

19-6325

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

OCT 15 2019

OFFICE OF THE CLERK

Dewayne Barnes — PETITIONER
(Your Name)

vs.

Sentry Management et al RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Eighth Circuit U.S. Federal Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Dewayne Barnes
(Your Name)

8116 John Place
(Address)

St. Louis, mo 63114
(City, State, Zip Code)

314-280-8524
(Phone Number)

QUESTION(S) PRESENTED

1. Can A Joint Employer, The St. Regis Apartment Inc claim they are not A Employer under Title VII of the Civil Rights Act of 1964, 42 U.S.C, because they don't meet the number of employees Rule even though they give and had sole hiring and firing authority?
2. Can ~~two~~ companies in a joint employer relation be sued with one right to sue letter or does there need to be two right to sue letters?
3. Do the Federal Rules of Civil Procedure Rule 6 allow a Right to sue to be giving 3 days of mailing? If that 3rd day was a Sunday does the start of the 90 days be the following Monday?
4. If a Judge gives me seven days to file an amended ^{order} complaint and notice of that was by mail, is plaintiff allowed additional 3 days from Judge orders?
5. Judge JCH blatantly over looked the timely file Right to sue letter for Sentry Management in case 4:17-CV-01629.

QUESTIONS(S) PRESENTED

6. CAN DEFENDANTS THE St. REGIS APARTMENTS CLAIM RES JUDICATA WHEN TRAIL COURT JUDGE ERRORED IN NOT STATING IF CASE 4:17-CV-01629 WAS DISMISSED WITH PREJUDICE OR DISMISSED WITH OUT PREJUDICE ON DISMISAL ORDERS NOVEMBER 17, 2017?

7. DID THE STATE COURT ERR IN DELAYING MOTION TO PRECEED IN FORMA PAUPERIS 112 DAYS? WAS RIGHT TO SPEEDY TRAIL VIOLATED?

8. WAS MOVE FROM STATE COURT TO FEDERAL COURT LAWFULL?

9. COULD THERE BE A CONFLICT OF INTEREST WITH THE JUDGE OVER SEEING BOTH CASES?

10. COULD THERE BE A CONFLICT OF INTEREST IF THE JUDGE HAS TIES TO ANY OF THE UPPER ECHOLANT ST. REGIS APARTMENT 48 SHAREHOLDERS, THEIR FAMILY, AND OR BUSINESSES TIES THAT INCLUDE ST. REGIS SHAREHOLDERS THAT ARE DOCTORS LAWYERS AND MAYORS.

11. CAN THE FACTS OF THE CASE BE DENIED BEFORE DISCOVER IS SOUGHT?

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:

Sentry Management 9666 Olive Blvd St. Louis Mo
63130

The St. Regis Apartments, Inc 4950 Lindell
Bld St. Louis Mo 63108
The St. Regis Apartments Inc has 48 Shareholders

RELATED CASES

Circuit ^{court} of St. Louis Co Barnes v. Sentry
Management Case number 17 SL-CC02418

[Missouri Eastern District Federal Court
BARNES v. The St. Regis Apartments, Case no
4:17-CV-01629 Judgment entered 11/17/17

Missouri Eastern District Federal Court
BARNES v. Sentry Management & The St. Regis Apartments
Case No. 4:18-CV-00157 Judgment entered 3/30/18

BARNES v. Sentry Management & The St. Regis
Apartments Case no. 0:18-CV-01780
Eight Circuit U.S. Federal Court of Appeals

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	Decision of Eight Circuit of Appeals
APPENDIX B	Decision of U.S. District court Eastern
Missouri	
APPENDIX C	Decision of U.S. District court Eastern
Missouri District	
APPENDIX D	
APPENDIX E	Transfer from state court to Federal
Court	
APPENDIX F	U.S. Appeal court Denying Rehearing

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

See Attached Page 2

STATUTES AND RULES

See Attached Page 2

OTHER

see Attached Page 2

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 B 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 May 23, 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: July 17, 2019, and a copy of the order denying rehearing appears at Appendix F.

☐ 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).

☐ 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

FRCR Rule 6

6(e)

28 U.S.C. A § 1738

King v Charles Leu County School Dist DSC
2009 664 F. Supp. 2d 571 Federal courts
30486 Judgement 828.4(1)

Re: Judgments

STATEMENT OF THE CASE

104

See Attached additional 13 pgs

PLAINTIFF DEWAYNE BARNES BROUGHT THIS CASE UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964('TITLE VII'). I WAS HIRED THROUGH WESTEND MANAGEMENT, NOW SENTRY MANGEMENT. FOR OFFICE MONITOR POSITION FOR THE ST REGIS APARTMENTS, INC. I WAS JOINTLY INTERVIEWED FOR THE POSTION BY WESTEND EMPLOYEE JANETLYNCH, ST. REGIS APARTMENTS INC BOARD MEMBERS JERRY BEHIMER AND DENNIS ROSE. I MADE ALL PARTIES AWARE OF WHAT MY CRIMINAL BACK GROUND CHECK WOULD SHOW. A COUPLE OF DAYS LATER I WAS INFORMED BY JANETLYNCH THAT THE ST. REGIS BOARD WOULD LIKE TO OFFER ME THE POSITION AS OFFICE MONITOR. THE ST REGIS BOARD MADE THE DECISION TO HIRE PLAINTIFF DEWANE BARNES. WESTEND MANAGEMENT DID NOT WHAT TO HIRE PLAINTIFF, BUTTHE ST. REGIS BOARD OVERRULED WESTEND MANagements DECISION. I WAS HIE THROUGH WESTEND/SENRTYAS ACTUAL EMPLOYER MAKINGST. REGIS PUNITIVE EMPLOYER. BEFORE DEWAYNE BARNES STARTED THE ST. REGIS BOARD GAVE A FEW ST. REGIS RESIDENTS A HEADS UP ON BARNES BACKGROUND. THEY ALSO GAVE THE MAINTENANCE EMPLOYEE MARK MARQUARDT THIS INFORMATION. THE BOARD OF ST. REGIS TOLD MARK MRQUARDT TO REPORT MY PERFORMANCE TO THE BOARD. WHEN I BEGAN DEWAYNE BARNES WAS IMMEDIATELY SUBJECTED TO A HOSTILE WORK ENVIORMENT FROM THE MAINTENANCE MAN AND SEVERALST. REGIS RESIDENTS.THE MAINTENANCE EMPLOYEE MARK MARQUADT BEGAN SPREADING RUMORS TO THE ST. REGIS RESIDENTS OF MY CRIMINAL BACK GROUND. DEWAYNE BARNES OVER HEARD MARK MARQUARDT TALKING TO A ST. REGIS RESIDENT USING RACIALSLURS REFERERING TO BARNES. DEWAYNE BARNES CONFRONTED MARK MARQUARDT INFRONT OF AST. REGIS RESIDENT FOR HIS USE OF THE WORD NIGGA WHEN REFERRING TO BARNES AND OTHER BLACK PEOPLE. RESIDENTTOLD A BOARD MEMBER AND DEWAYNE BARNES WAS REPIRMANDED BY THE BOARD, (WRITE UP NOTDISCLOSED BY DEFENDANTS), AND MARK MAQUARDT WAS NOT REPIRMANDED. THIS CREATED A HOSTILE WORK ENVIROMENT, MARK MARQUARDT KEEP SPREADING RUMORS ATTACKING BARNES CREDIBILITY. BARNES BEGAN INFORMING EMPLOYER ANDST. REGIS BOARD AND RESIDENTS OF THE RACIAL DISCRIMINATION BARNES WAS ENDURING. COMES NOWSENTRY MANAGEMENT BUYS WESTEND MANAGEMENT AND SENTRY MANAGEMENT REQUIRES BACK GROUND CHECK.FOR BARNES TO CONTINUE EMPLOYMENT. SENTRY ALSO DOES NOT APROVE OF BARNES BACK GROUND AND WANTS TO TERMINATE BARNES *2 EMPLOYMENT. ST. REGIS BOARD ONCE AGAIN AS PUNITIVE EMPLOYER OVER RULED SENTRY'S DECISION TO END BARNES EMPLOYMENT AND ALLOWS BARNES TO KEEP POSITION ASTHE ST. REGIS OFFICE MONITOR. WITH SENTRY MANAGEMENT AS BARNES NEW EMPLOYER, DEENETE DEITZ BECAME BARNES NEW SUPERVISOR THROUGH SENTRY MANAGEMENT DENEETE DEITZ BECAME HOSTILE TOWARDS BARNES BASED ON NEGITIVE INFORMATION BEING PRESENTED BY MARK MARQUARDT. DIETZ WOULD DISCOUNT THE RACIAL DISCRIMINATION CLAIMS BROUGHT BY BARNES-DIETZ, THE BOARD AND ST, REGIS RESIDENTS WOULD ALLOW NON-PRODUCTIVITY BY MARK MARQUARDT, AND WHEN BARNES BROUGHT TO THERE ATTENTION THEY WOULD TURN A BUND EYE.

BARNES WITNESSED MARQUARDT ABUSE OF OVERTIME BY WORKING IN RESIDENTS APARTMENTS WHILE STILL ON THE CLOCK WHICH WAS NOT PERMITTED BY SENTRY MANAGEMENT AND NOT ALLOWED IN THE ST. REGIS APARTMENTS INC BY LAWS BUT ALLOWED BY THE ST. REGIS BOARD. BARNES ALSO COMPLAINED TO SENTRY, ST REGIS BOARD MEMBERS, AND RESIDENTS THAT THIS IS DISCRIMINATION THAT BARNES WAS SUBJECTED TO BEING MONITORED BY VIDEO SURVILANCE AT ALL TIMES WHILE MAQUARDT WAS ALLOWED TO SIT IN A ROOM WITH-OUT BEING MONITORED, ZERO VISIBILTY, NO PRODUCTIVITY, NO ACCOUNTABILTY, AND ALLOW USE OF RACALLSLURS REFFERING TO BLACKS AND MUSLIMS. MARK MAQUARDTS NEGITIVE BEHAVIOR WAS ALLOWED AND CONTINUED FOR YEARS-BARNES CONTINUED TO COMPLAIN OF THE RACIALINE QUITIES. BARNES WAS REPLRMANDED BY BOARD PRESIDENT PATRLCLAPENKOSKE FOR INFORMING RESIDENTS OF MAQUARDTS AND THE BOARD RACIST AND DLSCRLMITIVE BEHAVIOR-SUMMER OF 2015 PATRICIAPENKOSKE TREA THEN TO FIRE BARNES IF BARNES CONTINUED WHISTLE BLOWING TO RESIDENTS THE NEGATIVE BEHAVIOR OF MAK MAQUARDT. BARNES CONTINUE TO COMPLAIN. FIRST WEEK OF 2016 BARNES AND MAQUARDT GOT INTO VERBAL ARGUMENT OF MAQUARDTS CONSTANT USE OF THE NIGGA WORD. TWO WEEKS AFTER THAT COURT RECORDS WILL SHOW THE ST. REGIS BOARD CONSPIRED TO FIRE BARNES FOR HIS CONTINUATION OF COMPLAINING DISCRIMINATIONS AND CREATED A SENERIO TO USE THE FMLA TO REPLACE BARNES WITH A AILING OLDER MAN WITH LESS SENOIRTY. (SENTRY AND ST REGIS LIED TO THE MCHR AND THE COURT. PERTAINING TO RUSSEL WILLIAMS SENORITY OVER DE WAYNE BARNES, DEWAYNE BARNES WAS HIRED BEFORE RUSSELL WILLIAMS). THE SCHEME WAS TO EUMINATE RUSSELL 12AM TO 8AM SHIFT AND GIVE THAT SHIFT TO GCI SECURITY, AND CLAIM THE USE OF FMLA TO GIVE RUSSELL WILLIMAS DEWAYNE BARNES POSITION AND ELIMINATE DEWAYNE BARNES. THIS SCHEME WAS CREATED JANUARY 2018 BUT RUSSELL WAS NOT READY TO RETURN TO WORK. THE BOARD KEPT BARNES EMPLOYED UNTIL THE ST, REGIS SEMI-ANNUAL SHARE HOLDERS MEETING, WHEN LESLIE ALIKHAN CONFRONTED THE BOARD IN FRONT OF ALL THE ST. REGIS SHAREHOLDERS REGARDING THE NEGATIVE IMPACT SHE FELT MARK MAQAURDT WAS CAUSING ST. REGIS BASED ON THE WHISLE BLOWING INFORMATION BARNES PRESENTED TO MS. ALIKHAN. THE FOLLOWING WEEK APRIL 2016, THE ST. REGIS BOARD MADE THE DECISION TO TERMINATE BARNES EMPLOYMENT, COERISED RUSSELL WILLIAMS TO RETURN TO WORK WITHOUT A FIT FOR WORK CERTIFICATE FROM A DOCTOR TO SATISFY FMLA REQUIRMENTS. THEN THE ST. REGIS BOARD INFORMED SENTRY MANAGEMENT THAT THE ST. REGIS WAS TERMINATING BARNES EMPLOYMENT. WITH EMPLOYMENT TERMINATED BY ST. REGIS, SENTRY MANAGEMENT REFUSED EMPLOYMENT BECAUSE OF BACKGROUND. MARK MAQUARDT HAD STROKE WEEK LATER. RUSSEL DIED, THE BOARD HIRED SOMEONE TO DO MAQUARDTS JOB, AND NOW AS OF PRESENT DATE MARK MAQUARDT HAS BARNES OLD POSTION AS OFFICE MONITOR. BARNES FILED COMPLAINT WITH MCHR AND NAMED SENTRY MANAGEMENT AND THE ST REGIS APARTMENTS, INC BOTH IN THE COMPLAINT, THE MCHR MADE A ERROR IN NOT ADDING ST. REGIS AS JOINT EMPLOYER ON RIGHT TO SUE LETTER. AT THAT POINT BARNES REQUESTED MCHR TO CHANGE AND ADD ST. REGIS BUT MCHR REFUSED TO ADD *3 ST. REGIS TO MCHR RIGHT TO SUE LETTER AND SAID IT WAS PAST DATE

Statement of The case page 4

TO ADD ST. REGIS. THAT LEFT BARNES WITH OPTION TO FILE A FEDERAL COMPLAINT WITH EEOC AGAINSTST. REGIS. BARNES BROUGHT SUIT AGAINSTSENTRY MANAGEMENT FIRST IN THE ST. LOUIS COUNTY COURT. THAT CASE GOT STALLED OVER 100 DAYS. BARNES THEN FILED A COMPLAINT AGAINSTST. REGIS IN FEDERAL COURT NAMING BOTH SENTRY AND ST. REGIS IN COMPLAINT. BOTH CASES WHERE FILED IN COURT WITHIN 90 DAYS AFTER BOTH RIGHT TO SUE LETTERS WHERE ISSUED AND RECEIVED AFTER THE PRESUMED 3 DAY NOTICE BY MAIL SERVICE.

REASONS FOR GRANTING THE PETITION

For Justice to be served.

For the 3 Day mailing Rule be clarified

Possible conflict of Interest between Judge, ~~lawyers~~, and Defendants.

To get these two companies to acknowledge there colluded and conspired wrong doings.

Not to allow these two companies to continue Racial Discrimination.

Clarification of the Joint Employer Rules.

Discovery.

I want my day in court.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Dewayne Barnes
Dewayne Barnes

Date: October 14, 2019