

IN THE UNITED STATES SUPREME COURT

Silvester Woods,

PETITIONER

v.

Washington Metro Area Transit  
Authority, et al.

Case No. 19-7736

RESPONDENT

APPLICATION FOR LEAVE TO APPEAL OUT OF TIME

COMES NOW the Petitioner, Silvester Woods, *Pro-se Petitioner*, moves the Court to make and enter a "special order" granting leave to file an Petition to Rehear after the judgement denying of writ of certiorari as rendered by the U.S. Supreme Court in Case No. 19-7736 on April 20, 2020.

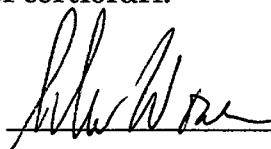
As grounds therefor and in support, *Pro-se Petitioner* states:

1. That Petitioner *pro-se* through no fault of his own was unable to locate legal resources and all public and private law libraires were closed during the five months of difficulties related to COVID-19 pandemic. Under the Supreme Court Rule 13.1 and 13.3 Petitioner should have requested a rehearing in the 25 days of entry of judgement.
2. Petitioner respectfully suggest that a rehearing after denying of writ of certiorari is meritorious and is not frivolous. In this regard Petitioner respectfully suggest to the court that a substantial issue exists.
3. If special leave to prosecute and file an appeal "out of time" is not granted by this court. Petitioner through no fault of his own and as a result of the COVID-19 pandemic will have been denied his constitutional and statutory right.
4. U.S. Supreme Court's Order dated March 19, 2020 indicated "that motion for extension of time pursuant to Rule 30.4 will ordinarily be granted by the Clerk as a matter of course if the grounds for the application are difficulties related to COVID-19."
5. President Donald J. Trump, President of the United States, though an Executive's Order closed the entire country for five months due to fears of the COVID-19 virus.

6. On October 8, 2020, U.S. Supreme Court 's Clerk returned a Petition for rehearing under Pursuant to Rule 44 of the Rule of this Court: "any party aggrieved by the Clerk's action may request that the motion be submitted to a Justice or to the Court". Therefore, the Petitioner's request The Honorable John Roberts, Chief Justice of the U.S. Supreme Court to review my application. My petition to rehear, my writ of certiorari, evidences, cause of actions and any related documents to my case for review.
7. If the U.S. Supreme Court denies application for leave to appeal out of time motion and Motion to Rehear-after denying of writ of certiorari. The Petitioner's request the Court should affirm and/ or remand the decision of the United States Court of Appeal for the Fourth Circuit to the United States District Court Greenbelt Division for damages.

WHEREFORE, petitioner respectfully prays that the U.S. supreme Court sustain his application and pursuant to make and enter a "special order" permitting a late filling of the petition to rehear – after denying of writ of certiorari.

Dated: October 20,2020



Silvester Woods, *Pro- se Petitioner*

2836 Chablis Circle, Unit 10-A

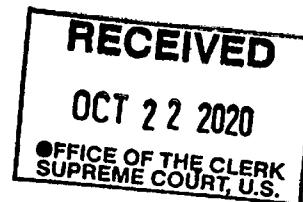
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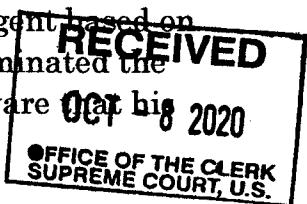
19-7736

Case No. 19-1924

PETITION FOR REHEARING

Petitioner, Silvester Woods, *Pro-se*, respectfully requests a rehearing and reversal of the order entered by the Court on April 21, 2020 denying petitioner's petition for a writ of certiorari from The United States Court of Appeal for the Fourth Circuit on the following grounds:

1. Petitioner was unable to submit a request for rehearing during the 25 days of entry of judgement due to difficulties related to COVID-19 pandemic. Therefore, should be entitled to file the petition.
- 3 Under the Due Process Clause of the Fourteenth Amendment to the Constitution provides that no "State [shall] deprive any person of life, liberty, or property, without due process of law.
- 4 The At-Will Doctrine egregious the fundamental rights of equal protection for newly hired employees, Washington Metropolitan Transit Authority ("WMATA") providing equal protection to other employees, but new hired employees are held to a standard of strict scrutiny. Therefore, the company's policy is discriminatory, unconstitutional, unfair, and unjust to all employed at the company. The petitioner raised the right level of relief under *Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007); the petitioner's contains sufficient factual allegation, accepted as true, which are sufficient to state a claim for relief plausible on it face, under *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The established all the elements to sufficiently to lay claim under *Iqbal*, 556 U.S. at 678 -79, 129 S. Ct. 1937.
5. Under Vicarious liability, WMATA was responsible for the conduct of its employees in the scope of employment under respondent superior, the instructor, Louis Rucker's retaliatory actions were grossly negligent based on intentional, willfully and wanton misconduct by threaten to terminated the petitioner for an improper cause. Mr. Rucker was reasonable aware



outlandish and outrageous actions would result in the Petitioner's emotional injury. The petitioner continues to suffer emotional distress from his experience working at WMATA. The instructor's own behavior created a toxic work environment, not a labor dispute between management and labor. The Manager, Anthony Dawson, intentional lied by stating that the petitioner threat him with harm during the exit interview, and Safety Director, Dylan E. Wolfe (not employee of WMATA anymore) refused to allow the Petitioner due process before being terminated. Simultaneously, the misconduct of all three employees acted on behalf the employer, WMATA. Therefore, the petitioner has a right to seek remedy for their actions in the courts.

6. Under *Res ipsa loquitur* the reasons were plausible of the Petitioner's termination. The elements are: (1) the termination would not normally occur unless someone acted negligently; (2) the evidence rule out the possibility that the actions of the plaintiff or a third party caused the injury; (3) the type of negligence in questions falls within the scope of the defendant's duty to the plaintiff. Therefore, the petitioner is entitled to compensatory and general damages.
7. The Petitioner is presently a member under the Collective Bargaining Agreement (CBA), Local 1764/ 689. The Petitioner's complaint filed in 2018 was not based on a labor dispute, the complaint was based on a cause-in-fact. Therefore, petitioner is entitled to just consideration for his cause of action against WMATA.
8. The petitioner is currently a Bus Operator with the Fairfax Connector and has an excellent driving record with the county.
9. The U.S. Supreme Court has jurisdiction over all the Plaintiff's claims and the Plaintiff is requesting relief from the court.

I certify that the above petition is presented in good-faith and not for delay and is restricted to the grounds above specified.

Dated: October 6, 2020



Silvester Woods, *Pro- se Petitioner*

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## CERTIFICATE OF SERVICE

I, Silvester Woods, is not a member of the Bar of the Supreme Court of the United States and *pro-se Petitioner* of record, the petitioner in the above-captioned proceeding, certify that on October 6, 2020 pursuant to Rule 29.3 Rule of the Supreme Court (U.S. Sup. Ct. R. 29.3) I. served a copy of the PETITION TO REHEAR AFTER DENIAL OF CERTIORARI petition on each of the parties in the following:

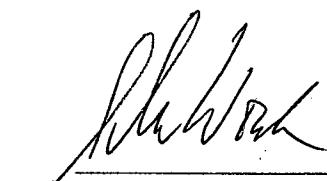
On October 6, 2020, Washington Metropolitan Transit Authority, respondent in the above-captioned proceeding, by delivering it to:

M. Richard Coel  
*Attorney on record*  
Washington Metropolitan Area Transit Auth. (WMATA)  
600 Fifth Street, N.W. 2<sup>nd</sup> floor  
Washington, DC 20001  
E-mail: RCoel@wmata.com,

J. Douglas Cuthbertson  
*Senior Counsel*  
Office of General Counsel  
Washington Metropolitan Area Transit Authority  
600 Fifth Street, NW  
Washington, DC 20001  
Office: 202/962-2537  
Fax: 202/962-2550  
Mobile: 202/740-1845

On October 6, 2020, respondent in the above-captioned proceeding, by delivering it to:

Paul Tyler  
*Attorney on record*  
Amalgamated Transit Union (ATU), Local 689  
GROMFINE, TAYLOR & TYLER, P.C.  
1420 King Street,  
Suite 500  
Alexandria, Virginia 22314-0000  
E-mail:



Silvester Woods, *Pro-se Petitioner*