

20-1689

NO: 20-CV-748

05/28/21  
MD

IN THE  
SUPREME COURT OF THE UNITED STATES

GEORGIA STEWART, PRO SE  
PETITIONER

v.

DISTRICT OF COLUMBIA GOVERNMENT  
And MONICA PALACIO  
RESPONDENTS

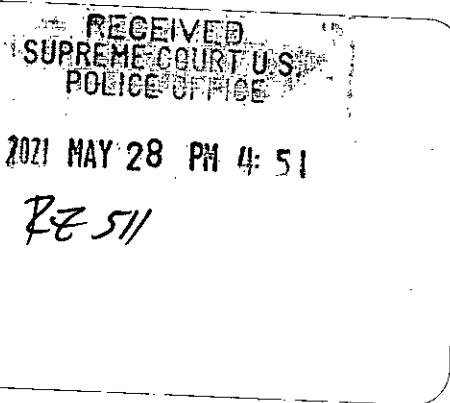
ORIGINAL

ON PETITION FOR A WRIT OF CERTIORARI TO  
THE DISTRICT OF COLUMBIA COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

FILED  
MAY 28 2021  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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QUESTION PRESENTED

1. Whether the court denied the petitioner due process of law when it counted the time it mailed a decision and order in this matter against the time in which to reinstate a case when the decision and final order was mailed to an incorrect address, returned to the court, and petitioner only discovered that the decision and order was issued after checking the record electronically when she failed to receive actual and or constructive notice of the decision and her actual address was a matter of record.
11. Whether the petitioner was denied due process of law when it failed to allow petitioner to reinstate her case when the court mailed the final decision and order to a northwest address instead of petitioner's northeast address and failed to allow petitioner to reinstate her complaint based on inadvertence by the clerk of the court, although petitioner's correct address was a matter of record.

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## TABLE OF AUTHORITIES

Cases:

#### OPINION BELOW

The unpublished memorandum opinion of the Court of Appeals for the District of Columbia is included herein as appendix 1.

#### JURISDICTION

This court has jurisdiction of this petition to review the judgment of the Court of Appeals of the District of Columbia. The Court of Appeals for the District of Columbia issued its decision on February 26<sup>th</sup>, 2021

The Superior court of the District of Columbia had subject matter jurisdiction of this matter jurisdiction, and venue was appropriate since all acts complained of took place in the District of Columbia.

#### STATEMENT OF THE CASE

The Superior court of the District of Columbia issued a decision on or about dismissing the Petitioner's case of defamation, on the grounds that the complaint was untimely. However, the decision and order was sent to a northwest address, while the petitioner's address is in northeast. Further, Petitioner's correct address was a matter of record in the court files. Petitioner never received notice of the superior court's decision and order, since the mailing of the decision and order was returned to the clerk of the court.

After the Petitioner failed to receive notice, and checked the court's record, Petitioner discovered that the court had mailed its decision and order to an incorrect address, the Petitioner, filed a motion to reinstate her complaint on the grounds that the Petitioner did not receive actual and or constructive notice of the decision and order. Further, the Petitioner argued that since the court erred in sending the decision and order to an incorrect address, that the decision was returned to the court, Petitioner did not receive actual and or constructive notice and the time period should not prohibit the Petitioner's motion as being untimely due to inadvertence on behalf of the court.

The court failed to accept Petitioner's argument and denied Petitioner motion to reinstate her complaint and dismissed her case due to the statute of limitations.

The Court of Appeals for the District of Columbia agreed with the decision of the Superior Court and dismissed the Petitioner's appeal.

## REASON FOR GEANTING THE APPEAL

This court should grant this Petition for Cert, since in previous decisions of the court, this court has held that the recipient is not placed on notice of a decision until the recipient actually receives notice or is placed on constructive notice that the decision has been issued in the case. Further this court has held that the statute does not start to run until the party has actual and or constructive notice of the decision. In this matter it is clear that the Petitioner did not have actual and or constructive notice since the decision and order was returned to the court as a result of it being mailed to the wrong address.

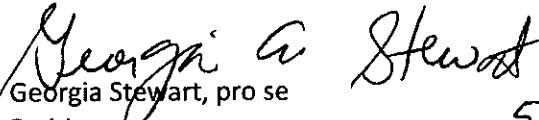
Further, to deprive the Petition of her ability to maintain this action would be a denial of due process which was caused by an error by the clerk of the court. Further, when the mail was returned to the clerk of the Court, the court had an affirmative obligation to ensure that the decision and order was mailed to the appropriate address, and not deprive the Petition of her right to maintain this matter before the court.

The superior court was wrong when it ruled that Petitioner's case was barred by the statute of limitations, without considering when the Petitioner was placed on notice of the publication of the defamation by the Respondents. However, when Petitioner filed her motion to reconsider and to reinstate her complaint, the court used her previous erroneous decision to support her decision to deny Petitioner's motion to reconsider and reinstate her complaint.

## CONCLUSION

For the foregoing reasons, Petitioner's request the issuance of a writ of certiorari to the District of Columbia Court of Appeals.

Respectfully,

  
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5/27/21