

No. **19-7941**

**ORIGINAL**

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

**Jane Doe et al** — PETITIONER  
(Your Name)

vs.

**United States America** — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

**The United States Court of Appeals for the Second Circuit 19-76, 19-312, 19-1514**  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

**Jane Doe**

(Your Name)

**3232 Georgia Ave NW Suite 605**

(Address)

**Washington DC 20010**

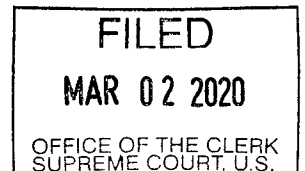
(City, State, Zip Code)

**(202) 900-8855**

(Phone Number)

**JaneDoe@ColorLawCenter.org**

(Email)



## QUESTION PRESENTED

- I. Whether the Second Circuit on January 3, 2020 violated the law by fifth and fourteenth Amendment by dismissing the appeal without ruling on the **reasonable accommodation request to appoint a lawyer for Jane Doe who cannot read or write at all due to autism**. For six years the district court and the circuits is related cases have force me an autistic American to act as a lawyer for a severely autistic America whose autism prevents her from reading and writing at all. With **supporting medical records**. Whether district court and the second circuit can violate the Americans with Disabilities Act severely autistic American who disability prevent her from reading and writing which have already confirmed as a fact by medical records provided to the court to received reasonable accommodation under the Americans with Disabilities Act to prove Jane Doe's predictable assessments § 35.108 (2) iii. (C)(E)(K). Whether it lawful for the district court and the second circuit to force a family member who also has developmental § 35.108 (2) iii. (C)(E)(K) disabilities to act as a lawyer for severely **predictable assessments § 35.108 (2) iii. (C)(E)(K)** that prevents her from reading and writing at all. I have won six circuit appeals proven discrimination in the district court against people with autism however the district court and the second circuit is still forcing me to act as a lawyer for an autistic American without any accommodations.
- II. Whether the District Court of Connecticut and violated the **Civil Justice Reform Act** by not reporter outstanding motions for over a year. When the Civil Justice Reform Act requires the District Court to report all motions pending more than **six months**, all bench trials submitted more than six months, all bankruptcy appeals pending more than six months, all Social Security appeal cases pending more than six months. Not only did the district court fail to report this case to the justice department's Administrative Office but

the district court also failed to report all pro se cases in Connecticut from 2012-2019.  
(with the exception of pro se who have law degrees.)

- III. Whether the second circuit and the district court acted more as a defense counsel than a neutral arbitrator as required by federal rules of civil appellate procedure. The district court granted to proceed in forma pauperis in **28 U.S. Code § 1915** on April 26, 2018; however the district court failed to serve the defendants in violations of "28 U.S. Code § 1915 (d)" *"the officers of the court shall issue and serve all process, and perform all duties in such cases."* Or whether a district court and the second circuit need not provide a justifying reason when denying a pro se litigant serves of the defendant the United States. The District of Connecticut Court has targeted discriminated against poor pro se in civil rights enforcement lawsuit as confirmed by the second circuit related case 16-3074 on January 18, 2018, where the district court of Connecticut never served the defendant City of Hartford. The judges' signatures don't appear on the decision, which has an automated signature and stamp of Catherine O'Hagan Wolfe. Clerk Catherine O'Hagan Wolfe, never made a brief schedule nor did the defendant write an answer to the brief. Nor did the court address the allegations of the district court violating basic federal rules of civil procedure or Americans with Disabilities act status; therefore discriminating against the pro se litigants due to race, class, and disability (autism).
- IV. Whether the District Court had a legal duty to "**assumes the truth**" of the complaint's allegations and "construes the complaint liberally, granting the plaintiffs 'the benefit of all inferences that can be derived from the facts alleged.' " Am. Nat'l Ins. Co. v. Fed. Deposit Ins. Corp., 642 F.3d 1137, 1139 (D.C. Cir. 2011); see also Lujan, 504 U.S. at 561 or was it legal for the District Court to mock, degraded the developmentally disabled pro se plaintiffs by ordering them to write a complaint to his high professional standards.

## 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:

## RELATED CASES

16-3074 (2d Cir. 2018)  
14-7144 (D.C. Cir. 2016)  
17-3230 & 17-3357 (3rd Cir., 2019)  
13-1753 (4th Cir., 2013)

*19-67 writ of mandamus 2nd Cir*  
*19-5240 DC Cir*  
*19-307 DC Cir*

## 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	<i>District Court Opinion</i>
APPENDIX B	<i>2<sup>nd</sup> Cir Opinion</i>
APPENDIX C	<i>District Court's Docket</i>
APPENDIX D	<i>2<sup>nd</sup> Cir Docket</i>
APPENDIX E	<i>Chart Related Cases</i>
APPENDIX F	

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

Bloom & Hershkoff, <i>supra</i> , at 479–81; David Rauma & Charles P. Sutelan, .....	7,8,9
Doyle et al., <i>supra</i> , at 297–98.....	10
16-3074 (2d Cir. 2018) .....	7,8,9
14-7144 (D.C. Cir. 2016).....	7,8,9
17-3230 & 17-3357 (3rd Cir., 2019).....	7,8,9
13-1753 (4th Cir., 2013).....	14
19-5277 19-5240 19-5307 DC Cir.....	10
Lisa Brodoff et al.,.....	10
The ADA: One Avenue to Appointed.....	10
Counsel Before a Full Civil Gideon,.....	10
2 Seattle J. for Soc. Just. 609 (2004) .....	10
Lois Bloom & Helen Hershkoff,.....	10
Federal Courts, Magistrate Judges, and the.....	10
Pro Se Plaintiff, 16 Notre Dame J.L. Ethics.....	10
& Pub. Pol’y 475 (2002) .....	10
Pilliberal Construction of Pro Se Pleadings, 159 U. Pa. L. Rev. 585 (2011).....	10, 11
U.S. Courts, U.S. District Courts—Civil Pro Se and Non-Pro Se Filings, by District,.....	14

### STATUTES AND RULES

Section 242 of Title 18 .....	7,8,9,10,14
§35.108(2)Predictable assessments(d)(2)(iii) (C)(E)(K)...	3
Federal Rule of Civil Procedure 12(b)(6) .....	3
28 U.S. Code § 1915 (d).....	5, 6
Civil Justice Reform Act.....	7,8,9,10,14
Americans with Disabilities Act.....	7,8,9,10,14
ADA, 42 U.S.C. § 12102 (4)(E)(1)(i)(I).....	7,8,9,10,14
14th Amendment equal protection clause.....	7,8,9,10,14
5th Amendment.....	7,8,9,10,14

### OTHER

Report of the Working Committees to the Second Circuit Task Force on Gender, Racial and Ethnic Fairness in the Courts, 1997 Ann. Surv. Am. L. 117 .....	16
The American Bar Association Am. Bar Ass’n, Model Code of Judicial Conduct .....	16

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 \_\_\_\_\_ 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 January 3, 2020.

☐ 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**

1. First Amendment
2. Fifth Amendment
3. Fourteenth Amendment
4. American with Disabilities Act
5. Section 504 of the Rehabilitation Act
6. Civil Justice Reform Act
7. Civil Rights Act of 1871
8. Civil Rights Act of 1964
9. 18 U.S. Code § 242 - Deprivation of rights under color of law
10. §35.108(2) Predictable assessments
11. Civil Justice Reform Act 1990

- IV. Whether the District Court had a legal duty to "assume the truth" of the complaint's allegations and "construes the complaint liberally, granting the plaintiffs 'the benefit of all inferences that can be derived from the facts alleged.' " *Am. Nat'l Ins. Co. v. Fed. Deposit Ins. Corp.*, 642 F.3d 1137, 1139 (D.C. Cir. 2011); see also *Lujan*, 504 U.S. at 561 or was it legal for the District Court to mock, degraded the developmentally disabled pro se plaintiffs by ordering them to write a complaint to his high professional standards.

## RELEVANT FEDERAL RULES OF CIVIL PROCEDURE

Federal Rule of Civil Procedure "28 U.S. Code § 1915 (d). The District Court granted 28 U.S. Code § 1915 on April 26, 2018, however, the District Court failed to serve the defendants as required under "28 U.S. Code § 1915 (d) The officers of the court shall issue and serve all processes, and perform all duties in such cases."

## INTRODUCTION

**This case raises fundamental issues concerning whether federal judges must obey the Americans with Disabilities Act when it applies to autistic pro se litigants whose disabilities prevent them from reading and writing at all. The question is: Are Autistic Americans allowed meaningful access to the federal court system or does their disability allows federal judges to deny access?**

We are in a serious constitutional crisis when the district court and the second circuit are allowed to "targetly discriminate" against Black, Poor or Autistic Americans without any repercussions. This is a constitutional crisis because many of these allegations have been proven as fact in the second circuit, third circuit, fourth circuit, and the DC circuit. Since the court knows I can prove these allegations the district court and the circuit never allowed us basic access let alone meaningful access as required by law. Both courts dismissed the complaint without serving the defendant; therefore the defendant did not even ask the court to dismiss the

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complaint. The majority of pro se litigants bring claims seeking remedies for violations of the U.S. Constitution and federal civil rights statutes. These litigants—who are predominantly women, minorities, and the poor—are four times more likely than represented parties to have their cases dismissed under Federal Rule of Civil Procedure 12(b)(6). Serious due process concerns arise when courts dismiss civil rights claims brought by vulnerable populations and protected classes because, without representation, these litigants cannot interpret the record to identify how to successfully amend their complaints. For most pro se litigants, it will be unreasonably difficult, if not impossible, to review the record, jump over court in place barriers, identify the reasons in the record since the district court and the second circuit is openly misconstruing the complaint and pleadings to read something the pleading does not say. For example, over 1604 times I wrote we have a cognitive disability that prevents us from advocating for our self; I used the word **intellectually disabled**, **mental retardation**, and **autism** to describe both of our disability and the fact that I should not be forced to act as a lawyer for someone who cannot read or write at all. As a Matter of Law according to §35.108(2)Predictable assessments(d)(2)(iii) (C)(E)(K) However, the court purposely drops “intellectually” and implies we have a physical disability which is a **lie by omission**. Therefore the court does not have to accommodate by allowing the use of the court filing system which computer read the court’s order to the developmental disabled litigants or to appoint the autistic American litigants a lawyer. Requiring district courts to formally have guidelines to follow the Americans with Disabilities Act. Formally guidelines to identify a reason to not serve complaints to defendant or identify a reason why their complaint is dismiss. Many times federal judges just write the word DENIED compare to detail reason in dismissal against litigants who can afford a lawyer. This disparate in treatment violates the 14th Amendment equal protection clause; therefore denying

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pro se litigants meaningful access to the court. Does the district court and the second circuit have to provide a logical accommodation towards developmental disabled Americans or pro se that would visit minimal burden upon the district courts while making them more transparent and thus more accessible. This Court should hear this case and resolve whether district courts must follow the American with Disability Act reasonable accommodation request by dismissing or granting these requests within 30 days as required by law. Or whether the district court continues to ignore these requests? Resolve whether the district court must include the reason for denial in the order denying a pro se litigant complaint or ADA accommodation request; therefore forcing a family member to act as a lawyer for autistic American. Or whether the pro se litigant only have to provide the court with a simple summary of complaint compared to providing the court evidentiary standard at the complaint stage of the case. See related case No. 16-3074 (2d Cir. 2018), Resolve whether providing an explanation on why does a court place barriers can make the difference between a pro se litigant having a meritorious case heard and that same litigant—who typically is a vulnerable individual bringing a core constitutional claim—being blocked from the court at the pleading stage.

### **STATEMENT OF THE CASE**

The second circuit is violating the 14th amendment's equal protection clause with the order dated January 3, 2020, because the circuit only applies these vague dismissal orders without a judge's signature to poor pro ses without addressing any of their allegations. With all other litigants, the court gives detail explanation however with poor litigants that the circuit does not want to allow access to - the court will say, "*lack an arguable basis in law or in fact*" despite these facts was already proven as fact in 2nd circuit in related case No. 16-3074 (2d Cir. 2018) other circuits.

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Plus the order does not address any allegations for the pro se litigants, for example, these indisputable facts:

1. The district court never served the complaint to the defendant as required by law
2. The district court never filed motions that we a picture of us holding the stamp motion outside of the courthouse.
3. The district court judge acted as a defense lawyer, judge and jury.
4. The district court never allowed basic access to the court let alone meaningful access
5. The district court ignored all reasonable accommodation requests even a free request to use the (CM/ECF) court filing system. Allowing use of the (CM/ECF), the computer reads the court's orders; therefore the autistic pro se could not read what the court was communicating to the pro se Developmental disabled litigants.

Developmental (autistic) minorities are frequently disenfranchised from the federal civil court system. The only court that vulnerable Americans can enforce their civil rights. I cannot get people (*the Justice Department ADA division, the FBI or lawyers*) to believe in 2020, the district court and the 2nd circuit is openly violating the law by refusing to follow federal rules of civil procedure. Every time we file a formal complaint with the justice department or the FBI, they falsely claim we are disagreeing with a judge's decision; however, the court is not following basic rules. For example, the district court has refused to serve the complaint as required by "28 U.S. Code § 1915 (d)" "*the officers of the court shall issue and serve all process, and perform all duties in such cases.*" Or whether a district court and the second circuit need not provide a justifying reason when denying a pro se litigant serves of the defendant the United States. The district court violates the **Civil Justice Reform Act** by refusing to notify the Administrative Office on pending motion for over six months. This complaint was filed on April 26, 2018, when

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I filed a writ of mandamus with 2nd circuit notify the circuit of this unlawful action of the court refusing to serve the defendant and ignoring a pending motion for reasonable accommodation to appoint lawyer to the autistic co-plaintiff because her disability prevent her from reading and writing at all. As soon as I filed the writ of mandamus, **Six days later**, the district court dismissed the complaint without allowing us "leave to amend." I properly filed a complaint against the United States allegation discrimination by the district court. On April 26, 2018, Petitioner filed a complaint in the United States District Court of Connecticut claiming that the United States' district court violated our Fifth Amendment, 14th Amendment, ADA, Sec 504 and deprivation of rights under color of law. Many of our allegations were proven as fact in DC Circuit, 2nd Circuit, 3rd Circuit, and 4th Circuit. I mean I won six circuit appeals only two with the help of lawyers proving the defendant the United States has engaged in systemic discrimination against poor, black, autistic Americans who try to enforce their federally protected rights as an Americans. The defendant United States (aka the federal court) placed barriers to deny access and failed to follow basic federal rules of civil procedure and federal rules of appellate procedure. The second circuit on January 3, 2020, ordered dismissing the "United States" as a defendant to the final appeal. The District Court granted 28 U.S. Code § 1915 on **April 26, 2018**; however, the District Court failed to serve the defendant as required under "28 U.S. Code § 1915 (d)The officers of the court shall issue and serve all process, and perform all duties in such cases." Or whether a district court and the second circuit without offering any reason or analysis. This is an example of targeted discrimination because all other orders offer reasons, analysis, and applicable laws to confirm their denial order. Since the District Court refused to serve the defendant therefore; I filed an emergency writ of mandamus with the second circuit on **January 4, 2019**. Notifying the second circuit the district court violated **Civil Justice**

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**Reform Act** by not ruling on motions including our reasonable accommodation request to 1) access the court filing system so the computer can read the court's order 2) to appoint a lawyer since Jane Doe cannot read or write at all due to autism. Our pending motions were stalled for 254 days as of **January 4, 2019**. Our pending motions were stalled for over seven months and were not reported to the Administrative Office (AO) in violations of the Civil Justice Reform Act; therefore we filed a writ of mandamus with the 2nd circuit. We alleged in the complaint the district court refused to follow the Civil Justice Reform Act of 1990, on all non-lawyers pro se complaints from 2001-2020. For the direct and proximate result of filing the writ of mandamus with the second circuit, the district court dismissed the complaint on **January 7, 2019**, without allowing me to amend, without serving the defendant. The second circuit only says, "*lack an arguable basis in law or in fact*" despite I proved the circuit pictures of me holding the motion stamp in front of the courthouse that the clerk never filed. The Circuit did not without addressing **any of the allegations** that have already been proven as fact by No. 16-3074 (2d Cir. 2018), 17-3230 & 17-3357 3rd cir., 2019, 13-1753 4th cir., 2013. Plus both the district court and the second circuit ignored time and date photographic evidence of motions personally handed to the district court's clerks that have never been filed. Or the fact we did a reasonable accommodation request for use of the court filing system so the computer can read the court orders. Which we need due to autism but the court just ignored all our reasonable accommodation requests which fall under ADA, 42 U.S.C. § 12102 (4)(E)(1)(i)(I), "shall be made without regard to the ameliorative effects of mitigating measures." How can autistic Americans have access to the federal court system if federal judges believe they can block a free accommodation to use the court filing system. Or to allow pleadings/orders emailed to the pro se thought the court filing

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system. This is not the first time the District Court of Connecticut violated the Americans with Disabilities Act.

*In related case, 3:16-cv-00115-JCH - "Plaintiffs Request for Reasonable Accommodation under the Americans with Disabilities Act (ADA) (Doc. No. [42]) is denied. The ADA, Title II, does prevent discrimination by public entities in the provision of services but public entity is defined as state or local government entities. The federal government, of which the federal courts are a branch, are not covered by the ADA."*

**U.S. District Court  
District of Connecticut**

**Notice of Electronic Filing**

The following transaction was entered on 3/30/2018 at 10:38 AM EDT and filed on 3/30/2018

**Case Name:** Hardaway v. Hartford Public Works Department

**Case Number:** 3:16-cv-00115-JCH

**Filer:**

**Document Number:** 51 (No document attached)

**Docket Text:**

**ORDER: Plaintiffs Request for Reasonable Accommodation under the Americans with Disabilities Act (ADA) (Doc. No. [42]) is denied. The ADA, Title II, does prevent discrimination by public entities in the provision of services but public entity is defined as state or local government entities. The federal government, of which the federal courts are a branch, are not covered by the ADA. This denial is without prejudice to renew if this case proceeds to trial. Before that occurs, the court will make every effort to schedule any events to occur by telephone (on the record). SO ORDERED by Judge Janet C. Hall on 3/30/2018.(DeRubeis, B.)**

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**REASONS FOR GRANTING THE PETITION**

A district court's obligation—or lack thereof—to provide an explanation when denying autistic pro se litigants access to the court or leave to amend and denying them accommodation under the Americans with Disabilities Act is an important federal question that multiple circuit courts have decided in opposing manners. This Court should grant certiorari under Supreme Court.

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## **THIS IS WHY THE QUESTION PRESENTED IS RECURRING AND IMPORTANT.**

**A. Does the federal courts system have to obey the Americans with Disabilities Act?** Chief Judge Janet C. Hall clearly says No! The District Court of Connecticut nor the Second Circuit is following the Americans with Disabilities Act. Therefore saying, federal judges do not have to obey the Americans with Disabilities Act; therefore are above the law. Furthermore, the district court did not have the authority, the power, or the discretion to dismiss the complaint without serving it to the defendant. By default, the district court acted as a defense lawyer, judge, and jury. This type of targeted discrimination only applies to poor, Black and autistic Americans.

## **THE QUESTION PRESENTED IS RECURRING AND IMPORTANT.**

**B. Whether a District Court Must Provide a Pro Se Litigant who cannot read or write due to developmental disabilities access to the court. This is an Important National Question.**

The question presented implicates fundamental principles of due process worthy of this Court's attention. After 30 years of the passing of the Americans with Disabilities Act, federal courts who are government agencies still feel they do not have to obey the Americans with Disabilities Act and are allowed to ignore/deny accommodation request without any reason. Even when the disabled person proves indisputable evidence of 14-7144 (DC Cir., 2016) medical records and letters from doctors stating this accommodation is life and death. This disparate treatment not only affects people with disabilities but all marginalized Americans. The majority of pro se plaintiffs bring claims seeking protection of basic rights, including constitutional and civil rights claims. Bloom & Hershkoff, *supra*, at 479–81; David Rauma & Charles P. Sutelan, Analysis of

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Pro Se Case Filings in Ten U.S. District Courts Yields New Information, 9 FJC Directions 5, 5 (1996). The pool of pro se litigants disproportionately comprises women, minorities, and the poor—groups historically subject to unfavorable treatment and to whom the courts have provided legal protections and avenues of redress. See Doyle et al., *supra*, at 297–98. Nearly one-third of all complaints filed in federal court are filed by pro se litigants. See, e.g., U.S. Courts, U.S. District Courts—Civil Pro Se and Non-Pro Se Filings, by District, During the 12- Month Period Ending September 30, 2017, at 1.5. The predominant reason these litigants proceed pro se is their inability to afford counsel. See, e.g., Hon. Jed S. Rakoff, Learned Hand Medal Speech (May 2, 2018).<sup>6</sup> The increasing cost of counsel is problematic because, as the federal judiciary knows firsthand, successfully proving a case in federal court without representation is extraordinarily difficult. See *id.* (noting most working-class Americans would not qualify as indigent, but cannot afford lawyers); see also Hon. Patricia M. Wald, *Becoming A Player: A Credo for Young Lawyers in the 1990s*, 51 Md. L. Rev. 422, 428 (1992) ("In a recent ABA study, forty percent of low-income households surveyed had civil legal problems in the last twelve months but could not obtain counsel."). Moreover, for many of these litigants, the potential monetary damages are too uncertain or small for attorneys to take their cases on a contingency basis. See Doyle et al., *supra*, at 300. The district courts are placing unlawful barriers to deny poor litigants access. See related case 19-5277 19-5240 19-5307 DC Cir., where the DC federal judge in three hearings used ableist slurs, mocked and belittle us for daring to enforce our federally protected rights. I was so shocked in the September 17, 2019 hearing, was treated so racist and ableist I took the audio recording of the judge bullying us to the FBI and the Justice Department ADA division and upload to youtube on September 18, 2019. But instead of the Judge recusing himself, he threaten to place us in jail, dismiss my complaint and force me to take

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down the audio recording. I still have the audio recording and as of February 28, 2019 ready for someone to care. As district court judges themselves have recognized, Racism and Ableism is real in 2020 “federal programs to provide civil counsel are under- funded and severely restricted,” resulting in “a crisis in unmet legal needs which disproportionately harms racial minorities, women, and those living in poverty.” Colum. L. Sch. Hum. Rts. Clinic, Access to Justice: Ensuring Meaningful Access to Counsel in Civil Cases—Response to the Fourth Periodic Report of the United States to the United Nations Human Rights Committee 301 (Aug. 2013).<sup>7</sup> Pro se litigants face steep obstacles and unique challenges when pleading their cases in federal court. As Judge Sweet observed, “every trial judge knows” that “the task of determining the correct legal outcome is rendered almost impossible without effective counsel. Courts have neither the time nor the capacity to be both litigants and impartial judges on any issue of genuine complexity.” Lisa Brodoff et al., The ADA: One Avenue to Appointed Counsel Before a Full Civil Gideon, 2 Seattle J. for Soc. Just. 609, 617 (2004) (quoting Hon. Robert W. Sweet, Civil Gideon, and Confidence in a Just Society, 17 Yale L. & Pol’y Rev. 503, 505–06 (1998)). Perhaps unsurprisingly then, a federal court is four times more likely to grant a motion to dismiss against a pro se plaintiff than a represented plaintiff. Patricia W. Hatamyar, The Tao of Pleading: Do Twombly and Iqbal Matter Empirically?, 59 Am. U.L. Rev. 553, 621 (2010). These convergent factors create a situation where many individuals from protected classes and vulnerable populations are forced to seek civil rights protections from the courts for serious legal injuries, without attorney assistance. Autistic Americans are left to interpret the law and write their pleading documents—and in some circuits, we are left to decipher why our pleadings fall short, all without counsel. The courts do not even address the deprivation of right claims or the ADA claims. Lawyers literally do not believe the district court has been forcing me to act as a lawyer

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for an autistic person whose disabilities prevent her from reading and writing. (if the court serve the defendant) I am literally forced to interpret the defendant's pleading and write pleadings for my autistic sister. However, the district court repeatedly solely believes the defendant's attorney or the court acts as a defense lawyer by not even serving the complaint to the defendant. The question presented invokes these very concerns of due process and access to justice because the rule adopted by the majority of the circuits provides significant assistance to developmentally disabled pro se litigants, with a minimal additional effort by the courts. To make matters worse, the court does not even follow federal rules of civil procedure, or supreme court precedent or statutes (ADA) passed by congress. All we are asking for the court is a level playing field, by requiring a district court stop "target discrimination," to provide accommodation to people with disabilities that prevents them from reading and writing at all, require the court to stop places formidable barriers to deny meaningful access to the court, require the court to follow Americans with Disabilities Act reasonable accommodation laws, require the court to follow Civil Justice Reform Act, require the court to serve defendant as required by law, require the court to provide the justifying reason for denying a pro se plaintiff leave to amend would ensure that the pro se plaintiff can understand the basis of that denial and offer further amendments if the claims are, in fact, meritorious. In this case, the second circuit did not allow the autistic litigants meaning access to circuit. The **writ of mandamus 19-67 2nd cir.**, filed on January 4, 2019 and the **final appeal filed 19-312 2nd cir., January 10, 2019**, and dismissed on **January 3, 2020**, without a brief schedule. For a year, we have been waiting for the court to grant or deny a reasonable accommodation request to appoint a lawyer. But after a year of waiting the court just dismissed the case without being reviewed by federal judges. As if our rights are less because of our disabilities. Jane Doe a person with Autism has been forced to act as a lawyer for co-plaintiff

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Jane Doe a person with severe Autism that prevents her from reading and writing at all. As if the Second Circuit seriously does not understand how an Autism which is listed as an absolute foreseen predictable assessments § 35.108 (2) iii. (C)(E)(K) a person who cannot:

- **read or write a “paragraph;”**
- **read or write a “sentence;”**
- **read or write a “word.”**

The District Court refused to understand how Jane Doe’s disabilities prevent her from advocating for herself. For example, in related case 19-5277 19-5240 19-5307 dc cir., 2019 told Judge James E Boasberg that she cannot read or write on 8/30/19; the federal court violated Title II of ADA by not accommodating our disabilities. “§35.108(2) Predictable assessments (iii) For example, applying these principles it should easily be concluded that the types of impairments set forth in paragraphs (d)(2)(iii)(A) through (K) of this section will, at a minimum, substantially limit the major life activities indicated. The types of impairments described in this paragraph may substantially limit additional major life activities (including major bodily functions) not explicitly listed in paragraphs (d)(2)(iii)(A) through(K).”

- 1. (C) Intellectual disability substantially limits brain function;**
- 2. (E) Autism substantially limits brain function;”**
- 3. (K) Major depressive disorder, bipolar disorder, post-traumatic stress disorder.**

Without the court following federal rules of civil procedure equally towards all litigants; Without notice of the pleading deficiencies, however, vulnerable individuals with meritorious claims may be blocked from accessing the courts because they are unable to comply with the technical requirements of the Federal Rules of Civil Procedure. Especially because the majority of pro se litigants bring claims sounding in constitutional and civil rights injuries, seeking basic protections from the federal court system, the question presented is an important one that this

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Court should decide. The district court can no longer allow one type of justice system to rich and no justice system to the poor.

#### **B. The Question Presented Will Recur Absent Intervention from This Court.**

Due to increasing pro se litigation, the question presented will recur absent intervention from this Court. I have won six circuit appeals in the 2nd circuit, 3rd circuit, 4th circuit and in the DC circuit. Each circuit wins proves targeted discrimination against marginalized Americans. Not legal errors but targeted discrimination that only applies to the poor to take advantage of pro se. Nearly one-third of all federal civil cases are brought by pro se litigants, and "pro se litigation shows no sign of subsiding." Rory K. Schneider, *Illiberal Construction of Pro Se Pleadings*, 159 U. Pa. L. Rev. 585, 591–93 (2011); see also U.S. Courts, *U.S. District Courts—Civil Pro Se and Non-Pro Se Filings, by District, during the 12-Month Period Ending September 30, 2017*, *supra*, at 1–5. This number will only increase as the cost of legal services continues to become too expensive for average individuals. The amount and frequency of pro se litigation also appear to have influenced the district court in this case. Despite the increase of pro se litigants being denied basic access to the court, it is worse for the protected class person in three categories the Jane Does. But instead of being treated with enhance protections to prevent discrimination; the second circuit discriminated in three different categories. However, the worse is discrimination against a person with autism. A person who has disabilities prevents them from having a voice. Prevents them from writing to the legal standards as the court federal court requires. The Ninth Circuit instructs that a "statement of deficiencies need not provide great detail or require district courts to act as legal advisors to pro se plaintiffs." Noll, 809 F.2d at 1448–49. District courts "need draft only a few sentences explaining the deficiencies," so that a pro se litigant is on notice

of how to cure a pleading deficiency if the facts are available to cure that deficiency. Id. For example, in a "42 U.S.C. § 1983 action where the pro se plaintiff failed to allege that the defendant acted under color of state law, the court need point out only that the complaint fails to state a claim because it fails to allege facts sufficient to show that the defendant acted under color of state law." Id. at 1449. This should be the standard in all district court and circuit courts. The fact of forcing a non-lawyer to write complaints to the same standard as a lawyer. The fact the court is forcing pro se to plead to a evidentiary standards at the complaint stage of the case with no access to discovery. The fact the district court has repeatedly placed unlawful barriers to deny basic access to the court let alone meaningful access to the court. This is a fact, confirmed by my six unanimous circuit wins proven judicial misconduct. For example, on January 21, 2018, acting as a lawyer for my brother I proved Chief Judge Janet C. Hall discriminated against my brother See case No. 16-3074 (2d Cir. 2018). -

*"the district court sua sponte dismissed petition's Title VII claims 13 for failure to exhaust, or plead other facts that would relieve him of the 14 obligation to file a complaint with the EEOC. The district court explicitly found 15 that petition had otherwise stated viable Title VII claims. Thus the district 16 court erroneously dismissed petition's third amended complaint by holding 17 that the exhaustion requirement is a pleading requirement incumbent on a Title 18 VII plaintiff, rather than an affirmative defense"*

Or in December 6, 2016, 13-1753 (4th cir., 2013) I proved Judge Richard J. Leon's unlawful actions violated DC circuit local rules and federal law by publishing my sister's detailed medical records on the open docket. Records that prove she cannot read and write due to autism. The medical records was on removed until January 31, 2019 six years later, when I filed a lawsuit against the United States in District Court of DC. Please note: these medical records was given to the court to facilitate a reasonable accommodation to appoint my sister a lawyer. However, Judge Richard J. Leon ignored all 12 reasonable accommodation request, therefore, made me act as a

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lawyer in my autistic sister's case. This is a recurring problem and national importance. Neutral stakeholders, including the federal judiciary, have voiced concerns about the serious obstacles pro se litigants face and their inability to successfully plead otherwise meritorious claims on their first attempt. The Honorable Lois Bloom has observed that "the legally untrained face special difficulties in navigating and carrying out the arcane requirements of pleading." Lois Bloom & Helen Hershkoff, *Federal Courts, Magistrate Judges, and the Pro Se Plaintiff*, 16 *Notre Dame J.L. Ethics & Pub. Pol'y* 475, 483 (2002). The Second Circuit Task Force on Gender, Racial and Ethnic Fairness similarly acknowledged that "fundamental notions of justice require that the circuit adopt practices to assist such litigants in presenting their claims as clearly as possible and in using the required court procedures properly." John H. Doyle et al., *Report of the Working Committees to the Second Circuit Task Force on Gender, Racial and Ethnic Fairness in the Courts*, 1997 *Ann. Surv. Am. L.* 117, 300. The American Bar Association similarly recognizes that pro se litigants may require "reasonable accommodations" from the district courts hearing their cases in order "to ensure pro se litigants the opportunity to have their matters fairly heard." Am. Bar Ass'n, *Model Code of Judicial Conduct R. 2.2 cmt. 4* (2014) (explaining that such reasonable accommodations do not violate Rule 2.2's requirement that judges remain impartial).

I understand despite my six circuits wins you might not believe me due to my autism that effects my writing. Why should you, believe me, a poor, black autistic woman over federal judges? Maybe because I won six circuits appeals with only two with the help of lawyers. Or maybe because if you just look at this case you will see the court violated federal rules of civil procedure and federal rules of civil appellate procedure. This appeal is not about me disagreeing with a judge's order. It is about us not having access to a level playing field; having barriers placed by the court to deny basic access to the court. You must understand. I live in DC. I live so

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close to justice. I live near the Justice Department, the Congress, and the Supreme Court. I see Justice Sotomayor walking on U<sup>st</sup>. I am so close to justice but yet, so far away. Poor, Black Autistic Americans are constantly prey for big companies knowing that we cannot afford to enforce our rights and nobody believes us due to our autism. But you as government officials have a legal duty to care. To end injustice. You cannot keep turning a blind eye and be indifferent. The 2nd Circuit erased the docket for **writ of mandamus 19-67** filed 1/6/19.

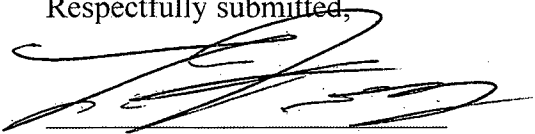
### CONCLUSION

The District Court nor the 2nd Circuit never addressed my reasonable accommodation request filed. Therefore the petition for a writ of certiorari should be granted.

### REQUEST FOR REASONABLE ACCOMMODATION UNDER ADA

Please understand my developmental disability affects my writing. In this brief, there are grammar mistakes, spelling mistakes, and wrong words. I have received accommodation all my life. However, the federal court system does not have a way for me to ask for a reasonable accommodation due to my disability. I understand this brief is hard to read but please do not dismiss this appeal due to my disability like the lower courts. The Supreme Clerk Office has already rejected this appeal on March 2, 2020 because of minor errors like pages being out of order despite me given the clerk legal notice of my **§35.108(2)Predictable assessments (iii)(E) Autism** that "substantially limits brain function;"

Respectfully submitted,



Jane Doe (A Person with Autism)

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March 6, 2020

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