

19-6943

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Sheila A. Cunningham PETITIONER
(Your Name)

vs.

Florida Credit Union — RESPONDENT(S)

Supreme Court, U.S.
FILED

JUL 17 2019

OFFICE OF THE CLERK

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the 11th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Sheila A. Cunningham
(Your Name)

1835 NW 27th Ave
(Address)

Ocala, Florida, 34475
(City, State, Zip Code)

(352) 470-1001
(Phone Number)

RECEIVED

JUL 26 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

- I. Whether the District Court erred in holding that Cunningham failed to provide evidence of racial discrimination.
- II. Whether the District Court erred in holding that Cunningham failed to identify similarly situated comparators outside of her racial class who were treated less favorably.
- III. Whether the 11th Circuit Court of Appeals erred in holding that state and local government employees may sue their employer for retaliation and employment discrimination in the workplace.

And to delete 8-17

Opinions Below

I. Did the Federal Courts, only heard the side of the employer favorably?

II. Did the employee stand a chance to win the motion for summary judgment when there were witnesses. According to the Civil Rights Act - Title VII amended 1964.

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:

CERTIFICATE OF INTERESTED PARTIES AND
CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Rule 26.1-1 of the Eleventh Circuit Rules, the undersigned Plaintiff/Appellant certifies that the following is a list of the trial judge and all attorneys, persons, associations of persons, firms, partnerships or corporations who have an interest in the outcome of this case:

1. Cunningham, Sheila - Plaintiff/Appellant
2. CUNA Mutual Group – Insurer of Appellee
3. Duvall, John E. – Counsel for Defendant/Appellee
4. Florida Credit Union – Defendant/Appellee
5. FordHarrison LLP - Attorneys for Defendant/Appellee
6. Lammens, The Honorable Philip R., United States Magistrate Judge for the Middle District of Florida
7. Moody, Jr., The Honorable James S., United States District Judge for the Middle District of Florida
8. Tatum, R. Michelle – Counsel for Defendant/Appellee
9. Appellant is not aware of any other entity who may be substantially affected by the outcome of the proceedings.
10. Appellant is not aware of any other entity likely to be an active participant in the proceedings.

USCA11 Case No. 17-14966
Cunningham, Florida Credit Union

John E. Duvall/Counsel For F.C.U.

Ford Harrison LLP

225 Water ST # 710

Jacksonville, FL 32202

904-356-8073 AND 904-357-2000

December 7, 2019

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TABLE OF AUTHORITIES CITED

CASES In Federal Express Corp. PAGE NUMBER

Holowecki^V, 552 U.S. 389 (2008)

University of Texas Southwestern Med. Ctr. v. Nassar
133 S. Ct. 2517 (2013)

Kasten v. Saint-Gobain Performance Plastics Corp
131 S. Ct. 1325 (2011)

STATUTES AND RULES

Title VII of Civil Rights Act of 1964, as amended

Title VII of Civil Rights Act of 1964 (704(a)), as amended

Federal Rules of Evidence Rule 403

Federal Rules of Civil Procedure Rule 16, 26, 56

28 U.S.C. § 1254 (1)

42 U.S.C. § 2000e-5 (b)

42 U.S.C. § 2000e-5 (f)(1)

OTHER

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 _____ to the petition and is *Sheila Cunningham v Florida Credit Union*
7-14-66

- ☐ 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 _____ to the petition and is *Sheila Cunningham v Florida Credit Union*

- ☒ reported at *5:16CV-24-0c-30PRL* *11-1-17*; 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 February 20, 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 _____ (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

Need to clarify the provisions of the

STATEMENT OF THE CASE

Sheila A. Cunningham, an African American female, was a career Credit Union employee with almost Seven years of excellent service before being terminated in March of 2014. Petitioner strongly believes This was because of her race, (African-American). Petitioner was written up excessively three times in one day when she respectfully went to management and complained about a white female claiming her incentive that the Petitioner worked for. Pursuant to 42 U.S.C, 2000E et seq. (Title VII of the Civil Rights Act of 1964), as amended by the Civil Rights Act of 1991, and the Florida Civil Rights Act of 1992, 760.01-760.11 and 509.092, to remedy acts of employment discrimination and retaliation. Petitioner case was dismissed by the lower courts (**United States District Middle District of Florida**) and (**IN THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**).

Petitioner, Sheila A. Cunningham Strongly feels like the Supreme Court, need to please address this case, due to it's similar to the Me Too Movement - regarding women rights in the workplace for speaking up.

REASONS FOR GRANTING A WRIT OF CERTIORARI

- I. Petitioner have true facts to prove that she was wrongfully terminated by the Respondent, Florida Credit Union.
- II. Petitioner have rights as an American citizen to be heard by a higher court^{is} she feels that justice wasn't granted. Title VII of the Civil Rights Act of 1991, and the Florida Civil Rights Act of 1992, 760.01-760.11 and 509.092.
- III. Petitioner case of employment discrimination is discussed daily among United States citizens.
- IV. Petitioner strongly feels that her case will make a difference to other American people who have been wrongfully discriminated and retaliated against.

Need to be heard by a higher court

Need to complete 7-30-19 se

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Sheldon A. Cunningham

Date: 9-30-2019