No. 19-6162

IN THE

SUPREME COURT OF THE UNITED STATES

Sean Vernell Terry (Pro Se) — PETITIONER
(Your Name)

vs.

Swift Transportation (et.al) — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Sean Vernell Terry
(Your Name)

234. North Grace Chapel Church Road
(Address)

Hamlet, North Carolina 28345
(City, State, Zip Code)

(910)582-0372
(Phone Number)

QUESTION(S) PRESENTED

1. Is it Lawful, for an "Employer appointed Physician, to require an Employee, or an Apprentice thereof, to "lower, or remove outer clothing, and underwear for the inspection of the exposed bare genitals?

2. Did Congress "intend" for Private individuals, to be able to "bring legal claims, against publicly traded Corporations, for violations pursuant to the Federal Motor Carrier Safety Regulations Act"?

3. What is this Court's interpretation of The Greada Treaty of 1954?

4. Pursuant to the Federal Rules of Civil Procedure, will the " absence of an official Court Seal displayed on a Plaintiff's Complaint, or, Amended Complaint suffice"?

5. Should any litigant (Pro Se), be instructed to proceed, although, a condition has not been met, at the time of filing, as made (mandatory), pursuant to the Federal Rules of Civil Procedure?

6. Is there a conflict of interest, "if", "a Judge, who has been (assigned) to preside over a Case in Court, is married to a Judge, who (was once a former employee of [T]he Defendant's Law Office), employed as an Attorney"?

7. Should a Corporation be reprimanded for violating it's own policies?

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[✓] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Jerry Moyes, Swift Transportation Company, Alexander L. Maultsby, Kip D. Nelson, Fox Rothschild, L.L.P. (formerly known, and operated as, "Smithmoore Leatherwood, L.L.P." 2016-2019).

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MEMORANDUM OPINION, ORDER, AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE.

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JUDGES ORDER.

Plaintiff, Sean V. Terry (Pro Se) respectfully requests that this Court Grant the "RECORD AS WHOLE" be added to the Appendix.

TABLE OF AUTHORITIES CITED

CASES

USA Gymnastics vs. Dr. Larry Nassar

STATUTES AND RULES

Federal Motor Carrier Safety Regulations Codes, 390.35 (x6), 390.37

OTHER

THE GREADA TREATY OF 1954

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

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

The opinion of the United States court of appeals appears at Appendix A to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[✓] is unpublished.

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

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[✓] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the _____ 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 06/17/2019.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[✓] An extension of time to file the petition for a writ of certiorari was granted to and including 06/17/2019 (date) on 06/17/2019 (date) in Application No. 19 A 1346.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 7th Amendment Pursuant to the United States Constitution Bill of Rights
- Title VII Race/ Age Discrimination
- Federal Motor Carrier Safety Regulations Statute Section Codes 390.35 (x6), and 390.37
- Fair Credit Reporting Act (Your Right to know if you have been passed over because of something in your report)
- Social Security Number / Personal Identifying Information Act
- Defamation Libel

STATEMENT OF THE CASE

In addition to the following "Plaintiff's Amended Complaint" which provides statement of this Case, the plaintiff, Sean V. Terry would also like to bring attention to this Court, the FACT that the Defendant, SWIFT TRANSPORTATION COMPANY has filed documents in Court Pursuant to this litigation of the Plaintiff's fully un-redacted Social Security Numbers Along with other personal identifying information of the Plaintiff, such as full un-redacted Date of Birth, and full name.

UNITED STATES DISTRICT COURT rev. 05/03/2016

MIDDLE DISTRICT OF NORTH CAROLINA

Sean V. Terry

234 N. Grace Chaple Church Rd.

Hamlet, North Carolina 28345

(910) 582-0372

VS. CIVIL ACTION NO. 1:16-cv-00468

Swift Transportation

2200 S. 75th Avenue

Phoenix, Arizona 85043

(602) 269-9700

AMENDED COMPLAINT

1. During the week of 01/27/2009, I attended an orientation at Swift Transportation's Greer, South Carolina Terminal. I have a grievance with the way Swift Transportation's Medical Review Officer (MRO) at the Greer, South Carolina Terminal conducts the "Driver Wellness Determination Test", or also known as the "(CDL) Commercial Driver's License Physical Test." On 01/27/2009 while having my CDL physical done in Swift Transportation's Medical Review Officer's in house office, the (MRO) conducting the test required me, and all other trainees attending the orientation to, lower our pants, and underwear exposing our bare genitals (in an improper unlawful way). He used his index finger, and middle finger, to fondle my bare testicles. During this process, I noticed a "silver digital camera" present in the room, on his desk. I couldn't help but to feel ashamed of myself, as Swift's (MRO) instructed me to stand directly in front of the camera, as my pants and underwear were down, with my genitals exposed. To my knowledge, a proper CDL physical does not require the (MRO) to check males for prostate cancer, nor does one perform pap smears on females as a requirement for employment.

Also during the week of 01/27/2009, while at the Motel in Greer, South Carolina, I was called by the recruiter from Swift Transportation at around 10:00 pm, and told "I would no longer be permitted to continue orientation at Swift Transportation's Greer, South Carolina Terminal, as I would be going home, because I did not do too well on the Road Test." I was sent home by Greyhound Bus on 01/28/2009.

2. I also have a grievance with Swift Transportation for (Defamation by Libel). Since 2009, I have been consistently looking for a Trucking Job and have been turned down by companies after Swift Transportation continued to pass along false, erroneous information about me to prospective employers, stating that I have failed a drug test *(FMCSR) codes, (390.35) x6, (390.37), causing me to lose work from at least (6) different Trucking Companies, and now I have to live at my 98 year old Grandmother's house. The libel was last published in June 2015.

3. Another grievance I have is, I returned to Swift Transportation for orientation at the Greer, South Carolina Terminal in 2014 after being accepted. I again had to endure the humiliating process of exposing my bare genitalia to the (MRO), however, this time I did not see any obvious cameras present. After the CDL physical was completed, the (MRO) asked me "if I had any questions, or concerns", and I said "yes, I do." I then asked the (MRO) "if there were any cameras present in the examination room." The (MRO) had a surprised look on his face, as he said, "uh-uhn" (no). He then asked me, "why I asked him that.." Later that night, at the Motel, I received a telephone call from the Swift Transportation recruiter (on the motel's phone). The recruiter told me "I would be going home." When I asked "why", I was not provided a reason. I was sent home the next day, without reason.

When Swift Transportation sent me home without reason in 2014, I feel that under the (FCRA) Fair Credit Reporting Act *([redacted]), my "RIGHT TO KNOW IF I HAVE BEEN PASSED OVER BECAUSE OF SOMETHING IN MY REPORT", has been violated.

4. Title VII, I believe because of the above claims, in conjunction with the fact, that out of the "three other black drivers attending orientation", including myself, "only two black drivers advanced further into the training program" (the two black drivers that did advance, were in the ARMY.) A black female driver, and I, were sent home. All together, there was a class size comprised of about 9, or 10 Trainees total.

I have consistently been applying for a Trucking Job since 2009, and I have been turned down a lot, I have been told by other Drivers (most of them senior drivers), that "it appears that I am being "Black Balled." The term "Black Balled" was not a term that I was immediately familiar with, however, after reading the definitive description, I would agree.

REASONS FOR GRANTING THE PETITION

1. The outcome of this Case is of public importance.

2. Plaintiff, Sean V. Terry (Pro Se) is committed to insuring that there will be Justice in this Case, as a direct result of the efforts that have been made over the past three years, pursuant to this litigation proceeding.

3. The question of "Congresses intentions" should be clarified to resolve and issue of doubt.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jean T. Terry (Pro Se)

Date: 17 August, 2019