

19-7134  
No. \_\_\_\_\_

ORIGINAL

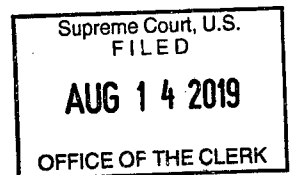
IN THE

SUPREME COURT OF THE UNITED STATES

JESSIE CARTER — PETITIONER  
(Your Name)

vs.

USDA ET AL, — RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

JESSIE CARTER  
(Your Name)

253 DALLAS 236 / P.O. Box 173  
(Address)

SPARKMAN, AR. 71763  
(City, State, Zip Code)

870 858-0508  
(Phone Number)

## QUESTIONS PRESENTED FOR REVIEW

### As required by Rule 14.1(a)

#### Question # 1

What is the 'proper' interpretation of CFR 7 226.6 (c) (v). (copy enclosed)

This question arises in direct relation to circumstances in the case.

Enclosed are statements from second administrative hearing, showing the ALJ did not address the length of time being imposed by the USDA regional Office in Dallas, upon Mrs. Whitaker whom I was accused of allowing to participate in USDA program as a 'disqualified individual'. This interpretation has me permanently excluded by Arkansas Dept. of Human Services (ADHS).

This interpretation allows for Mrs. Whitaker to be on the National Disqualified List (NDL), for (12) twelve years, not (7) seven. From 1997 thru 2009.

After over two years, The Western District Court in El Dorado, AR. Was able to help obtain a declaration from USDA National Office in Virginia, from Ms.

Jennifer Weatherly, FOIA officer, and from colleagues that are familiar with this case. (enclosed).

#### Question #2

Was ALJ correct to refuse to hear if Mrs. Whitaker's time on the list (NDL), was proper, as the institution that was placed on it at the same time that she was, was off the list in (7) seven years, and she was not. (enclosed pg. 84,85; 260-262).

## 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:

Mr Curtis Curry - SPECIAL Nutrition Program Director - ARKANSAS  
Mr Ronald Rhodes - Director of USDA Regional Office Dallas, TEXAS  
Ms Betty Versley - USDA Director of SNP, Regional Office Dallas, TEXAS  
Mr Alfred Escoto - USDA Director of Civil Rights, Regional Office Dallas, TX  
Ms Ellen Walberg - USDA Policy Expert, DALLAS, TEXAS  
Ms Jennifer Weatherly - USDA Freedom of Information Official - VIRGINIA

## TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF THE CASE .....	4.1, 4.2, 4.3
REASONS FOR GRANTING THE WRIT .....	5.1, 5.2
CONCLUSION.....	6

## INDEX TO APPENDICES

APPENDIX A	District Court ORDER Dated 5/4/2018 Judge Wilson Motion to Dismiss Dated 3-26-18
APPENDIX B	District Court ORDER Dated 3/22/2007 Judge BARNES
APPENDIX C	CACFP National Disqualified List Dated 4/8/2004 NAME ON Bottom
APPENDIX D	USDA-PLACEMENT OF Mrs Whitaker Dated 3/28/1997
APPENDIX E	Western District Court (Declaration of Jennifer Weatherly Dated 6-22-17 3 pages Doc. 24.i
APPENDIX F	

## TABLE OF AUTHORITIES CITED

### CASES

EASTERN District of Ark.  
CASE 5:18-CV-00108-BRW  
WESTERN District of Ark.  
CASE 1:18-CV-04004-SOH

### PAGE NUMBER

Doc. 10

Doc. 24

### STATUTES AND RULES

7 CFR 226.7 (V)

### 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 <sup>From</sup> CASE No. 5:18 CV 00108-BRW Eastern Dist. AR.

☐ reported at MAY 16, 2019 - DISMISSED; 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

☐ reported at Attached (EASTERN District); or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☐ For cases from **state courts**:

Judge Timothy Fox 6<sup>th</sup> Circuit Pulaski County 2010  
The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at NOT SURE; 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 16, 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).

## **JURISDICTIONAL STATEMENT**

This complaint was filed in The United States District Court, Western District of Arkansas, Eldorado Division, on Jan. 5<sup>th</sup> 2018. Which has jurisdiction based on 28 U.S.C. 1343.

Motion to Dismiss, was filed on March 26<sup>th</sup> 2018. Response to Motion to Dismiss was filed on April 5<sup>th</sup> 2018. Plaintiff requested change of venue, due to Plaintiff's residence is located in the part of the state covered by The Eastern District Court. Change of venue was granted, on April 27<sup>th</sup> 2018. Plaintiff received 'Initial Scheduling Order' on May 2<sup>nd</sup> 2018, from Eastern District Court, located in Little Rock, Arkansas. On May 3<sup>rd</sup> 2018 'Notice of Appearance' was filed, by United States Attorney Jamie Goss Dempsey, on behalf of Defendants. The following day, May 4<sup>th</sup> 2018, Judge Billy Roy Wilson, for the United States District Court, Eastern District of Arkansas, granted Defendant's March 26<sup>th</sup> 2018 'Motion To Dismiss'. This appeal comes from the May 4<sup>th</sup> 2018, Order of Dismissal, from The U.S. Eastern District Court. This Court's, authority of jurisdiction comes pursuant to 28 U.S.C. 1291, which provides for jurisdiction over a final judgment from a U.S. District Court.

*On May 16, 2019, this case was denied by The Eighth Circuit Court of Appeals, and is Appealed to the only court that can hear the case after denial from U.S. Court of Appeals, The United States Supreme Court thru 'Writ of CERTIORARI'.*



## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This CASE IS TOTALLY standing  
ON THE INTERPRETATION OF A FEDERAL  
REGULATION, WHICH IS: CFR 226.~~(1)~~<sup>6.</sup>(v)

- COPY PROVIDED -

WHETHER A INDIVIDUAL CAN REMAIN ON THE  
NATIONAL DISQUALIFIED LIST MORE THAN (7) SEVEN  
YEARS WITH NO DEBT.

10-18-2019

STATEMENT OF THE CASE

10-18-2019

~~Attached~~

I WAS PERMANENTLY EXCLUDED FROM WORKING IN MY CHOSEN FIELD, BY ARKANSAS DEPARTMENT OF HUMAN SERVICES, BECAUSE OF THE INTERPRETATION GIVEN BY DALLAS REGIONAL USDA; OF CFR 226.6 (v), IN 2005.

IN 2017, JUNE, 26<sup>th</sup> USDA OFFICIAL JENNIFER WEATHERLY FILED DECLARATION, WHICH INCLUDED "DISCUSSIONS WITH HER COLLEAGUES AT FNS WHO ARE ALSO FAMILIAR WITH THE FACTS AT ISSUE IN THIS LITIGATION." (DECLARATION ATTACHED)

I WAS PERMANENTLY EXCLUDED WITH ONE INTERPRETATION OF THIS REGULATION, ~~AND~~ BY THE DALLAS REGIONAL OFFICE AND THIS REGIONAL OFFICE POLICY IS NOT THE INTERPRETATION OF THE "HEADQUARTERS" <sup>USDA</sup> AT VIRGINIA. TWO DIFFERENT POLICIES/REGULATIONS. IT IS MY UNDERSTANDING THAT THE JUSTICE DEPT. INTERPRETS THE LAW.

## REASONS FOR GRANTING THE PETITION

MANY PEOPLE HAVE BEEN IN SITUATIONS LIKE THIS. NO ONE HAS BEEN GIVEN CLARITY OR UNDERSTANDING OF THE REGULATION 7CFR 226.7 (V).

THIS CURRENT INTERPRETATION HAS CAUSED MY LIVELYHOOD TO BE TAKEN AWAY, AND I HAVE BEEN PROHIBITED ~~to~~ FROM WORKING IN ANY PROGRAM OF FEDERAL AGENCIES. BECAUSE ONCE YOU ARE BARRED IN ONE AGENCY, YOU ARE BARRED, OR PROHIBITED FROM WORKING WITH ANY AGENCY.

## CONCLUSION

BASED upon facts, that the USDA has abused my rights by providing false information, also withholding information that may benefit me, the USDA is and should be held liable for these actions. This case is not moot, nor will it ever be moot as long as I remain on a provider list of 'PERMANENTLY Excluded Providers', for something I am innocent.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jessie Carter

Date: 8-14-2019

10-18-2019 