

## QUESTION(S) PRESENTED

- ① How CAN A FEDERAL, MIDDLE DISTRICT JUDGE DISMISS WITH PREJUDICE, A MATTER? PURSUANT TO STALLEY V. ORLANDO REG'L HEALTHCARE SYS., INC 524 F.3d 1229, 1232 (11<sup>th</sup> CIR 2008), THE DISTRICT COURT DOES NOT HAVE THE POWER TO DISMISS A COMPLAINT WITH PREJUDICE, ON THE MERITS.  
[CASE USDC NO: 3:18-CV-632]
- ② How CAN A FEDERAL COURT OF APPEALS, GRANT A MOTION TO FILE APPELLANT'S BRIEF OUT OF TIME, AND TO EXTEND THE TIME, TO, AND INCLUDING JANUARY 10, 2020; THEN, TURN AROUND DISMISS SAME MATTER ON JANUARY 3, 2020, FOR FAILURE TO TIMELY FILE APPELLANT'S BRIEF, AND RECORD OF EXCERPTS, WHICH WAS NOT DUE UNTIL JANUARY 10, 2020? [CASE NO: 19-30557]

## JURISDICTION

PURSUANT TO 28 U.S.C. § 1257

## 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

- UNITED STATES COURT OF APPEALS [CASE NO: 19-30557]
- UNITED STATES MIDDLE DISTRICT COURT OF EAST BATON ROUGE, LA  
[CASE NO: 3:18-30557]
- 19<sup>th</sup> JUDICIAL DISTRICT COURT, EAST BATON ROUGE, LA [NO: 670400]
- FIRST CIRCUIT COURT OF APPEALS, BATON ROUGE, LA  
[2019CA0641]
- STATE OF LOUISIANA, DEPT. OF JUSTICE [USM 18-853]  
[CASE ID #168670] [ " 18-632 ]

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

STALLEY V. ORLANDO REG'L HEALTHCARE SYS., INC  
524 F.3d 1229, 1232 (11<sup>th</sup> Cir 2008), *id* at 1234-35 —  
APTIM CORP., 888 F.3d at 136 —————

### STATUTES AND RULES

28 U.S.C. § 1257 —————

### OTHER

UNITED STATES CONSTITUTION, AMENDMENT V ———  
UNITED STATES CONSTITUTION, AMENDMENT XIV ———

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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

☐ 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☒ is unpublished.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☐ is unpublished.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 FEBRUARY 28, 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: FEBRUARY 28, 2020, 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**

28 U.S.C. § 1257

US CONSTITUTION AND AMENDMENTS 14<sup>th</sup> AND 5<sup>th</sup>

## STATEMENT OF THE CASE

IN JULY 2017, PETITIONER NURSING LICENSE WAS ILLEGALLY SUSPENDED, AS THE BOARD OF NURSING REPORTED FALSELY TO A NATIONAL DATABASE, AND FALSELY ACCUSED PETITIONER OF HEINOUS ALLEGATIONS, WHICH WERE LATER DENIED BY THE LOUISIANA BOARD OF NURSING'S OWN ATTORNEY. IN SUSPENDING THE LICENSE, THE BOARD OF NURSING VIOLATED THEIR OWN RULES AND REGULATIONS, PROMULGATED IN ACCORDANCE TO THE LOUISIANA DEPT OF HEALTH, UNDER REBECCA BEE.

PETITIONER WENT ON TO APPEAL TO THE 19<sup>TH</sup> JDC, AFTER RECONSIDERATION FOR RE-HEARING WAS DENIED IN JUNE-JULY 2018. THE 19<sup>TH</sup> JDC DID NOT REVERSE THE DECISION IN DECEMBER 2018, AFTER ORAL ARGUMENT. PETITIONER THEN APPEALED TO FIRST COURT AND U.S. MIDDLE DISTRICT, BOTH BATON ROUGE. FIRST CIRCUIT COURT WAS PLACED IN A HOLD STATUS, AND NOT FOLLOWED-UP. US MIDDLE DISTRICT, ABRUPTLY CLOSED CASE WITH NO OPINION ON 6/26/2019. IT WAS WORDED RULING AND ORDER TO DISMISS, WITH PREJUDICE, AND FINAL JUDGEMENT. PETITIONER APPEALED TO US APPEALS COURT OF THE FIFTH CIRCUIT, NEW ORLEANS, BASED ON THE FACT THAT THE CASE SHOULD NOT HAVE BEEN DISMISSED, PURSUANT TO STALLER EX. REL UNITED STATES V. ORLANDO REG'L HEALTHCARE SYS. INC 524 F.3d 1229, 1232 (11<sup>TH</sup> CIR 2008). THE US APPEALS COURT FIFTH CIRCUIT, THEN DISMISSED THE CASE AFTER GRANTING AN EXTENSION, AND NOT EVEN HAVING RECEIVED TIME TO RUN OUT. BRIEF WAS FILED TIMELY. FOLLOWED BY A MOTION TO RE-INSTATE, WHICH WAS ALSO FILED TIMELY — BUT DENIED.



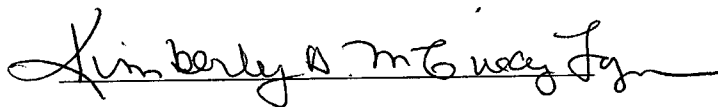
## REASONS FOR GRANTING THE PETITION

- PETITIONER CONTENDS HER RIGHTS WERE VIOLATED UNDER THE US CONSTITUTION AND AMENDMENTS 14<sup>TH</sup> AND 5<sup>TH</sup>.
- PETITIONER CONTENDS STATUTES WERE VIOLATED FROM THE BEGINNING OF THE MATTER AT LOCAL, STATE, AND FEDERAL LEVELS.
- PETITIONER REQUESTS FAIR/UNBIASED REVIEW OF THIS MATTER [DENIAL WAS PREVIOUSLY REQUESTED AND DENIED]
- EVIDENCE WAS WITHHELD AT INITIAL COMPLAINT, BY LOUISIANA STATE NURSING BOARD STAFF.  
(THIS IN VIOLATION OF BRADY V. MARYLAND)  
373 U.S. 83 (1963).

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Handwritten signature of Kimberly A. McGivney in cursive script.

Date: JUNE 1, 2020