

19-8198

No.

ORIGINAL

IN THE

Supreme Court of the United States

Supreme Court, U.S.  
FILED

MAR 31 2020

OFFICE OF THE CLERK

DORA L. ADKINS,  
*Petitioner,*

v.

WHOLE FOODS MARKET GROUP, INC.,  
*Respondent.*

ON PETITION FOR WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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## QUESTIONS PRESENTED

- 1) Whether the United States Court of Appeals for the Fourth Circuit unpublished opinion and judgment issued on February 26, 2020 that the District Court's Order, Dated, September 19, 2019 for an injunction against Ms. Adkins is defective for being overbroad because it prevents Ms. Adkins from filing any further claims—in related or unrelated cases—against Whole Foods or “any other defendant” in the district without obtaining the services of a practicing attorney or leave of court; and because the language “has no boundaries” violates Ms. Adkins’ constitutional guarantees of due process of law and access to the courts.
- 2) Whether Ms. Adkins’ constitutional guarantees of due process of law and access to the courts will allow the filing of a lawsuit in the case of *Dora L. Adkins v. CH Realty VI-Greystar MF Tysons Elan, L.L.C.*, with the U. S. District Court for the Eastern District of Virginia.

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## **PARTIES TO THE PROCEEDING**

The parties in the United States Court of Appeals for the Fourth Circuit are  
Whole Foods Market Group, Inc., and Dora L. Adkins, pro se.

## TABLE OF AUTHORITIES

### Cases:

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<i>Cromer v. Kraft Foods N. Am., Inc.</i> 390 F.3d 812 (4th Cir. 2004).....	4
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PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES  
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Petitioner, Dora L. Adkins, respectfully asks that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Fourth Circuit that ordered the district court's order entered September 19, 2019, vacated and remanded for further proceedings consistent with the court's decision in its unpublished opinion and judgment issued on February 26, 2020 violates Ms.

Adkins' constitutional guarantees of due process of law and access to the courts, is attached as Pet. Appendix C, pg. 16.

**PER CURIAM BELOW**

The Per Curiam of the United States Court of Appeals for the Fourth Circuit was filed on February 26, 2020 and is attached as Pet. Appendix A, pg. 14. The United States Court of Appeals for the Fourth Circuit's Judgment and Notice of Judgment, Dated, February 26, 2020; Mandate, Dated, March 19, 2020 are attached as Pet. Appendix A, pg. 14. The U.S. District Court for the Eastern District of Virginia Orders, Dated, September 19, 2019 and March 24, 2020 are attached as Pet. Appendix B, pg. 15.

**JURISDICTION**

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). The decision of the United States Court of Appeals for the Fourth Circuit for which petitioner seeks review was issued on February 26, 2020. The United States Court of Appeals for the Fourth Circuit vacated the injunction and remanded for further proceedings consistent with its unpublished opinion, is attached as Pet. Appendix A, pg. 14. This petition is filed within 90 days of the United States Court of Appeals for the Fourth Circuit's vacated and remanded decision and its Mandate, is attached as Pet. Appendix A, pg. 14.

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

The United States Court of Appeals for the Fourth Circuit unpublished opinion and judgment issued on February 26, 2020 agrees with Ms. Adkins that the District Court's Order, Dated, September 19, 2019 for an injunction against Ms. Adkins is defective for being overbroad because it prevents Ms. Adkins from filing any further claims—in related or unrelated cases—against Whole Foods or “any other defendant” in the district without obtaining the services of a practicing attorney or leave of court; and because the language “has no boundaries” violates Ms. Adkins’ constitutional guarantees of due process of law and access to the courts.

Fifth Amendment Rights (Due Process of Law): “The Fifth and Fourteenth Amendments to the United States Constitution each contain a **due process** clause. **Due process** deals with the administration of justice and thus the **due process** clause acts as a safeguard from arbitrary **denial** of life, liberty, or property by the government outside the sanction of law.”

Fourteenth Amendments Rights (Due Process of Law): “**Due process** is an idea that **laws** and **legal** proceedings must be fair. The United States Constitution guarantees that the government cannot take away a person's basic rights to “life, liberty or property, without **due process of law**.” Courts have issued numerous rulings about what this means in particular cases.”” “**Due process** is comprised of two components — **substantive due process** which requires the intrinsic validity of the law in interfering with the rights of the person to his life, liberty, or property, and procedural **due process** which consists of the two basic rights of notice and hearing, as well as the guarantee of being ...”

Access to Courts: “The right to sue and defend in the courts is one of the highest and most essential privileges of citizenship and must be allowed by each state to the citizens of all other states to the same extent that it is allowed to its own citizens.” *Chambers v. Baltimore & O.R.R.*, 207 U.S. 142, 148 (1907); *McKnnett v. St. Louis & S.F. Ry.*, 292 U.S. 230, 233 (1934).

## **STATEMENT OF CASE**

### **I. Facts Giving Rise To This Case**

The District Court's Order of a pre-filing injunction was entered against Ms. Adkins on September 19, 2019, after a hearing that Ms. Adkins appeared and participated, was based on the Court's findings concerning Ms. Adkins' history of filing frivolous, vexatious, and duplicative lawsuits in the District Court, the lack of a good faith basis for pursuing those lawsuits, the burden on the Court and the other parties resulting from Ms. Adkins' filings, and the inadequacy of alternative sanctions. *See Cromer v. Kraft Foods N. Am., Inc.* 390 F.3d 812 (4th Cir. 2004) (listing the factors to be considered before issuing a prefilling injunction). The District Court also considered Ms. Adkins' future intentions with respect to additional filings, as disclosed during that hearing.

On October 14, 2019, Ms. Adkins appealed the district court's September 19, 2019, order issuing a prefilling injunction, which was ordered in response to Ms. Adkins' civil actions filed in the Eastern District of Virginia against Whole Foods Market Group, Inc. ("Whole Foods") and a variety of actions filed in the district and in state court in Virginia. Ms. Adkins argued in her brief that the injunction is too broad. On February 26, 2020, the United States Court of Appeals for the Fourth Circuit in its unpublished opinion and judgment vacated and remanded the district court's order of September 19, 2019 for further proceedings. The United States Court of Appeals for the Fourth Circuit issued its Mandate on March 19, 2020.

## **II. The District Court Proceedings**

“On September 14, 2017, Ms. Adkins filed a Complaint [Doc. No. 1] against Whole Foods Market Group, Inc., which was served by a Process Server through the Marshal’s office on the registered agent for Whole Foods Market Group, Inc., on September 19, 2017 [Doc. No. 4] and entered by the District Court on September 22, 2017. On September 18, 2017, Ms. Adkins filed an Amended Complaint [Doc. No. 3], which was served by United States Postal Service by Return Receipt on September 19, 2018 on Whole Foods Market Group, Inc., and entered by the Court on September 18, 2017. On October 10, 2017, Whole Foods Market Group, Inc., filed a “Motion to Dismiss for Failure to State a Claim and for Sanctions” [Doc. No. 6] (the “Motion”) to the Complaint. In the Motion, Whole Foods Market Group, Inc., sought dismissal of the Complaint and also an injunction precluding Ms. Adkins from filing any further actions against it in the District Court without prior approval.”

“On January 10, 2018, the District Court Ordered the following: “Ordered that Defendant, Whole Foods Market Group, Inc.’s Motion to Dismiss for Failure to State a Claim [Doc. No. 6] be, and the same hereby GRANTED, and this action is DISMISSED; and it is further””

“ORDERED that Plaintiff be, and the same hereby is, ENJOINED from filing any further claims against Defendant or any other defendant in the Eastern District of Virginia without leave of Court.” [Doc. No. 97].

“On January 23, 2018, the District Court Ordered denying [Doc. No. 100] Motion for Reconsideration [Doc. No. 102]; denying Motion for Leave from the Court to Present Evidence to Support the Defendant Whole Foods Market Group, Inc.’s, Documents are in Response to the Complaint Dated, September 14, 2017 and not the Amended Complaint Dated, September 18, 2017. The hearing on the Motions currently scheduled for January 26, 2018 at 10:00 a.m., be, and the same hereby is, CANCELLED.” [Doc. No. 103].

“Whole Foods Market Group, Inc., further requested through its Motion to Dismiss for Failure to State a Claim that Ms. Adkins be enjoined from filing any additional claims against it without leave of court, based upon the following factors: (1) the litigant’s history of vexatious litigation; (2) whether the litigant has an objective good faith belief in the merit of the action; (3) whether the litigant is represented by counsel; (4) whether the litigant had caused needless expense or unnecessary burdens on the opposing party and/or the court; and (5) the adequacy of other sanctions.” Id. (citing *Safir v. United States Lines, Inc.*, 792 F. 2d, 19, 24 (2d Cir. 1986), *cert. denied*, 479 U.S. 1099 (1987)).

### **III. The Appellate Court Proceedings**

“On January 23, 2018, Ms. Adkins submitted her Appeal of the Orders entered in the District Court to the United States Court of Appeals for the Fourth Circuit. [Dist. Ct. Doc. 104]. The Fourth Circuit Court of Appeal on July 30, 2018, provided the following unpublished opinion in the case of *Dora L. Adkins v. Whole*

*Foods Market Group, Inc.*, Record No. 18-1102: “We affirm in part, and vacate in part, and remand for further proceedings. We grant Ms. Adkins’ motions for leave to proceed *in forma pauperis* and to file a supplemental brief.” On August 9, 2018, Notice was filed by the United States Court of Appeals for the Fourth Circuit. The United States Court of Appeals for the Fourth Circuit Order took effect on August 21, 2018, through its Mandate.” [Ct. App. Doc. 110] and Pet. Appendix A, pg. 22.

“While the District Court considered some of the *Cromer* factors in discussing Ms. Adkins’ history of filing vexations and duplicative lawsuits and her prior action against Whole Foods – it was not clear to the United States Court of Appeals for the Fourth Circuit that the District Court considered the other specific factors, and the District Court failed to properly limit the scope of the prefiling injunction to the specific circumstances. *Id.* The United States Court of Appeals for the Fourth Circuit noted that litigants are entitled to notice and opportunity to be heard prior to imposition of a prefiling injunction. *Id.* at 819-20. The United States Court of Appeals for the Fourth Circuit vacated the portion of the District Court’s order imposing injunction and remanded the case for proceedings consistent with the opinion of July 30, 2018.”

Ms. Adkins’ Petition for a writ of certiorari and Petition for Rehearing in the case of *Dora L. Adkins v. Whole Foods Market Group, Inc.*, Record No. 18-1102 to the United States Supreme Court were denied on December 10, 2018 and February 19, 2019; respectively, as it relates to Parts I, II and III above.

## REASONS FOR GRANTING THE PETITION

### I. EVIDENCE OF CLEAR VIOLATION OF MS. ADKINS' DUE PROCESS OF LAW AND ACCESS TO THE COURT

The District Court's "Final Order" of September 19, 2019 violates Ms. Adkins' constitutional guarantees of due process of law and the right to have access to the Court and while it's "Final Order" of injunction permits Ms. Adkins to file a Complaint by obtaining leave of Court to file any *pro se* pleading; it has rejected its own "Final Order" by example of the potential Complaint filed in *Dora L. Adkins v. CH Realty VI-Greystar MF Tysons Elan, L.L.C.*, on February 23, 2019 is attached as Pet. Appendix C, pg. 15. Ms. Adkins has no recourse to seek justice against alleged Defendants in the District Court because Ms. Adkins reside in Fairfax County; whereby, the alleged permanent physical and emotional injuries took place. Allegedly, more than 600-different and combined Restaurants; Grocery Stores; and Hotels and/or Restaurants located inside Hotels allegedly conspired to food poison Ms. Adkins and to-date the conspiracy continues to exist in EVERY Restaurant; Grocery Store; and Hotel and/or Restaurants located inside Hotels that Ms. Adkins has eaten in, shopped in, on stayed in leaving Ms. Adkins to eat unhealthy foods and to be fearful of EVERY meal consumed that it will be Ms. Adkins' last meal. The approximately 600-different and combined number includes Ms. Adkins' repeat visits to businesses serving food and drink.

“The District Court Abused its Discretion in its “Final Order,” Dated, September 19, 2019 when Ms. Adkins was ENJOINED from filing any further claims against the Defendant or any other defendant in the Eastern District of Virginia without obtaining the services of a practicing attorney or obtaining leave of Court to file any *pro se* pleading. Ms. Adkins faced serious and continuous risk of permanent detrimental harm when Ms. Adkins suffered the ultimate injury of DEATH in a potential Complaint filed in *Dora L. Adkins v. CH Realty VI-Greystar MF Tysons Elan, L.L.C.*, on February 23, 2019, which Ms. Adkins properly sought to obtain Leave from the District Court to file the Complaint on February 23, 2019.”

1) On February 23, 2019, Ms. Adkins filed a “Motion for Leave from the Court to File a Complaint” along with a letter to the Judge against the alleged Defendant, CH Realty VI-Greystar MF Tysons Elan, L.L.C. The Complaint included: Count #1: Intentional Infliction of Emotional Distress; and a Claim for Punitive Damages as a *Prima Facie* Case Cause of Action because the Defendant, CH Realty VI-Greystar MF Tysons Elan, L.L.C., allegedly took Ms. Adkins’ life by the use of chemical poisoning and through GOD’S Devine Interventions Ms. Adkins re-lived.

2) Allegedly, more than 600-different and combined Restaurants; Grocery Stores; and Hotels and/or Restaurants located inside Hotels allegedly conspired to food poison Ms. Adkins and to-date the conspiracy continues to exist in EVERY Restaurant; Grocery Store; and Hotel and/or Restaurants

located inside Hotels that Ms. Adkins has eaten in, shopped in, on stayed in leaving Ms. Adkins to eat unhealthy foods and to be fearful of EVERY meal consumed that it will be Ms. Adkins' last meal.

3) There is more than a total of 1,200 physical and emotional injuries allegedly caused to Ms. Adkins, including all of the physical and emotional injuries prior to the 600-different and combined injuries allegedly caused by Restaurants; Grocery Stores; and Hotels and/or Restaurants located inside the Hotel.

## **II. REAL LIVE “CASES OR CONTROVERSIES” IS WHAT THE CONSTITUTION SAYS:**

Ms. Adkins is permitted to sue someone (*i.e.* to use the judicial branch) only when she has been harmed by someone who is violating the law and need the court to help (to grant relief), is attached as Pet. Appendix C, pg. 16. The over 1,200 potential alleged Defendants caused permanent detrimental harm with physical and emotional injuries to Ms. Adkins when the food purchased to consume by Ms. Adkins was contaminated and/or poisoned; and/or the a Guest Room located in a Hotel was contaminated with mold, chemical poisoning and/or fumes and/or not sanitarily cleaned for Ms. Adkins to stay in; a rented Apartment by Ms. Adkins was sprayed with chemical poisoning; and/or the Condominium owned by Ms. Adkins was Foreclosed upon because Ms. Adkins was being chemically poisoned even years before Ms. Adkins' knowledge, but

later learned through GOD'S Devine Interventions that the debilitating and extreme pain caused from headaches, nose bleeds, sinuses issues, and eye injuries.

#### **Ms. Adkins' Discussion Regarding Cromer's Factors:**

- 1) "the litigant's history of vexatious litigation;"

Ms. Adkins can prove the four elements for a cause of action for intentional infliction of emotional distress with Facts, Proof through Exhibits and Photos, and Solid Evidence if the alleged lawsuits were filed in Court. Ms. Adkins has no control that the over 600-different and combined Restaurants; Grocery Stores; and Hotels and/or Restaurants located inside Hotels allegedly conspired to food poison Ms. Adkins and committed the exact same permanent detrimental harm with physical and emotional injuries, is attached as Pet. Appendix C, pg. 16.

**"Virginia** recognizes a cause of action for the **intentional infliction of emotional distress** (IIED) where the following four elements are met: (1) the defendant's conduct (statements or actions) was **intentional** or reckless; (2) the conduct was extreme, outrageous and intolerable; (3) a causal connection exists between ..."

- 2) "whether the litigant has an objective good faith belief in the merit of the action;"

Ms. Adkins has an objective of good faith belief in the merit of the action because through GOD, Ms. Adkins has been blessed to have first-hand knowledge with solid Facts, Proof and Evidence that the actions including "Murder" committed against Ms. Adkins were intentional and meant to bring about death and/or permanent detrimental harm, is attached as Pet. Appendix C, pg. 16.

- 3) "whether the litigant is represented by counsel;"

Ms. Adkins is a Pro Se litigant not by choice but because allegedly attorneys practicing law in Fairfax County for the most part have a conflict of interest when in one example Ms. Adkins was terminated from her employment and was unable to seek counsel without a conflict of interest posed, is attached as Pet. Appendix C, pg. 16.

4) “whether the litigant had caused needless expense or unnecessary burdens on the opposing party and/or the court;”

In the opinion of Ms. Adkins, Ms. Adkins did not cause needless expense or unnecessary burdens on the opposing party and/or the court and was forced to defend against the Defendants as a Pro Se litigant because the alleged Defendants caused Ms. Adkins serious, extreme and debilitating permanent detrimental harm with over 1,200 physical and emotional injuries; being bed-ridden from 3-days to 3-months and included in that number is approximately 15-Deaths of Ms. Adkins but re-lived through GOD'S Devine Interventions. One other legal remedy for Ms. Adkins could have been to file criminal charges against the alleged Defendants as in one clear case of *Dora L. Adkins v. Anne S. McDonald DMD., P.C., and Anne S. McDonald, DMD*, Law Case No. CL 1900287100; whereby, Ms. Adkins knows for a fact “who” caused the permanent detrimental harm against her. GOD disallowed Ms. Adkins from filing any criminal charges, is attached as Pet. Appendix C, pg. 16.

(5) the adequacy of other sanctions.”

Other sanctions could also violate Ms. Adkins' constitutional guarantees of due process of law and access to the courts is attached as Pet. Appendix C, pg. 16.

### **III. REVIEW IS WARRANTED FOR THE REASONS ARTICULATED IN I, II, UNDER THE HEADING REASONS FOR GRANTING THE PETITION**

Ms. Adkins has cited compelling reasons warranting this Court's review asserting a federal question regarding the violation to Ms. Adkins' constitutional guarantees of due process of law and the right to have access to the courts as substantiated by the Fifth and Fourteenth Amendments due process laws and Access to Courts.

For the foregoing reasons, the petition for a writ of certiorari should be granted.”

Dated: March 31, 2020

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all parties required to be served have been served with a true and complete copy of Petitioner's Petition for a Writ of Certiorari by United States Postal Service first-class mail, postage prepaid, and also by email this 31st day of March, 2020 to:

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, PC  
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Dora L. Adkins