Re-Files with efforts to correct deficiencies set out in the Order by using multiple specific factual allegations to back up his claims which the Circuit Court dismissed without explanation"*

*Judge Posner states "the Supreme Court has been pretty clear that outright refusal to grant leave without any justifying reason appearing for the denial is not an exercise of discretion; it is merely abuse of that discretion and inconsistent with the spirit of the Federal Rules"*

*More broadly, the case strikes at the heart of Judge Posner's concern with the federal judiciary today – that it's more concerned with dispensing of pro se litigants than ensuring they get heard:*

*Judge Posner "More broadly, the present appeal illustrates the errors a trial court too frequently commits when adjudicating a pro se litigant's claims. The Supreme Court and this Court have repeatedly cautioned that "a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers". (citations omitted). The trial court did not heed this requirement. It instead set the bar too high for a non-lawyer litigant. Rather than "liberally construing" Pro Se Complainant William Bond's second amended complaint, the district court judge accused Bond of having an "intent on draining the Federal Judiciary of our limited resources." (citations omitted). The District Court Judge also through Bond's "repeatedly unmeritorious supplications are squandering the Third Branch's limited resources"..*

*Judge Posner has dismissed cases of crazy, hostile or unmeritorious Pro Se litigants. But He affirms Pro Se litigants can be honestly aggrieved citizens without the Resources to hire an Attorney in the country's increasingly costly pay to play interpretation of justice. The point is, whether a litigant is meritorious or not for a trial judge to decide at this stage.*

*At this procedural stage, the trial court must accept the Pro Se/other litigant's allegations as true. When he/she has advanced plausible constitutional violations that warrant adjudication through discovery – such a case continues.*

*What Posner's concerned about are the judges taking the easy way out and making a blanket refusal to engage with pro se litigants rather than risk having to do the hard and sometimes confounding work of understanding a responding to a lay person's grievance.*

*There is no sound reason for judges to add to those hurdles by taking a lax approach to Pro Se cases.*

The Appellant completely falls into this category referenced by Judge Posner for Reinstatement of her case, in that:

- Appellant has Paid the Filing Fees and thereafter Proven her Complaint's Factual Allegations as True, Supported by Evidence;
- Appellant has Fully Refuted the "Four (4) Corners of Defendant's Motion to Dismiss" and the Lower Court's erroneous dismissal of her case by simply subjectively reiterating Defendant government's false assertions and Disregarding Appellant's Factual Arguments and Evidence

3b. The Petitioner cannot afford counsel at the present time because of her loss of employment and financial constraints

noted in her Lower Court filings. As addressed herein, Appellant has spent over \$350,000.00 in litigation costs and attorneys

during her tenure with Defendant agency, simply to defend her self against Defendant's illegal discriminatory, retaliatory actions

that created an ongoing hostile work environment and led to her Unlawful Removal from employment. Appellant has accrued

over \$50,000.00 in attorney fees and legal costs related to her defense of this instant action during the Administrative

and Federal District Court legal proceedings – which the Courts mandate Court fees be Paid, yet then find any wrongful

excuse to erroneously dismiss Appellant's meritorious case.

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(Supporting Brief)

3c. The Petitioner simply requests to be heard and represents many in her position - a Voice for those such as Ken

Endress who committed suicide because of the abuse he endured in a hostile work environment similar to the

Appellant's situation.

3d. The Appellate Court does **not allow for Pro Se** litigants to engage in Court sponsored Mediation, **clearly showing partiality for attorneys and subjectivity against Pro Se litigants which is what Judge Posner has concerns with.** Such gives the impression that the Appellate Court feels there is no merit to mediation in Pro Se cases – which is **NOT** the case for the Pro Se Appellant in this instant matter because she (I) has Supported her Instant Appeal and District Court Factual Allegations with valid arguments and evidence. In light of the Court's Rule, the Petitioner makes a Request herein to engage in Mediation with outside counsel appearing via teleconference for instant Civil Case and Potential global resolution of a still outstanding EEOC case currently held in the Administrative process.

4a. All the above appears to support subjective feelings against Pro Se litigants who are primarily involuntary Pro Se because they simply cannot afford counsel at \$250 - \$300.00/hour routinely charged by counsel. Such is the Appellant's position;.

4b. The Petitioner has clearly supported a case wherein the Lower Court exhibits a subjective towards Defendant government in that the Petitioner:

Has completely Refuted the Defendant's "Four Corners of his Motion to Dismiss" that went Completely Disregarded by the Lower Court, who simply reiterated Defendant's baseless, false Arguments without evidence; And

Supports her Various Stated Claims for Relief, Caselaw in A1/A2 of this/her Informal Appeal Brief No 2 / Case facts; and Throughout her Informal Appellate Brief - REFUTING CASE DISMISSAL REASONINGS, also Completely Disregarded By the Lower Court.

5. That is why the Petitioner asked for a JURY trial to decide the Merits of her case, for a more Objective, fair decision on her case because she has supported the Administrative and Lower District Court system are clearly subjective to the Defendant government; in that they simply *reiterated* Defendant's erroneous arguments and Ignored Appellant's meritous Arguments and Exhibits that Refuted of Defendant's government's instant Motion to Dismiss.. Refer to all of Appellant's District Court filings; and Refer to Appellant's April 2017 Motion For Reconsideration excerpts providing summary support Refuting the Lower Court's **Erroneous** Decision because of constitutional, legal and factual mistakes

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(supporting Brief)

**INTRODUCTION:** Appendices A – D: All Failing to Address Petitioner's other Claims mentioned; Failing to Review Petitioner's meritorious Arguments and Exhibits on Supported Retaliation claims – Wrongful Decisions Impacting Public Nationwide with Consequences Described herein, Appendix E – Continued Support of Petitioner's Meritorious Writ For Certiorari with Valid Arguments and Exhibits (1 – 8 (9) from the Record (1 Attached, 2-9 Available)

**APPENDIX A:** October 26, 2018 U.S. Court of Appeals For the Ninth Circuit Order

**APPENDIX B:** March 22, 2017 U.S. District Court Circuit Order with February 28, 2017 erroneous Recommendations (See Appendix E Exhibits -partiality against Plaintiff after she filed her March 20, 2017 letter of Concern)

**APPENDIX C:** March 26, 2019 U.S. Court of Appeals For the Ninth Circuit Order Denying Rehearing

**APPENDIX D:** January 3, 2018 U.S. District Court Circuit Order Denying Rehearing (erroneous information supported)

**APPENDIX E:** Continued Support of Petitioner's Meritorious Writ For Certiorari, with Valid Arguments and

**APPENDIX E-Exhibits 1 – 8 (9):** Retaliation and Other Stated Claims of Relief Supported (1 Attached; 5-9 Available) through 4 due to Page Limits

1. Excerpt of 7<sup>th</sup> Circuit Appellate Court Judge Prosner and other Judicial Entities address partiality against involuntary Pro Se litigants and erroneous reasonings to dismiss valid cases – including reference to the U.S. District Court's partiality for the Defendant government - with Petitioner's Pleadings (Attached Herein) 1-4

Attached Behind Question as supporting Brief  
2. January 4, 2017 Affidavit by AUSA Dennis Kennedy - RETALIATION/Other illegal actions supported (that was attached to Petitioner's March 20, 2017 Letter of Concern)

3. February 22, 2012 Letter by Attorney Michael Pritchard – Unlawful Removal under illegal personnel actions (that was attached to Petitioner's March 20, 2017 Letter of Concern) among other evidentiary exhibits the Court had

4. August 6, 2012 Letter by Attorney Michael Pritchard – Unlawful Removal under illegal personnel actions (among other evidentiary exhibits provided in Appellant's Lower Court filings).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED: CASES, ARGUMENTS, STATUTES AND RULES, OTHER For Petitioner Case Reinstatement :

Issues of Supreme Court Appeal – Claims For Relief Supported by Arguments (With Lower Court Excerpt Quotes)

And

Exhibit References, Cases, Statutes, Articles, Laws, Authorities, Etc Provided

1a. Reinstatement of Petitioner's case is Meritorious pursuant to fact that the Lower Court's Rulings:

- are mistaken, are contrary to law and are contrary to the facts/evidence as supported herein and in the aforementioned filings; the Lower Court's decision was comprised of constitutional, legal and factual mistakes:
- that was contrary to the weight of the evidence favorable to Appellant; by consistently misreading Appellant's filings; making factual mistakes in their decisions;
- that did not hold Appellant in the most favorable light as required by legal requisites;
- that lead to the erroneous dismissal of Petitioner's case alleging her \*Valid Claims of Relief (Negligence, Discrimination, Retaliation, Disparate Treatment, Favoritism, Whistleblowing, Illegal personnel actions, Violations of ADA - age or perceived disability, Violations of the Fair Labor Standards Act, Etc) were not supported or not mentioned (Refuted).

1b. The Petitioner provided meritorious Arguments and Exhibits (in her 1/17/17 Opposition and Summary Arguments and Exhibits herein) that Refutes all arguments made within the "Four Corners" of Defendant's Motion To Dismiss

(simply reiterated in the Lower Court's erroneous Rulings).

2. Defendant failed to produce any arguments or evidence that refuted Appellant's Opposition. Objection and Motion for

Reconsideration Filings. Therefore, Petitioner should have prevailed against this **Wrongful** dismissal of her case. In fact, Defendant's Dismissal Motion actually validated Appellant's Refutes to her case dismissal, as noted in her April 2017 Motion for Reconsideration filings (See Appellant's Exhibit Excerpts 6 and Ref to Defendant's Motion to Dismiss Exhibits)

**3. CASELAW Summary: Claims For Relief Reiterated in this Petition - Supported by Petitioner's/Appellant's Filings.**

Validate that the Petitioner's/Appellant's March 28, 2016 Federal District Court Complaint deals with:

A. \*Appellant's Arguments, Caselaw Herein and in her Complaint/Court Filings (Exhibits: 1, 1b, 2, 3, 4, 5, 6, 7, 8 etc ~~herein~~ - as Referenced in Appellant's 1/17/17 Opposition Exhibits A-H/Others) are 'all nexused to Appellant's prior and current EEO activity (Unlawful Discrimination, Retaliation, Disparate Treatment, Negligence, whistleblowing on favoritism, etc) (Exh 1, 1c, 2-8). Provide for a Stated Claim for Relief - which went completely disregarded by the Lower Court: and /or misread by the Lower Courts (Exhibit 9 and others noted in the Record):

Discrimination, Disparate Treatments Supported: Such as Denial, Removal of Accommodation and Advancement positions because of Appellant's current and prior EEO activity (EEO reputation): FLETC, WO, RAC, biologist / inspector positions, etc that would have saved the Appellant's employment position;

Disparate Treatment and Retaliation Supported: in that only the Appellant and her twin sister were Unlawfully Removed on medicals without Accommodation, nexused to their filing of EEO Complaints - while the Record showed the Defendant accommodated all other agents who had medical conditions;

ALL Addressed in Petitioner Complaint For Claim of Relief, in her District/Appellate Court filings and Herein.

B. Caselaw supports: Appellant's EEOC claims are valid when Defendant fails to investigate, stop rumors, gossip, favoritisms, whistleblowing issues, claims of discrimination, retaliation etc. that destroy reputations, advancement, etc (Compensatory Damages for a Jury Trial) - all of which gives Appellant a valid, Stated Claim for Relief and Refutes the erroneous reasonings given by Defendant, simply reiterated by the Lower Court to erroneously dismiss Appellant' meritorious case. (See Exhibits Caselaw and document excerpts referenced herein; Refer to Appellant's 1/17/17 Opposition Exhibits F/others) See 1-18cv-00162-SPW-TJC (11/13/18)  
*Assertions of DOJ/LE malfeasance and other allegations*

C. Appellant's current EEO/Unlawful Removal issues initiated January 18, 2012 - June 2012, ongoing; with same current EEO/Unlawful Removal process is fully nexused to, and initiated from, a fraudulent, negligent April 2011 - January 2012 FFD process AND OTHER EEO ISSUES NOTED;

D. Caselaw supports: Appellant's EEOC claims are valid when Defendant fails to investigate, stop rumors, gossip, favoritisms, whistleblowing issues, claims of reprisal, discrimination, etc. that destroy reputations, advancement, etc (Compensatory Damages for a Jury Trial) - all of which gives Appellant a valid, Stated Claim for Relief and Refutes the erroneous reasonings given by the Defendant, simply reiterated by the Lower Court to erroneously dismiss Appellant' meritorious case. (See Exhibits 1, 2, 7, 8, etc - Caselaw and document excerpts referenced herein; Refer to Appellant's 1/17/17 Opposition Exhibits F/others) (See 1-18cv-00162-SPW-TJC (11/13/18))  
*Assertions of DOJ/LE malfeasance and other allegations*

E. Appellant was unlawfully Removed from her TWENTY ONE PLUS (21 plus) Federal law enforcement employment in June 2012 because she would not drop her current EEO Complaint as a Condition of Accepting the FFD FLETC Accommodation (Pretext, Illegal Motivation, Retaliatory animus claims supported)

F. Contrary to the Magistrate Judge's erroneous assertion, the adverse action in this case was NOT the April 2011 FFD INITIATION; The Adverse action was the Appellant's June 2012 Unlawful Removal because she would not drop her EEO case as a condition of accepting an FFD FLETC accommodation

G. Caselaw supports: Petitioner's supervisor admitted Appellant's June 2012 medical documentation would have led FOH to Clear her Medically and Caselaw supports the Court then Rules favorably for Appellant

H. Appellant's supervisor admitted Appellant's June 2012 medical document would have led FOH to clear appellant medically, which Defendant intentionally disregarded (Caselaw for Disparate Treatment and Court would Rule favorably for the Appellant) (See Exhibit/Caselaw excerpts 4 - supervisor, FOH testimony; Refer to Appellant's 1/17/17 Opposition Exhibits F/etc)

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4. As per Petitioner's/Appellant's 1/17/17 Opposition, 4/17 Reconsideration and other District Court Filings/Excerpts noted herein for Reinstatement of Appellant's meritorious Federal Court Case: "Reinstatement Relief can be Granted as Summarized below":

(a) "to correct manifest errors of law or fact upon which the judgment rests"

Plaintiff has Completely Refuted the Magistrate Judge's and her law clerks erroneous reiteration of Defendant's intentional misrepresentation of the facts for wrongful case dismissal

(b) "if such motion is necessary to prevent manifest injustice"

Appellant clearly States a Claim for Relief correlated with this Unjustified, Unlawful Employment Removal/Other EEO nexus issues/actions by Defendant as addressed in her March 28, 2016 Complaint and Other filings, as well as herein (See Exh E Exhibits: AUSA Dennis Kennedy Affidavit and Michael Pritchard, Esq on FFD / EEO nexus, retaliation, illegal personnel actions, discrimination, whistleblowing, favoritism, disparate treatment, injustices against Petitioner) (Available)

ETC as defined herein

(c) All of Appellant's Arguments/Exhibits Support the Appellate Court **Reversing** the Lower Court's wrongful dismissal of the Appellant's case and **Remanding** same for further litigation proceedings because the Lower Court's ruling is **based on Constitutional, Legal and Factual mistakes**; as Appellant's Complaint **Stated Claims For Relief are meritorious**, based on the facts addressed herein as well as in the Appellant's District Court Filings.

(d) All of Appellant's Arguments/Exhibits Support the Appellate Court Reinstating Appellant's meritorious Case at this Stage of Proceedings - because the Appellant has fully Refuted Defendant's Motion to Dismiss and the Magistrate Judge's 2/28/17 erroneous Recommendations and Findings simply parroted, reiterating same

5. Petitioner/Appellant Refers to her March 28, 2016 filed Civil Complaint, Relief Section, (No 1-6) Award Damages,

Attorney Fees, costs, legal expenses, other expenses, Other Relief as deemed Proper by the Court;

Appellant's Complaint Excerpt:

(a) RELIEF as Stated in the Lower Court Filings (Excerpt Quotes)

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant Judgment to Plaintiff containing the following Relief Pursuant to Title VII Civil Rights Act 1964; 42 USC 2000; 28 USC 1331, 1332; 29 USC 633. 794, 201;

ETC RE: Discrimination, Reprisal, Illegal Personnel actions, Favoritism, Unlawful Removal due to Reprisal,

Negligence, Illegal personnel actions/etc, Violations of Fair Labor Act, Violations of ADA, Etc

1. An Award of actual, future, any other damages representing Defendant's violations of 42 USC 2000 et seq/ other as afforded by the aforementioned/other Statutes;

2. An Award of compensatory and any other damages representing Defendant's violations of 42 USC 2000 et seq/other, as afforded by aforementioned/other Statutes;

3. An Award of emotional and any other damages representing Defendant's violations of 42 USC 2000 et seq/other, as afforded by aforementioned/other Statutes;

4. An Award of damages representing Plaintiff's uncompensated and lost wages, benefits, lost, denied advancement, etc.

4. An Award of damages representing Plaintiff's uncompensated and lost wages, benefits, lost, denied advancement opportunities, etc. representing Defendant's violations of 42 USC 2000 et seq/other, as afforded by this Statute; and pursuant to 29 USC 201, et seq and all aforementioned /other Statutes;

5. An Award representing Attorney Fees, costs, legal expenses, disbursement fees, other income lost which is directly related to the acts of retaliation, discrimination, reprisal, disparate treatment, illegal personnel actions by the Defendant; & litigation costs incurred by Plaintiff as afforded by aforementioned/other Statutes.

6. Any other and further relief as this Court deems just and proper.

b. Note: Appellant has spent over \$50,000 litigating this instant Civil Court action issue outside of other Requested extensive losses and damages in the millions.

c. Petitioner asked for a Jury Trial to Decide the merits of her case (See Appendix E excerpts referenced - EEOC Compensatory Damages/Damage to Reputation, etc allow for Jury Trial) and Supported her Stated Claims for Relief in her District Court Filings and throughout her Informal Appellate Brief – REFUTING CASE DISMISSAL)

d. The Petitioner Refers to her March 28, 2016 filed Civil Complaint, Cause of Action Section -Retaliation, Whistleblowing, Discrimination, Disparate Treatment, Etc (Defendant's Pretext, Illegal Motivation Retaliatory Animus; Negligence; favoritism, Fair Labor Practice and illegal Personnel action violations, etc proven by Petitioner),

(to include Wrongful Removal from FFD negligence/other EEOC issues as addressed throughout Petitioner's Complaint)  
(to include any other laws not mentioned as a case Amendment, as addressed throughout Petitioner's Complaint)

6. Such Supports the Supreme Court Reversing the Lower Court's dismissal of Appellant's case and Remanding same for further litigation proceedings at this Juncture because the Lower Court's ruling is based on Constitutional, legal and factual mistakes; as Appellant's Complaint claims are meritorious based on the aforementioned facts, as addressed in the Appellant's Filings and herein.

7. Statutes, Laws, Articles, cases Examples that Supports these Supreme Court Appeal Issues:

a. Refers to Petitioner's March 28, 2016 Civil Complaint Cause of Action Section and Lower Court Appeal documents:

RETALIATION FOR ENGAGING IN PROTECTED ACTIVITY, WHISTLEBLOWING -ILLEGAL PERSONNEL ACTIONS,

DISCRIMINATION BASED ON SEX (GENDER), PERCEIVED DISABILITY (BACK), AGE (OVER 40), DISPARATE TREATMENT, REPRISAL,

UNLAWFUL REMOVAL BASED ON NEGLIGENCE SUPPORTED BY CASELAW AS WELL AS THE AFORE AND BELOW MENTIONED STATUTES AND AUTHORITIES, ETC,

ALL PURSUANT TO THE CIVIL RIGHTS ACT OF 1964, 42 USC 2000e, et seq; REHABILITATION ACT OF 1973; 29 USC 794; 28 USC 1331, 1332; AGE DISCRIMINATION ACT IN EMPLOYMENT ACT OF 1967; 29 USC 633(a)(b); FAIR LABOR STANDARDS ACT 29 USC 201, et, seq

b. Retaliation, Whistleblowing, Discrimination, Favoritism, Disparate Treatment, Violations of Fair Labor Standards Act, Illegal Personnel actions, Unlawful Removal based on negligence and the aforementioned reasons (caselaw submitted), Etc (Addressed throughout Petitioner's Complaint and District/Appellate Court Filings):

(to include Wrongful Removal due to FFD related negligence addressed throughout Petitioner's Complaint/Court Filings)  
(to include any other laws not mentioned as case Amendment, addressed throughout Petitioner's Complaint/Court Filings)

c. Case law / General Table of Authorities Noted in Appellant's 1/17/17 Opposition Exhibits (Table of Authorities in front of Appellants 1/17/17 Opposition Exhibits)  
Pg 10/30

d. \*Case law noted in Appellant's Civil Complaint, in her District Court Filings, herein with excerpts Noted:

- Appellant's Caselaw, Exhibits herein, as Referenced in Appellant's 3/28/16 Complaint, 1/17/17 Opposition Exhibits F/ Others, herein
- EEOC references Damage to Reputation from gossip, rumors, nexused to Appellant's prior and current EEO activity is a valid Claim for Relief;
- Appellant's whistleblowing on favoritism that went disregarded - Resulted and Constituted a Valid Claim of Unlawful Discrimination, Retaliation, etc, with Caselaw and Examples to prove it;
- The EEOC Affirms damaged reputation, etc is included in Compensatory Damages and Affords Appellant a Valid Claim for Relief and a Jury trial to decide the merits of the case

e. May - June 2012 Emails, Documentation Support Discrimination, Retaliation (See Appellant's 1/17/17 Exhibits; Attachments referenced herein): Case law: Pretext, Illegal Motivation Support Disparate Treatment, Retaliation, Discrimination, etc against the Appellant for not dropping her current EEO Complaint in June 2012:

- Supervisor Jill Birchell intentionally Unlawfully Removed Appellant Two (2) days (EEO timing nexus proving reprisal) before Appellant has her mandatory FFD/FOH physical after twice threatening appellant if she did not attend FOH medical she would be Disciplined / Removed;
- Jill Birchell unlawfully removed Appellant at this time because she knew FOH would clear Appellant medically; and unlawfully removed FLETC as an accommodation for Appellant's perceived back disability because Appellant would not drop the EEO as a condition of acceptance (*retaliatory animus Against Appellant*);
- Birchell then sent an Intimidation notice to FWS employees of Appellant's Removal and FWS employees NOT to assist Appellant (*retaliatory animus Against Appellant*).

(See Evidentiary Quotes in A/1 and No 5 of Petitioner's Appeal Court filings)

f. June 27, 2012 Emails noted above support Negligence:

Case law: Disparate Treatment - Claims for Relief;; Disparate Treatment and EEOC Rules for employee when a supervisor Disregards medical clearance evidence (Pretext, Illegal Motivation Support Disparate Treatment, Retaliation, Discrimination against Appellant for not dropping her EEO Complaint in June 2012 (See Appellant's 1/17/17 Opposition "C": and Attachments referenced).

g. \*Appellant's Arguments, Caselaw Herein and in her Complaint/Court Filings (Exhibits: 1, 1b, 2, 3, 4, 5, 6, 7, 8 etc - as Referenced in Appellant's 1/17/17 Opposition Exhibits A-H/Others) are 'all nexused to Appellant's prior and current EEO activity (Unlawful Discrimination, Retaliation, Disparate Treatment, Negligence, whistleblowing on favoritism, etc) (Opp Exh 1, 1c, 2-8) Provide for a Stated Claim for Relief - which went completely disregarded by the Lower Court;

And /or Misread by the Lower Courts (Exhibits and others noted in the Record): Discrimination, Disparate Treatment Supported: Such as Denial, Removal of Accommodation and Advancement positions because of Appellant's current and prior EEO activity (EEO reputation): FLETC, WO, RAC, biologist/inspector positions, etc that would have saved the Appellant's employment

Disparate Treatment and Retaliation Supported: in that only the Appellant and her twin sister were Unlawfully Removed on medicals without Accommodation, nexused to their filing of EEO Complaints - while the Record showed the Defendant accommodated all other agents who had medical conditions;

ALL Addressed in Appellant's Complaint For Claim of Relief and in her District Court filings and herein.

g/1. Denial of Advancement, Accommodation positions to Appellant because of Discrimination,

Disparate Treatment, Reprisal, etc because of Appellant's previous and current EEO filings; whistleblowing on favoritism, etc - Valid Stated Claims for Relief:

- 2011 WO Desk job denied to Appellant for the fifth (5th)-during the negligent, fraudulent FFD/MRB process;
- Similar to 2011 – 2012 FLETC Accommodation Removal; and
- Supervisory RAC position denials *twice* in 2008/2012;

g/2. Case law noted in Appellant's 1/17/17 Opposition Exhibits (Table of Authorities Exhibit noted above, below) Case information and law noted in Appellant's Civil Complaint and District Court filings: (Case law: Civil Rights Act of 1964 42 USC 2000e et seq);

g/3. Damage to Reputation - Refer to Appellant's 3/28/16 Complaint consisting of a current EEO nexused to Appellant's 4/11 – 1/12 FFD matter (EEO filed 1/18/12); with historical EEO issues as background that supported said historical issues damaged Appellant's reputation (See Appellant's referenced Exhibits herein; Referenced in Appellant's 1/17/17 Opposition Exhibits F/others); EEOC references Damage to Reputation is a result of Unlawful Discrimination, Disparate Treatment, Retaliation, etc, with Caselaw and examples; Supports Compensatory Damages and Affords Appellant a Jury trial; (See 1-18cv-00162-SPW-TJC)(11/13/18). *assertions of DOJ / LEVA's case law and other allegations*

g/4 Case law: (Sgt) Michael Browett vs. City of Reno (2016) – Federal Jury trial awards \$1-2 million damages for discrimination and reprisal when Plaintiff had been denied a promotion five (5) times after he filed a Complaint of Discrimination, Reprisal when he asserted his medical leave rights had been violated; such as:

h. Case law noted in Appellant's 1/17/17 Opposition Exhibits (Front)  
Case law noted in Appellant's Civil Complaint and in her District Court filings  
Case law: Civil rights Act of 1964 42 USC 2000e et seq;

Petitioner/Appellant's prior Administrative MSPB (2000) and Federal Court (2008) Case Rulings against the Defendant noted in her March 28, 2016 Complaint and District Court filings:

Federal Court (2008) case ruling CV02-5556(JAG): Supporting ongoing Discrimination, Disparate Treatment, Retaliation by Defendant FWS against Appellant because of historical and **current** involvement in EEO activity, damaging her reputation and resulting in Advancement and **Wrongful Removal** impacts to current date;

And

Administrative MSPB (2001) Court Ruling: "No meeting of the minds" resulting in the **Reinstatement** of Appellant's Administrative case, similar to what FOH did against Appellant in these negligent, fraudulent FFD proceedings, with a **misunderstanding** between FOH and Appellant's physicians – which would have resulted in Appellant's medical clearance had a proper review of the Appellant's medical and performance documentation been done during the fraudulent, negligent 4/11 through 1/12 negligent, fraudulent FFD process:

Appellant's March 28, 2016 Civil Complaint Excerpt:

" 5. No "Meeting of the Minds" between Appellant's Physician(s) and FOH. Therefore, Appellant's Unlawful Removal Must be Overturned pending a Proper FFD evaluation of the 6/15/12 Pre-Removal Medical Evidence, Post Removal Medical Documents provided in the MSPB Case File, and the New Medical evidence provided with this Appeal (Case law: MSPB - Brown vs DOI Docket NY-0752-99-0299-B-1; Jan 8, 2001; Other Case law)

There was no "meeting of the minds" between the FOH physicians and the Appellant's physicians regarding what FOH wanted in order for them (FOH) to Medically Clear the Appellant because Dr. Gildiner refused to speak with the Appellant or with the Appellant's physicians to clarify any misunderstanding that was obviously occurring. The Appellant and Dr. Gildiner testified to this (Refer to Appellant's testimony)(Refer to Dr. Gildiner's testimony).

Case Law: Supports if there is "no meeting of the minds", then any Settlement or (MSPB Decision) Must be SET ASIDE in furtherance of further resolution, in this case:

Proper evaluation by FOH of the 6/15/12 Pre-Removal Medical Evidence and Post Removal Submitted & New Medical Evidence of which SAC Jill Birchell intentionally impeded delivery of to FOH because Appellant would not drop her EEO Complaint. Within two (2) days of Appellant's "mandatory" FOH medical evaluation SAC Jill Birchell Unlawfully Removed the Appellant from her position with Pretext, Illegal Motivation and Reprisal (Appellant's Court Exhibits GG, JJ, KK, LL, MM, NN(a), A(a), OO and Exhibits)(Refer to Appellant's testimony)(Refer to Jill Birchell's testimony) (Refer to Dr. Gildiner's testimony)" - Admin Record with MSPB Exh Outline in Fed Court Record

See (f) Case law noted herein: Disparate Treatment Supports Claim for Relief; EEOC/Court Rules for employee

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. (2/13)

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at \_\_\_\_\_; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished. (2)

ul Magistrate  
Decision

☐ 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 \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was October 26, 2015

☐ 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: March 26, 2019, and a copy of the order denying rehearing appears at Appendix C.

☐ 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).

Appendix D Attached  
Appendix E Attached

☐ 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).

Previous  
Constitutional and Statutory  
section for Arguments

STATEMENT OF THE CASE (Refer also to provisions)

1. The Lower Courts dismissed the in voluntary Pro Se (government employee) Petitioner's case, which was indeed eligible to proceed to a jury trial of her peers, by erroneously ruling in partiality for the U.S. government - Without Regard to Petitioner's meritous arguments supported by extensive (Weight of the) Evidence that supported her Claim of Retaliation.

2. In addition, the Lower Courts completely Disregarded and failed to address the Petitioner's OTHER NOTED Statutes / Claims for Relief regarding: Discrimination, Disparate treatment, Illegal personnel actions, Unfair Labor practices (Negligent, Wrongful termination) etc, which provided OTHER Valid Claims for Relief sought.

All while Denying the TOTALITY of Evidence and Facts that Refuted the "Four (4) Corners" of Defendant's erroneous Motion To Dismiss/Lower Court's Simple Reiteration of same; WITHOUT REGARD to Petitioner's meritous arguments and exhibits supporting her VARIED Claims for Relief including Retaliation, Discrimination, Illegal personnel actions, Unlawful, Negligent Removal, Unfair Labor practices, Etc addressed in her Court Filings and Briefly Reiterated herein.

3. The Appellate Court asserted the Petitioner did not provide any Claim for Relief at all in her Motion for Reconsideration, yet these same Circuit Judges presided over Petitioner's Appeal Brief wherein the Petitioner clearly addressed both Retaliation and Other Claims for Relief in her Lower filings, Appeal Brief and in her Reconsideration Requests - Valid Claims that are clearly OVERLOOKED by these same judges. The same occurred in the District Court, whom simply forgot about Petitioner's Reconsideration Motions until the Petitioner had inquired about the return of exhibits -- followed by a simple denial of her Motion.

4. The Petitioner Refers to: Attorney Products of and/or Consult With:

Excerpt of 7<sup>th</sup> Circuit Appellate Court Judge Prosner and other Judicial Entities  
Michael Pritchard Esq., Fairfax, VA (Washington DC Office also)  
Scott Mishkin, New York  
Esq., Dennis Kennedy, Esq. (former Asst U.S. Attorney, Alexandria, VA  
Supreme Court Law Firm, Washington D.C. (Presidential Referral)

And Refer To APPENDIX E Exhibits 1 - 8 (9): Retaliation and Other Stated Claims of Relief Supported (Available) <sup>B-9</sup>

1. Excerpt of 7<sup>th</sup> Circuit Appellate Court Judge Prosner and other Judicial Entities address partiality against involuntary Pro Se litigants and erroneous reasonings to dismiss valid cases - including reference to the U.S. District Court's partiality for the Defendant government - with Petitioner's Pleadings (Attached Herein)

<sup>Supporting Brief - Behind Question</sup>  
Petitioner's March 20, 2017 Letter of Concern filed with the District Court on March 22, 2017 after which the Court immediately Ruled (Appendix B) against Plaintiff's Objection to the Magistrate Judge's erroneous Recommendations, supporting the District Court Judge's subjectivity, partiality against Plaintiff for addressing her valid concerns.

Such misreads were extensively addressed in Petitioner's March 20, 2017 Letter of Concern, yet went Disregarded.

Note: Appendix D-District Court Judge's January 3, 2018: The same District Judge misreads information, as he had done when Petitioner timely requested her exhibits back, by erroneously asserting she had filed her March 16, 2017 Reconsideration Motion before the same District Judge's March 23, 2017 Order, which could not have occurred

Note: Appendix A-Appellate Court ruling wherein same Judges erroneously asserted Petitioner was only alleging a retaliation claim. Petitioner addressed numerous claims for relief as supported in her District Court Complaint and

Other Filings to include Claims of: Discrimination, Fair Labor Standards Act Violations, Illegal Personnel Actions, Violations of Age and (perceived) Disability Act, Favoritism, Disparate Treatment, Whistleblowing, Reprisal, ETC

The above includes the Petitioner supporting a clear, nexused claim of Reprisal that went Completely Disregarded to simply favor Defendant government's Refuted arguments WITHOUT REGARD to the Petitioner's valid arguments and evidence Supported her Retaliation Claim for Relief, as well as Others not addressed by the Lower Courts.

3. January 4, 2017 Affidavit by AUSA Dennis Kennedy - RETALIATION/Other illegal actions supported (that was attached to Petitioner's March 20, 2017 Letter of Concern) (Attached Herein)

3. February 22, 2012 Letter by Attorney Michael Pritchard - Unlawful Removal under illegal personnel actions (that was attached to Petitioner's March 20, 2017 Letter of Concern) among other evidentiary exhibits the Court had (Attached Herein)

4. August 6, 2012 Letter by Attorney Michael Pritchard - Unlawful Removal under illegal personnel actions (among other evidentiary exhibits provided in Appellant's Lower Court filings) (Attached Herein)

6. Petitioner's Civil Complaint Cover Letter Noting other Claims for Relief, Relevant Statutes referenced (See Statutory Section of this Petition (Appendix E Details) wherein Petitioner provides Complaint/ Appeal, Lower Filing excerpts addressing noted Laws, Statutes, Case, Claims for Relief, Authorities) - (Available)

7. Table of Authorities (under this Appendix) supporting Petitioner's Claims for Relief (Available)

8. EEOC Excerpt - Damages for government employees; with Excerpt of EEOC process supporting Petitioner's Claims For Relief were accepted for Discrimination, Retaliation Claims for Relief - despite erroneous outcome of MSPB/EEOC against Federal employees 80 - 95% of the time....for which Petitioner requested her Civil Action be decided by an Objective Jury of her peer. (Available)

Instead, the Lower Courts simply dismissed Petitioner's Claims for Relief admittedly because of partiality against Pro Se/Government Plaintiffs as affirmed by 7<sup>th</sup> Appellate Circuit Court Judge Posner (Appendix E Exhibit 1) in Complete Disregard to the WEIGHT OF THE EVIDENCE and TOTALITY OF CIRCUMSTANCES.

9. See Statutory Section (Appendix E) - MSPB/EEOC Rules against Federal employees 80 - 95% of the time, wherein Petitioner provides Lower Filing excerpts noting Laws, Statutes, Cases, Claims for Relief, Etc. (Available)

ETC

Refer to Petitioner's 3/28/16 Complaint/Lower Court Filings, with \*Caselaw & Record Excerpt documentation reiterated here Refuting Defendant's/Lower Court erroneous dismissal of Appellant's case by incorrectly asserting Appellant \*Failed to State a Claim for Relief? (Discrimination, Reprisal, Disparate Treatment, Whistleblowing, Fair Labor Standards Act - Wrongful Removal - Negligence RE medical/other issue, Favoritism, Etc)

See 7th Federal Circuit Judge Richard Andrew Posner's assertions - wherein he states this is a standard false assertion used by the Courts to arbitrarily Dismiss Pro Se Plaintiffs' meritorious cases because these Pro Se litigants involuntarily have no counsel; and other Judicial Entities Referenced - Herein Attached Appendix E Attachment 1  
\* Behind Question as Supporting brief

5. The Petitioner Refers to this STATEMENT OF THE CASE With Reference to STATUTORY AND APPENDIX E

Arguments and Exhibits - Retaliation and Other Stated Claims of Relief Supported: The Petitioner's meritorious

Lower Court Filings contain significant arguments and evidence, as well as case law and Judicial Entity Affirmation

that support the following:

A. The aforementioned illegal actions committed by the U.S. gov Defendant as described in Petitioner's Lower Court Filings in detail are statistically and subjectively condoned by the Administrative, Lower Federal Courts, wherein 80 to 95% of the time Plaintiffs lose their cases Without Regard to the Evidence and Arguments Supporting their cases;

B. All while Denying the Totality of Evidence and Facts that Refuted the "Four (4) Corners" of Defendant's erroneous Motion To Dismiss/Lower Court's simple reiteration of same and which clearly Supported the Petitioner's Varied Claims For Relief including - Retaliation, Discrimination, Illegal personnel actions, Unlawful Removal, Negligence, Unfair Labor Standard Act, Favoritism, Etc.



All of this was Supported by Petitioner her Lower Court filings, reiterated herein, which went disregarded by the Courts:

**C. This Systematic Partiality results in Bad Caselaw that Adversely Affects government employees and the Public Nationwide.**

**D. In addition as addressed above, an Appellate Judge (and other Judicial Entities) have affirmed that the Lower Federal Courts systematically dismiss involuntary Pro Se litigant's meritous cases simply because they cannot afford counsel – similar to what happened to the Petitioner in this case (See Appendix E-7th Federal Circuit Judge Richard Andrew Posner's and Other Judicial Entities' assertions wherein they state this is a standard false address by the Courts to arbitrarily dismiss involuntary Pro Se Plaintiffs' meritous cases because these Pro Se litigants involuntarily have no counsel).** Appendix E, Attachment 1 Herein, (\* Behind' Question as Supporting Brief)

**Such includes the 9<sup>th</sup> Circuit Disparately Denying Pro Se litigants Court-sponsored mediation Offered to others with counsel.**

**6. The above type of unjustified ruling, on top of the illegal actions by Defendants (U.S. government or Private Sector):** (See 1-18 cv-00162-SFW-TSC)(11/13/18) Assertions of DOJ / LE maltreatment and other Allegations

**A. Can and have caused Suicidal and Homicidal tendencies in otherwise productive and rational persons. such as:**

**a. what occurred in Petitioner's case when a Special Agent In Charge Committed Suicide because of harassing, illegal personnel actions by his supervisor - nexused to Petitioner's case; And**

**b. Homicidal tendencies as portrayed by examples such as:**

**- Los Angeles Police Officer Christopher Dorner (sp?) went on a shooting rampage;**

**- Los Angeles, CA U.S. Customs agent harassed by supervisor went on a shooting rampage;**

**- (New Jersey) U.S. Department of Labor official who lost everything years after his unlawful removal, and addressing U.S. Congressional personnel making inquiries, went on a shooting rampage;**

**- many other recent workplace violence issues because of Judicial Condonement of Defendant illegal personnel actions ETC**

**B. Can and have caused ongoing illegal acts to continue against persons resulting in meritous protests and lawsuits such as the Current class action by female Federal Bureau of Investigation Agents (June 2019)**

**7. CONCLUSION: It is for the aforementioned briefly described meritous reasons (*repeatedly stated in this Petition*) that the**

**Petitioner Prays the Supreme Court will Review this Case for meritous Return of Same to the Lower Court for:**

**• Ongoing proceedings before a Jury of Petitioner's Peers; OR**

**• To reach Resolution that is Judicially Sound, in the BEST INTEREST FOR the PUBIC Affected NATIONWIDE by Subjective, Unjust Decisions simply because there is no accountability by Defendant Government otherwise.**

**8. CASE SUMMARY (APPEAL EXCERPT Quoted)**

**A. PRIMARY REFUTE:**

**In her Lower Court and Appeal filings, the Petitioner "DID allege facts and produced evidence to state a plausible retaliation claim..."... "in order to support an inference of retaliatory motive, the termination must have occurred fairly soon after the employee's protected expression" - Contrary to the Lower Court's Ruligs.**

**1. SUMMARY FACTS REFUTING APPELATE MEMORANDUM Statement above (Record Excerpt Quotes)::**

**a. the ongoing Administrative and EEO nexused process showed a continuum from the Filing of a January 2012 EEO connected to the April 2011 – January 2012 fraudulent, negligent FFD process/other EEO issues; and**

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- b. the initiation through completion of Appellant's Unlawful Removal process by Defendant USFWS was a continuum from January 2012 through June 2012;
- c. Unlawful Removal because Appellant would not drop her EEO Complaint and Defendant's retaliatory action, in addition to supported medical negligence decisions by Defendants USFWS and FOH (RETALIATORY ANIMUS SUPPORTED;
- d. As well as OTHER CLAIM FOR RELIEF PROVISIONS).

2. DETAILED REFUTING FACTS – Supported by Lower Court and Appeal Court Record Arguments and Exhibits:

a. Petitioner filed her EEO Complaint in Jan 2012 after being informed of the fraudulent FFD process results in January 2012.

This EEO Complaint was disclosed to Defendants FWS in February 2012 and within two (2) weeks, Defendant FWS Dan Crum executed a March 9, 2012 Proposed Removal against Appellant (RETALIATORY ANIMUS SUPPORTED)

From March 9, 2012 through June 2012, Appellant was placed on Proposed Removal Administrative Leave during which Appellant formally addressed her Proposed Removal and the nexused EEO Complaint.

In June 2012, Appellant was reinstated back to her position in light duty from Administrative leave and was directed by Defendant FWS to bring medical clearance records to her FOH medical exam set for about June 29, 2018..

In June 2012, when Appellant provided the most current medical records to Defendants FWS Dan Crum and Jill Birchell, same Defendant's Unlawfully Removed Appellant from her positions tow (2) days before Appellant's mandatory FOH medical Exam because they knew FOH would now clear Appellant for full duty; and because Appellant would not drop her current EEO Complaint. (RETALIATORY ANIMUS SUPPORTED)

b. Defendant's Administrative Removal March 2012 through June 2012 process of Appellant was directly linked to Appellant's January 2012 through June 2012 EEO process in that:

Defendant the fraudulent FFD results were disclosed to Appellant in January 2012, upon which Appellant filed her current EEO Complaint among other EEO related issues.

From February 2012 through June 2012 Appellant and Defendant' were interactively addressing the FFD Removal process in conjunction with Appellant's nexused EEO Complaint.

The Final Decision by Defendant FWS on their March 2012 Proposed Removal of Appellant came in June 2012 because Defendants USFWS knew FOH would clear Appellant with this new medical evidence and Defendant' FWS then Unlawfully Removed Appellant before she could produce same at a mandated FOH medical exam; and because Appellant would not drop her EEO Complaint as a condition of accepting FLETC as an FFD accommodation.

3. In her Lower Court and Appeal filings, the Petitioner/Appellant *"did allege facts and produced evidence to state a plausible retaliation claim..."* *"...in order to support an inference of retaliatory motive, the termination must have occurred fairly soon after the employee's protected expression.* Appellant provided evidence in her Lower and Appeal Court Opening Brief filings supporting the above and below referenced Refutes of the Appeal Court's October 26, 2018 and March 26, 2019 erroneous decisions.

REFUTE: Record Excerpt Summary Quotes:

A continuous EEO process was initiated in January 2012 from the April 2011–January 2012 negligent, fraudulent FFD process (FFD/EEO Nexus);

Appellant's January 2012 EEO filing on the FFD process/other related issues continued through her June 2012 Unlawful Removal (AS Appellant FOMALLY ADDRESSED HER PROPOSED REMOVAL DURING THIS JANUARY 2012 – JUNE 2012 UNLAWFUL REMOVAL PROCESS PERIOD:

B. REFUTE Summary (Lower Court and Appeal Record Excerpt):

Appellant's April 2017 Motion for Reconsideration Arguments Excerpt outline:

- 1 Oct 4, 2005 injury date through April 2011- January 2012 negligent, fraudulent FFD/MRB process with the Appellant's full law enforcement performance contrary to Defendant's false assertion otherwise
- 2 12/2011: WO Desk job denied to Plaintiff for 5<sup>th</sup> time during negligent, fraudulent FFD/MRB process; Similar to denial of the 6/12 FLETC Accommodation; and twice the supervisory RAC positions (2008, 6/12); with Unlawful Removal; All out of discrimination and reprisal because of Appellant's current and previous EEO filings

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- 3 2011 Mandatory 40 training denied by Dan Crum expecting to remove Plaintiff; Plaintiff's full performance during negligent, fraudulent FFD/MRB process and since her (my) Oct 2005 injury
- 4 April 2011- January 2012: Fraudulent, Negligent FFD/MRB processes as Noted above, with Plaintiff's receipt of same negligent, fraudulent MRB results on January 9, 24, 2012
- 5 January 2012 EEO nexus: Plaintiff filed current EEO Complaint based on the Dec 2011 WO Desk Office discrimination Denial for the 5<sup>th</sup> time since 2005 and multiple positions per each advertisement; and On  
Plaintiff's January 9, 24, Receipt of negligent, fraudulent FFD/ MRB results Denial of FLETC accommodation in 2011-2012 FFD process; other positions she was best qualified for in 2011-2012 that would have salvaged her employment and other acts of discrimination, reprisal, disparate treatment, etc.
- 6 February 22, 2012: Plaintiff's counsel's EEO/FFD 2/22/12 letter to Defendant noted in her Complaint and submitted as Exhibit A in her 1/17/17 Opposition – Defendants Dan Crum and Jill Birchell were informed of all the above And discrimination, retaliation, disparate treatment, illegal personnel actions in which they are named, Resulting in EEO Reprisal and ongoing EEO nexus Notification as defined below:
- 7 March 2012: 3/9/12: Proposed Removal by Dan Crum, noted in Defendant's Motion To Dismiss – two (2) weeks after he received Appellant's counsel's 2/22/12 EEO/FFD letter addresses
- 8 \*\*\*April 2012: 4/20/12, 4/30/12: Plaintiff's counsel's letter to Defendant and Formal Complaint given to the Defendants during formal EEO/ADR process and Administratively Addressing Defendant's March 2012 Proposed Removal ongoing process
9. May 2012: FOH medical threats by Defendant: Appellant attend FFD/FOH medical else disciplinary action
10. June 2012: Defendant's Return to Duty Notice from March 2012 Proposed Removal to Appellant and instructed to bring medical documents to FFD/FOH else face disciplinary action
11. June 2012: Plaintiff provides Dan Crum/Jill Birchell with new medical clearance Documentation, and
12. June 27, 2012 Emails support (retaliatory animus):

Jill Birchell Unlawfully Removes Plaintiff two (2) days (EEO timing nexus Proving reprisal) before Plaintiff's mandatory FOH physical because Jill Birchell knew FOH would clear Plaintiff medically; Unlawfully Removed FLETC as an Accommodation for Plaintiff's perceived back disability since Plaintiff would not drop her current EEO as a Condition of Acceptance

Intimidation notice/email to FWS employees of Plaintiff's Removal and employees are NOT to assist Plaintiff

Note: Error in 2/28/17 Magistrate Judge Findings: The Adverse action is NOT the FFD April 2011 initiation; the Adverse action is Appellant's June 2012 Unlawful Removal because she would not drop her current EEO Complaint as a Condition FFD FLETC Accommodation Acceptance

June 27, 2012 EEO nexus emails addressed herein (*See Exhibits referenced*), in the Appellant's March 28, 2016 Federal District Court Complaint, in Appellant's January 17, 2017 Opposition and in Appellant's March 2017 Objection – all clearly support current EEO / FFD nexus and other EEOC claims

13. August 6, 2012: Plaintiff's Counsel's Notice to Defendant -RE: Plaintiff's Unlawful Removal for EEO Reprisal, etc
14. January 2017 Affidavit by Assistant U.S. Attorney Dennis Kennedy on Retaliation against Appellant
15. 2012 To Date: Plaintiff filed Administrative and thereafter this Civil Action pursuant to her June 2012 Unlawful Removal connected With a current January – June 2012 EEO associated with the 2011- 2012 fraudulent, negligent FFD process.

C. SUPPORTING Summary Refute - Opening Brief Excerpt DETAILS:

1. \*See 7th Federal Circuit Judge Richard Andrew Posner's assertions in the Appeal Section of this Brief wherein he states this is a standard false assertion used by the Courts to arbitrarily Dismiss Pro Se Plaintiffs' meritorious cases because these Pro Se litigants involuntarily have no counsel. *C Appendix E, Attachment 1)*
2. Appellant has clearly Refuted the "Four (4) Corners of Defendant's Motion to Dismiss Document" and clearly

Refuted Magistrate Judge's erroneous simple reiteration of Defendant's false reasonings for case dismissal, in that Defendant, with the Magistrate Court simple reiteration of same:

- Intentionally bifurcated the clear connection between Appellant's January 2012 EEO filing to an extended April 2011 through January 2012 FFD nexus; And
- Falsely, incorrectly asserted the Appellant was basing her Unlawful Removal only on historical EEO claims, not current EEO Claims (the Appellant's case is based on current EEO claims, supported in her filings and herein); And
- Erroneously stated the Adverse Action *proceeded* the Appellant's filing of an EEO and therefore there was no Retaliation Claim - Correction:

Error in 2/28/17 Magistrate Judge Findings: The Adverse action is NOT the FFD April 2011 initiation; The Adverse action is Appellant's June 2012 Unlawful Removal because she would not drop her current EEO Complaint as a Condition FFD FLETC Accommodation Acceptance

D. The Lower Court Disregarded the facts, evidence supported in the Following Addresses:

- May 2012: FOH threats by Defendant to Appellant: Attend June 2012 FFD medical else face disciplinary action
- June 14, 2012: Defendant's Return to Duty Notice to Appellant and bring medical documents to mandatory FFD/FOH medical else face disciplinary action
- June 2012: Appellant provides Supervisors Dan Crum/Jill Birchell with new medical clearance Documents
- June 27, 2012 Emails support: Defendant Unlawfully Removes Appellant on June 26/27, 2012 - Two (2) days before Appellant's Mandatory FFD/FOH medical:

So the Appellant could not provide medical clearance to FOH because Defendant knew FOH would medically clear her (Pretext, Illegal Motivation, Retaliatory Animus - Supporting Claim for Relief); (See the Appellant's 1/17/17 Opposition Exhibits C, F with excerpts Exhibits 3 herein supporting same; Disparate Treatment / Medical Caselaw Exhibits 4a noted, Supporting Claim for Relief);

Appellant's Attorney and Jill Birchell Oct 2012 MSPB testimony, to effect:

"June 14, 2012 Birchell document directing Appellant to bring updated medical information to June 29, 2012 FFD/FOH medical...Appellant's new medical clearance document would have been relevant to any determination about her ability to return to work":

Defendant Jill Birchell: "I presume it would have been submitted to examining doctor".

"Had this exam gone through as you requested, Gildiner would have still had to review the results of that?"

Defendant Jill Birchell: "Yes, Gildiner would have reviewed his (*Appellant's Dr report*) results and made his determination as to whether she was medically qualified"

Appellant's Attorney and FOH Dr. Gildiner Oct 2012 MSPB testimony, to effect:

"*Dr. Gildiner*, if the deciding official is in receipt of a medical clearance without work restrictions document.... would it be prudent for the deciding official to consult the medical review officer to determine what this means, whether this changes the medical opinion? "*Dr. Gildiner*: "Yes, I think so. I think this report opens up a portal to a potential approved status for Ms. Brown, yes."

And

Because the Appellant would not drop her current EEO as condition of FFD FLETC accommodation (Pretext, Illegal Motivation, Retaliatory Animus - Supporting Claim for Relief);

June 26/27, 2012 Defendant Jill Birchell sends an Email Notice to All employees the same day she Unlawfully Removed Appellant from her job, stating:

"Appellant no longer worked for the agency and No one was to assist her (Appellant)"(Pretext, Illegal Motivation, Retaliatory Animus supported Supporting a Claim For Relief

All while Denying the Totality of Evidence and Facts that Refuted the "Four (4) Corners of the Defendant's erroneous Motion To Dismiss and which clearly Supported Appellant's Claim for Relief at this Juncture.

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All of this was **Supported** by Appellant in her Lower Court filings, reiterated herein, which **simply went disregarded** by the Lower Court:

**Note: Error in 2/28/17 Magistrate Judge Findings: The Adverse action is NOT the FFD April 2011 initiation; The Adverse action is the Appellant's June 2012 Unlawful Removal because she would not drop her EEO Complaint as a Condition FFD FLETC Accommodation Acceptance (Pretext, illegal motivation, retaliatory animus proven)**

**E. Current EEO nexused to extended FFD Supported by facts and evidence – See CASELAW Section of this Petition reiterating Lower Court / Appellate Brief information**

Petitioner/Appellant filed a **current January 2012 EEO nexused to her April 2011 through January 2012 FFD matter** addressed in A/2 etc below, made in conjunction with other EEO issues ADDRESSED THROUGHOUT Appellant's Complaint and in her other District Court Filings that **Refute the wrongful dismissal of her Federal Court Case and Support Stated Claims For Relief:**

a. \*Appellant's Arguments, Caselaw Herein and in her Complaint/Court Filings (Appeal Exhibits: 1, 1b, 2, 3, 4, 5, 6, 7, 8 etc ~~herein~~ <sup>E.</sup> - as Referenced in Appellant's 1/17/17 Opposition Exhibits A-H/Others) are 'all nexused to the Appellant's prior and current EEO activity (Unlawful Discrimination, Retaliation, Disparate Treatment, Negligence, whistleblowing on favoritism, etc) (Appeal Exh 1, 1c, 2-8) Provide for a Stated Claim for Relief - which went completely disregarded by the Lower Court: and/or misread by the Lower Courts):

**Discrimination, Disparate Treatments Supported: Such as Denial, Removal of Accommodation and Advancement positions because of Appellant's current and prior EEO activity (EEO reputation): FLETC, WO, RAC, biologist / inspector positions, etc that would have saved the Appellant's employment position;**

**Disparate Treatment and Retaliation Supported: in that only the Appellant and her twin sister were Unlawfully Removed on medicals without Accommodation, nexused to their filing of EEO Complaints - while the Record showed the Defendant accommodated all other agents who had medical conditions;**

**ALL Addressed in Appellant's Complaint For Claim of Relief and in her District Court filings and herein.**

b. \*Appellant's Arguments, Caselaw, Appeal Exhibits 1, 1b, 2, 3, 5, 6, 7, 8 etc ~~herein~~ <sup>E.</sup> (as Referenced in Appellant's 1/17/17 Opposition Exhibits A-H/Others) Provide for a Stated Claim for Relief; EEOC references Damage to Reputation from gossip, rumors and Supervisors' refusal to investigate or stop same (Appeal – Exh 1c, 7) - which went completely disregarded by the Lower Court and/or misread by the Lower Courts (Addressed in Appellant's District Court filings and herein. (See 1-182V-00162-SPW-TJC)C11/13/18)

c. \*Appellant's Arguments, Caselaw, Appeal Exhibits 1, 1b, 2, 3, 5, 6, 7, 8 etc ~~herein~~ <sup>E.</sup> as (Referenced in the Appellant's 1/17/17 Opposition Exhibits A-H/Others): the EEOC Affirms damaged reputation, etc is included in Compensatory Damages and Affords Appellant a Stated Claim for Relief and a Jury trial to decide the merits of the case, excerpts noted herein (Appendix E Exhibit herein) - which went completely disregarded by the Lower Court and/or misread by the Lower Courts (Addressed in Appellant's District Court filings and herein)

d. \*Appellant's Arguments, Caselaw, Appeal Exhibits 3, 4, etc as (Referenced in Appellant's 1/17/17 Opposition Exhibits A-H/Others): EEOC references Disparate Treatment and when a Supervisor Disregards Medical Clearance Documents in Support of a Stated Claim for Relief for the Appellant's Case of Reinstatement (excerpts noted herein (Appeal Exh 3, 4), which went completely disregarded by the Lower Court and/or misread by the Lower Courts (Addressed in Appellant's District Court filings and herein.

e. \*Others as referenced Herein

**9. CONCLUSION: In her Lower Court and Appeal filings, the Petitioner “DID allege facts and produced evidence to state a plausible retaliation claim...”... “in order to support an inference of retaliatory motive, the termination must have occurred fairly soon after the employee's protected expression” - Contrary to the Lower Court's Ruligs.**

a. The Petitioner also provided extensive arguments and evidence in her Lower, Appellate Court Filings in

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support of the OTHER CLAIMS for Relief mentioned herein that went completely disregarded by the Lower Court – all of which Refuted the Lower Court's erroneous decisions that simply reiterated the government's position (Refer to Appendix E Arguments and Exhibits)

b. All the above and below stated facts and evidence Resulted In, Supported and Constituted Valid Claims for Relief of: Unlawful Discrimination - including Age, (perceived) Disability Act, Retaliation, Disparate Treatment, Negligence, Illegal Personnel Actions, Unfair Labor violations, etc, with Caselaw, Whistleblowing, Favoritism, and Evidence to prove it – Supporting Reinstatement of Petitioner's case for continued litigation proceeding at this juncture.....so that she may be a VOICE for OTHERS.

c. On March 26, 2019, the Petitioner/Appellant was denied a Panel for REHEARING - despite the fact the Court's Memorandum clearly OVERLOOKED the material facts and laws within the Petitioner/Appellant's Filings that EQUALLY REFUTE this Memorandum Decision: and OVERLOOKED the Other governing Claims for Relief; in Addition to a Supported Claim of Retaliation Claim that DID validate case reinstatement for ongoing proceedings.

d. This Petition for Writ Of Certiorari is Timely filed within 90 days of said Denial.

#### REASONS FOR GRANTING THE WRIT OF CERTIORARI

A/1. Petitioner's case deals with PARTIALITY AGAINST GOVERNMENT EMPLOYEES BY JUDICIAL ENTITIES CONTENDING WITH GOVERNMENT DISCRIMINATORY AND ILLEGAL PERSONNEL ACTIONS;

A/2. Petitioner's case deals with PARTIALITY NOTED AGAINST INVOLUNTARY PRO SE LITIGANTS;

A/3. Petitioner Refers to the STATEMENT OF THE CASE and APPENDIX E Arguments and Exhibits, With Reference to Attorney Products of and/or Consult with:

Excerpt of 7<sup>th</sup> Circuit Appellate Court Judge Prosner and other Judicial Entities address partiality against involuntary Pro Se litigant's and erroneous reasonings to dismiss valid cases – including reference to U.S. District and Appellate Court partiality for government (Attached here - Appendix E, Attachment 1)

A/4. See Exhibits 1 – 8 (9): 7<sup>th</sup> Circuit Appellate Court Judge Prosner assertion and Judicial Notice: District Court partiality for Defendant government / against involuntary Pro Se Appellant; Affidavits, Letters, Other supporting Legal Documents submitted here as Examples: (5-9 Attachments; Available; Attached Exhibits 1-4)

With Reference to Attorney Products of and/or Consult with: Previously addressed Counsels

B: With Reference to aforementioned APPENDIX E Exhibits -Retaliation/OTHER Claims of Relief Supported:

The Petitioner's meritorious Lower Court Filings contain significant arguments and evidence, as well as Case law and Judicial Entity affirmation that support the following:

1. The aforementioned illegal actions committed by the U.S. government Defendant as described in the Petitioner's Lower Court Filings in detail are statistically and subjectively condoned by the Administrative and Lower Federal Courts wherein 80 to 95% of the time government Plaintiffs lose their cases without regard to their evidence and arguments;

2. All while Denying the Totality of Evidence and Facts that Refuted the "Four (4) Corners" of the Defendant's erroneous Motion To Dismiss with Lower Court's simple reiteration of same; which clearly Supported Petitioner's

Varied Claims for Relief of: Reprisal, Discrimination, Illegal personnel actions, Negligence, Unlawful Removal, Unfair Labor practices, Violations of ADA (age, perceived disability), Disparate Treatment, Whistleblowing, Favoritism, Etc  
All of this was **Supported** by the Petitioner/Appellant in her Lower Court filings, reiterated herein, which simply went **disregarded** by the Lower Court:

3. This systematic partiality results in Bad Caselaw that Adversely affects gov employees and the Public Nationwide.

4. In addition as addressed above, an Appellate Judge (and other Judicial Entities) have affirmed that the Federal Courts systematically dismiss involuntary Pro Se litigant's meritorious cases simply because they cannot afford counsel – similar to what happened to the Petitioner in this case.

5a. See Appendix E - 7th Federal Circuit Judge Richard Andrew Prosner's assertions wherein he states this is a standard false assertion used by the Courts to arbitrarily Dismiss Pro Se Plaintiffs' meritorious cases because these Pro Se litigants who involuntarily cannot afford counsel; and other Judicial Entities Referenced. **Herein**

5b. Such includes the 9th Circuit denying Pro Se litigants the right to Court sponsored mediation while others who can afford counsel are Disparately offered same through their counsel

**C. WITH THE ABOVE ALL RESULTING IN ADVERSE IMPACT ON THE PUBLIC NATIONWIDE FROM UNJUSTIFIED BAD CASE LAW THAT CAUSES EXTENSIVE NEGATIVE EMOTIONAL, PHYSICAL AND FINANCIAL IMPACT ON THE PUBLIC VICTIMS THAT MAY LEAD TO SUICIDAL AND HOMOCIDAL TENDENCIES AS WAS NEXUSED TO PETITIONER'S CASE:**

The above described type of unjustified ruling, on top of the illegal actions by Defendants (U.S. government or Private Sector): (See 1-18-cv-00162-SRW-TSC)(11/13/18) **Assertions of DOJ/LE malfeasance and other Allegations**

1. Can and have caused Suicidal and Homicidal tendencies in otherwise productive and rational persons, such as:

a. what occurred in Petitioner's case when a Special Agent In Charge Committed Suicide because of harassing, illegal personnel actions by his supervisor - nexused to Petitioner's case; And

b. Homicidal tendencies as portrayed by examples such as:

- Los Angeles Police Officer Christopher Dorner (sp?) went on a shooting rampage;

- Los Angeles, CA U.S. Customs agent harassed by supervisor went on a shooting rampage;

- (New Jersey) U.S. Department of Labor official who lost everything years after his unlawful removal, and addressing U.S. Congressional personnel making inquiries, went on a shooting rampage;

*Etc – many other workplace violence issues because of Judicial Condonement of Defendant illegal personnel acts*

2. Can and Have caused ongoing illegal acts to continue against persons resulting in meritorious protests and lawsuits such as the Current class action by female Federal Bureau of Investigation Agents (June 2019)

### CONCLUSION

1. Petitioner **RESPECTFULLY** seeks Leave of the Court to Provide this Detailed Petition Because of the

Importance to Not only to Petitioner, But to All ADVERSELY IMPACTED by the Lower Court's Decisions.

The Petitioner Respectfully Prays the Court will Review this Petition For a Writ Of Certiorari for the Meritorious

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Reasons Herein and so she may be a VOICE FOR OTHERS.

a. As noted herein and in her Lower Court Filings SAC Ken Endress COMMITTED SUICIDE because of the impact the Petitioner's Wrongful Removal had on him and all employees – fear of losing their law enforcement position and their livelihood because of a negligent, fraudulent FFD process; and illegal actions against him by Defendant similar to what was done to the Petitioner, all as disclosed herein and in Appellant's District Court filings

b. Petitioner/Appellant supported that SAC Ken Endress' supervisor, \*Ed Grace illegally placed surveillance equipment on SAC Ken Endress' computer at his home because \*Ed Grace expected him to be in touch with the Petitioner since she was litigating her Wrongful Removal stemming from this fraudulent, negligent FFD process (disparate treatment, discrimination, illegal personnel actions, Unfair Labor Standards Act violations, retaliatory animus, etc) - Similar to the Unlawful Actions enacted against the Petitioner as described herein and in her District Court Complaint and Other Court Filings and supported with Evidentiary documentation

2. It is for the aforementioned briefly described meritorious reasons (*repeatedly stated in this Petition*) that the Petitioner Prays the Supreme Court will Review this Case for meritorious Return of Same to the Lower Court for:

- Ongoing proceedings before a Jury of Petitioner's Peers or

- To reach Resolution that is Judicially Sound IN THE BEST INTEREST FOR THE PUBLIC NATIONWIDE – WHO ARE INDEED AFFECTED NATIONWIDE by such partial, unjust decisions simply because the Courts have no accountability and Defendant U.S. Government otherwise.

3. The Petitioner simply Requests to be Heard and she Represents many in her position. A Voice for those such as Ken Endress who COMMITTED SUICIDE because of the abuse he Endured in a hostile work environment similar to Petitioner's situation. - ALL WORTHY OF U.S. SUPREME COURT JUDICIAL DISCRETION FOR REVIEW

4. The Petitioner / Appellant simply Requests to be Heard and she Represents many in her position. A Voice for those such as Ken Endress who COMMITTED SUICIDE because of the abuse he Endured in a hostile work environment similar to the Petitioner's situation.

*Ma*  
Petitioner: Marilee Brown - 45 Nives Ct, Sparks, NV 89441 (775)425-4216  
Respectfully Submitted: June 29, 2019 (Resubmitted July 18, 2019)

Appendices A - E (with Exhibits Attached or On the Record) Attached Available  
*through (Exh 1) (Exh 4) (Exh 8-9)*

STATE OF Nevada  
COUNTY OF Washoe

Sworn to (or affirmed) and subscribed before me  
this 20th day of June, 2019, by Marilee Brown

*[Signature]*  
Notary Public's Signature  
Personally Known OR Notary Name Paulina White-Sanders  
Type of Identification Produced NUCL#0806183133

