

19-8370

No. _____

Supreme Court, U.S.

FILED

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OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Cynthia Fisher
— PETITIONER
(Your Name)

vs.

Walgreens
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

4th Circuit Court of Appeals for North Carolina

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Cynthia Fisher

(Your Name)

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(City, State, Zip Code)

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ORIGIN

Petition for Writ of Certiorari**Fisher v. Walgreens****Table of Contents**

1. Question(s) Presented
2. Index of Appendices
3. Table of Authorities
4. Petition for Writ of Certiorari
5. Statement of Jurisdiction
6. Statement of the Case
7. Reasons for Granting the Petition
8. Conclusion

Question(s)Presented

Why did the 4th Circuit Court of Appeals refuse the grant a rehearing or rehearing en banc?
Why did the 4th Circuit Court of Appeals and the State District Court in Asheville refuse to follow precedent concerning plaintiffs that have to represent themselves (pro se).?
Why was the proof I presented totally ignored by the State Court in Asheville, NC, and the 4th Circuit Court of Appeals?
Why did Walgreens not allow me to have an attorney present?

Index of Appendices**Appendix A**

1. NC Unemployment Appeal
2. NCBOP Emergency Refill Rule
3. Criminal Background Check

Appendix B

1. NCBOP Consent Order

Appendix C

1. Appeals Court documents

Appendix D

1. State District Court documents
2. Copy of recording of August 2015 meeting

Table of Authorities

Haines v. Kerner, 404 U.S. 520 (1971)

Plaintiff-inmate filed pro se complaint against prison seeking compensation for damages sustained while placed in solitary confinement. In finding plaintiff's complaint legally sufficient,

Supreme Court found that pro se pleadings should be held to "less stringent standards" than those drafted by attorneys

Ricotta v. California, 4 F.Supp.2d 961 (S.D. Cal. 1998)

Attorney licensed in the State of California did not violate procedural, substantive, and professional rules of a federal court by lending some assistance to friends, family members, and others with whom she shared specialized knowledge. Attorney performed research and prepared rough drafts of portions of pro se litigant's pleadings in an action against various official defendants but did not sign the documents. Because attorney did not gather and anonymously present legal arguments with the actual or constructive knowledge that plaintiff would use them in court, and because attorney did not engage in extensive, undisclosed participation that permitted plaintiff to falsely appear as being without professional assistance, attorney had not violated any rules.

Elmore v. McCammon (1986) 640 F. Supp. 905

"... the right to file a lawsuit pro se is one of the most important rights under the constitution and laws."

Jenkins v. McKeithen, 395 U.S. 411, 421 (1959); Picking v. Pennsylvania R. Co., 151 Fed 2nd 240; Pucket v. Cox, 456 2nd 233 *Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers.*

Maty v. Grasselli Chemical Co., 303 U.S. 197 (1938)

"Pleadings are intended to serve as a means of arriving at fair and just settlements of controversies between litigants. They should not raise barriers which prevent the achievement of that end. Proper pleading is important, but its importance consists in its effectiveness as a means to accomplish the end of a just judgment."

Puckett v. Cox, 456 F. 2d 233 (1972) (6th Cir. USCA)

It was held that a pro se complaint requires a less stringent reading than one drafted by a lawyer per Justice Black in Conley v. Gibson (see case listed above, Pro Se Rights Section)

Picking v. Pennsylvania Railway, 151 F.2d. 240, Third Circuit Court of Appeals

The plaintiff's civil rights pleading was 150 pages and described by a federal judge as "inept". Nevertheless, it was held "Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities."

Roadway Express v. Pipe, 447 U.S. 752 at 757 (1982)

"Due to sloth, inattention or desire to seize tactical advantage, lawyers have long engaged in dilatory practices... the glacial pace of much litigation breeds frustration with the Federal Courts and ultimately, disrespect for the law."

Sherar v. Cullen, 481 F. 2d 946 (1973)

"There can be no sanction or penalty imposed upon one because of his exercise of

Constitutional Rights."

Schware v. Board of Examiners, United States Reports 353 U.S. pages 238, 239.
"The practice of law cannot be licensed by any state/State."

Sims v. Aherns, 271 SW 720 (1925)
"The practice of law is an occupation of common right."

Proof of Walgreens Lying

Baines v. Walgreen Co.
863 F.3d 656 (7th Cir. 2017) Decided Jul 12, 2017

PETITION FOR WRIT OF CERTIORARI

Petitioner Dr. Cynthia Ann Fisher respectfully for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit and the United States District Court Western District of North Carolina.

Statement of Jurisdiction

The United States Court of Appeals for the Fourth Circuit refused to review the case en banc on November 25, 2019.

The Supreme Court of the United States granted me an extension to February 23, 2020 per the Court's Order of March 19, 2020.

Statement of the Case: Cynthia Fisher, pro se plaintiff, was wrongfully terminated by Walgreens in August 2015, six days after referencing my mother's criminal incarceration. My mother's criminal issues were referenced in a December 2014 meeting also. Both meetings took place in the Charlotte District Office. I was accused of being a thief and a drug addict in the December 2014 meeting and Walgreens had no proof of the accusation. I have passed every drug test that has ever been given to me. Including the drug test given to me by the NC Board of Pharmacy when the issue with my mother occurred.

Reasons for Granting the Petition: Walgreens treated I, (Cynthia Fisher) as a second-class citizen because my mother had a criminal record. My mother stole from a pharmacy that I was a part owner of, and I was the pharmacy manager. I did have a consent order with the NC Board of Pharmacy because of the actions of my mother because I was the pharmacy manager. I was not implicated in the criminal actions of Barbara Fisher, my mother. I was subject to associational discrimination because Barbara Fisher is my mother. In my opinion, associational discrimination is a type of profiling. The consent order with the NC Board of pharmacy is considered an administrative issue and not a criminal record. That was communicated to me in a phone call with the NC Board of Pharmacy because I asked about a way to expunge my administrative consent order and was told they do not have a to do that because it is an administrative issue and not a criminal issue. This policy needs to be corrected. A pharmacist should be able to expunge an administrative issue after a certain amount of time. I am a licensed pharmacist and I do keep

my pharmacy license current. I am not able to find a pharmacist job because of the administrative issue caused by my mother and my mother's criminal issues. In other words, I am being blackballed because of my mother's criminal issues, my administrative issue with the NC Board of Pharmacy, and I have two lawsuits against a potential employer and against Walgreens for wrongful termination.

Furthermore, Walgreens treated me differently from other female pharmacists who were not over 40. Melanie Moore and Lena Abernethy filled prescriptions according to NC pharmacy law the also and they are still employed by Walgreens to the best of my knowledge.

Melanie Moore and Lena Abernethy filled the NC emergency refill the same way I did, and Lena Abernethy verified that I was filling the prescriptions correctly. Lena Abernethy was the pharmacy manager. Melanie Moore and Lena Abernethy were both under 40 at the time this occurred. Matt Lyall was the pharmacy supervisor that ordered this.

I had to appeal to get my unemployment. Walgreens told the unemployment commission that I had committed misconduct because of I did not fill NC emergency refill prescriptions according to NC pharmacy law and after verifying I did fill NC emergency refill prescriptions according to NC law. So, Walgreens lied to the NC unemployment security commission.

Matt Lyall also put me under extra scrutiny when they were not able to terminate me for being a thief and a drug addict at the December 2014 meeting in the district because I was not a thief or a drug addict. I volunteered to take a drug test this meeting and that is when they stopped accusing me of being a thief and a drug addict.

He then told me I did not it make with them the first time and I would not this time. I left Walgreens in November 2007 to start my pharmacy Fisher Rx Direct. Fisher Rx Direct was open almost 5 years until my mother's criminal actions against Fisher Rx Direct and my business partner sold the assets of my business out from under me while I was dealing with the issues my mother Barbara Fisher had caused. My mother did go to jail for her actions and she deserved to. It did take me a long time to forgive my mother. I did forgive her because I am a Christian and the Lord forgave us. However, I never trusted her again. I have major trust issues now. Matt Lyall telling me that I did not make it with them the first time was uncalled for especially since I quit to start my own pharmacy. I can prove this if I need to thru when I filed the paperwork with the NC Secretary of State. He tried to intimidate me, instead he made me angry because I knew he was wrong and was lying. More proof that Walgreens lies about employees.

I requested to bring an attorney and Walgreens refused to allow me to have an attorney present, so I recorded the August 2015 meeting. At this meeting, the lost prevention officer told me I could not record the meeting. I was already recording the meeting at this time and I knew I could record the meeting because NC is a one consent party state and they also refused to let me have an attorney present. I was the one party that consented. I have enclosed a copy of the meeting on CD. You will need to fast forward thru the CD to the meeting because I started recording as soon as I came into the district office for the meeting.

I do realize that Walgreens does not have to let an employee have an attorney present when an employee requests to bring an attorney. I believe the reason they do not allow employees to have an attorney present is that Walgreens do not want their employees to have proof that Walgreens lies, and Walgreens do not want their employees to have legal protection. I believe allowing an employee to have a licensed attorney present would help protect Walgreens and the employee.

I made James Satterfield (Walgreens pharmacy supervisor) angry when I requested an attorney be present with me and he refused so I recorded the meeting. Which I can do because NC is a one consent party state. I was one of the parties of the meeting and I consented. I tried to tell the loss prevention officer that I could and to explain the law, but he would not let me get a word in, so I kept quiet and recorded anyway. He should have known the law and not lied. I do not like people that lie and have a major issue with people that lie.

James Satterfield also stated that just because it was the law did not mean I had to follow it. He was referring to the Rx emergency refill law I followed. Melanie Moore and Lena Abernethy also followed this law. James Satterfield also held up my reimbursement from my travel with Walgreens because I sued Walgreens and let his mistakes be known. I had to go over his head to get the reimbursement for my travel with Walgreens. It took me 5 months to get the reimbursement for my travel after I was illegally terminated by James Satterfield. The day I was fired I told James Satterfield that Melanie Moore and Lena Abernethy filled emergency prescriptions the same way. He told me that this was about me not them. He ignored the fact that he was treating me differently. And refused to discuss it with me. I was trying to let him know he could not treat employees differently when it came to hire and firing. As a supervisor he should be aware of this.

Other pharmacists that do not work for Walgreens also follow NC emergency Rx law. It helps the patient, which is the main reason for this law.

Furthermore, I did let James Satterfield know that I did have a law degree, but I was not licensed as an attorney. That made him angry, He was told this after he told me I could not have a licensed attorney, I did request to bring one.

I have included further proof of Walgreens' lies under the Table of Authorities by enclosing a copy of Baines v. Walgreens which was decided by the 7th Court of Appeals in July 2017.

I pray to the court thru the Lord Jesus Christ to grant the petition and to send it back to the State Court of for mediation or a trial in front of a jury or the 4th Circuit Court of Appeals for mediation. I do think a jury trial is needed. The people need to learn that Walgreens is not a trustworthy company. In my opinion, Walgreens does not respect their employees.

I believe a trial is needed now because Walgreens had a chance to settle with me thru mediation when I had a licensed attorney and could afford a licensed attorney.

No one should be held responsible for someone else's criminal actions. Nor should a person be profiled against because a family member is a criminal and has a criminal record. I have made the lower courts aware of the blackballing issue.

Conclusion

The petition of writ of certiorari should be granted.

Respectfully submitted and dated:

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Cynthia Fisher
4-17-2020