NO. 20-5266

IN THE

Supreme Court of the United States

ORIGINAL

ANGELA ROGERS AND EDGAR ROGERS,

Petitioners,

v.

THE CADDO PARISH SCHOOL BOARD,

Respondent

On Petition For A Writ of Certiorari To The Louisiana Supreme Court NO. 2020-CC-00081

PETITION FOR A WRIT OF CERTIORARI

In Forma Pauperis Requested

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VOL. I

Pro Se Petitioners

QUESTIONS PRESENTED

1. Whether the U.S. Const. amend XIV, § 1, Due Process, Equal Protection, Liberty Interest in employment and Property Interest in employment contracts and community property and U.S. Const. amend I Redress of Grievances, prohibit State courts supplanting of federal and state constitutions and laws to shield a state government body and actor(s) from judgment(s) and liabilities in authorized suits.

PARTIES TO THE PROCEEDING

Petitioners-Plaintiffs- Angela Rogers and Edgar Rogers.

Respondents-Defendants Caddo Parish School Board

At all times relevant to this action, all CPSB personnel listed in this writ were employees of the Caddo Parish School Board at the time of the complained of CPSB actions.

RELATED PROCEEDINGS

All relevant proceedings are listed in the writ of certiorari and accompanying appendices and have been before the same courts i.e., Louisiana First Judicial District Court (Hon. Ramon Lafitte), Louisiana Second Circuit Court of Appeals and the Louisiana Supreme Court regarding the same Louisiana First Judicial District Court numbered case 586665A from 08/07/2015-05/09/2020.

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PETITION FOR A WRIT OF CERTIORARI

Petitioners Angela Rogers and Edgar Rogers respectfully submit this petition for a writ of certiorari to review sanctioned unconstitutional actions of a state court by the Louisiana Supreme Court (2020-CC-0008) in *Rogers v. CPSB* (586665A).

OPINIONS BELOW

The judgments are The Louisiana Supreme Court (03/09/2020[2020-CC-00081])Appendix ("App) **App. A. 1a.**, the Louisiana Second Circuit Court of Appeals ("La. App. 2nd") (12/13/2019 [53-201--CA]) **App. B. 68a**. ; sanctioning the Louisiana district court's (03/29/2019 [586665-A]) dismissal, **App. B. 46a-47a.**, of Rogers's appeal and by *in forma pauperis* ("IFP") of a 01/11/2016 judgment of dismissal with prejudice **App. U. 294a-295a**, of a state employee's formal contract termination.

JURISDICTION

The Louisiana Supreme Court judgment ending the entire case was entered, without analysis on March 9, 2020. This Court has jurisdiction under 28 U.S.C. § 2101(c) and United States Supreme Court Rule X (b) & (c). This Court's order of 03/19/2020 (Court Rule 13.1, .2, and .5) "extended to 150 days from the date of the lower court judgment," as per the 03/09/2020 Louisiana Supreme Court writ denied. Therefore, Rogers's U. S. Supreme Court writ's final filing date is 08/05/2020 and mailed to this Court's Clerk's office on 07/27/2020, is timely filed.

CONSTITUTIONAL AND STATUTORY PROVISIONS

U.S. Const. Art. VI, Cl. 2 and Cl. 3 (Supremacy Clause), U.S. Const. amend. I: (Redress of Grievances), U.S. Const. amend IX, and U.S. Constitution amend. XIV§1 (Due Process, Equal Protection, Liberty [Economic] and Property [Contract, and Community] Interest) reproduced in the body of the Writ of Certiorari. pp.1-40

STATEMENT

MAY IT PLEASE THE COURT, Angela Rogers's ("AR") and Edgar Rogers's ("ER")(Collectively "Rogers") U.S. Constitutional rights were violated by the Louisiana First Judicial District Court's ("1st JDC"), the Hon. Ramon Lafitte presiding ("trial court/district court", "Judge Lafitte"), unconstitutional shielding of the Caddo Parish School Board ("CPSB" [a public State of Louisiana school district]), from judgments and liabilities in authorized suites.

Despite the CPSB's self and judicially confessed violations of its state's constitution, laws and education policies, the trial court shielded the CPSB by supplanting the United States Constitution, the Louisiana Constitution of 1974, the Laws of Louisiana i.e., Louisiana Revised Statutes ("La. R.S."); the Louisiana Civil Code ("La. C.C."); the Louisiana Code of Civil Procedure ("La. C.C.P.") styled after FRCP, the Louisiana Code of Evidence ("La. C.E."); the Louisiana Administrative Code ("LAC") and well-settled jurisprudence. All sanctioned by the Louisiana Supreme Court and cited in the body of Rogers's writ and appendices pp.1-40.

I. The Case

This case involves the CPSB's termination of Angela Rogers's (a life-long resident of Shreveport, Caddo Parish, Louisiana) formal contract. Angela Rogers is now a 33 year teacher. She is a Louisiana/Texas certified for life, La. R.S. 17§414 fully qualified teacher with a Masters in education, and above the Masters' level, an Educational Specialist (ED. S.) degree. A Certified Reading Specialist (grades 1-12) longer than anyone in this case, AR is a non at-will, non-probationary teacher with a formal contract i.e., a legal expectation of indefinite or continuing employment.

The termination occurred while CPSB Contract Policy GBA, **App. Z5. 515a.**, was in effect: "The execution of an employee contract between the School Board and employee shall be legally binding upon both parties." Yet the CPSB, against La. C.C.P. art. 863, law or policy stated in its pleadings " Plaintiffs are under the mistaken assumption that the CPSB cannot terminate or otherwise discipline a non-tenured teacher unless a statute specifically provides for a basis for such action." **App. P. 196a¶C**. The CPSB must have been under the same mistaken assumption in CPSB Disciplinary notice, **App. Z3. 400a-401a**, and Termination Letter, **App. Z3. 510a-511a. ¶2, ll.4**, "...termination is by La. R.S. 17:443(A).

Angela Rogers was employed by the CPSB for 17 years, took a half school year for a serious medical event and returned for 11 continuous years, before the complained of breach of contract. There had been no prior salary or work losing

disciplinary actions against Angela Rogers in 27 years with the CPSB. The termination occurred before AR obtained retirement capacity.

The CPSB transacted the June 9, 2015, termination by investigating standardized test security policy using La. R.S. 17:81.6(B) to authorize the investigation, producing the CPSB's Security Department Report or SDR. **App. Z3. 400a-484a.** The SDR was the sole instrument for investigation and termination. The standardized test security policy used, strictly begins at the third grade level, not the second grade level Angela Rogers taught at Turner Elementary/Middle School ("Turner") (taught August 2013-June 2015). She never gave a standardized test rather allegedly gave a non-standardized reading monitoring, called DIBELS Next ("DIBELS") for the termination period of Fall 2014 to Spring 2015.

The termination, through means intentionally and willfully applied, branded Angela Rogers with the constitutionally stigmatizing tort and professional stigma[1] of "willful neglect and dishonesty". Thus, a defamatory termination of Angela Rogers's contract with malice for a test she never gave or could have given as a second grade teacher, using laws with no nexus to her actions at Turner. Rogers also showed forged documents as part of the SDR and termination.

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[1] The term "stigma" is a situation where there has been "an official branding of a person" and due process is implied because "a person's good name, honor or integrity is at stake." *Hindera v. Thai*, 1995 U.S. Dist. LEXIS 22148 (S.D. Fla. July 28, 1995), 102 F.3d 554 (11th Cir. 1996) Affirmed, 522 U.S. 812, 812 (U.S. 1997) Denied.

The CPSB provided no affidavits or witnesses at trial to rebut Rogers's claims, affidavits and testimony at trial. **App. T.-Z3. 245a-511a.** Since the June 9, 2015 termination, after exhausting all educational employment avenues no employer, professional or otherwise, has called Angela Rogers, or emailed for an employment interview. Thus, a liberty interest to seek employment and property interest in her contract and benefits and Edgar Rogers's interest, legal violations.

II A. Termination 1st JDC Shielding/*Falsus in Uno, Falsus in Omnibus*

The CPSB used the Louisiana State Board of Elementary and Secondary Education[2] ("BESE", "SBESE") standardized test security policy bulletin 111/118, calling it CPSB Policy IL-R. The SDR agrees, as stipulated to by the CPSB at the 01/06/2016 termination trial, standardized test begins and is only authorized starting at the third (3rd) grade level not Angela Rogers's second grade level. The CPSB's IL-R used La. R.S. 17:81.6(B) to authorize the SDR investigation of standardized test security violations and to activate disciplinary authority under La. R.S. 17:443(A) to terminate Angela Rogers's formal contract and invoke the trial court's limited review (appeal) jurisdiction under La. Const. art. V § 16(B).

MS. ROGERS: "Your Honor, I would like to submit the entire record in globo."

THE COURT: (To Mr. Carnie counsel for the CPSB) "I'm assuming you have no objection to the submission, I think you indicated that in your memorandum."

MR. CARNIE: "That's correct Your Honor, We would stipulate to the admissibility of those exhibits." **App. T. 251a. lls. 23-32, 252a. lls. 1-4.**

CPSB's use of La. R.S. 17:81.6(B) against Angela Rogers, was a criminal offense (La. R.S. 17:81.6 [D1, 2], [F1, 4]), as per false and defamatory[3] accusations of testing irregularities in standardized test they knew she never gave. La. C.C. 9 and 11, penal in nature, strictly construed. La. C.C. art. 9: "...the law shall be applied as written and no further interpretation may be made in search of the intent of the Legislature." *Barrilleaux v. Board of Sup'rs of Louisiana State University*, 170 So.3d 1015, 2014-1173 (La. App. 1 Cir, 4/24/15), writ denied 176 So.3d 1048, 2015-1019 (La. 9/11/15). The trial court knew Angela Rogers never gave a standardized test.

> LAC 28: CXI. §§§§301, 303, 305, 515.Bulletin:"Promulgated in accordance with R.S.17:81.6 et seq.,.Test Security Policy :[LEAP]; [iLEAP]; [GEE]; ["old" GEE]; LEAP Alternate Assessment, Level 1 [LAA 1]; [LAA2]; [ELDA (EOCT) online assessments; forms K, L, M, A, and B and all new forms of the Iowa tests; or EXPLORE and PLAN as a practice test or study guide...."for Louisiana students in grades 3-8 for 1. LEAP; or 2. iLEAP; or 3. (LAA 1).B. Louisiana students in grades 9, 10, 11, and 12...1. EOC ; 2. GEE ; 3. (LAA 1); 4.EXPLORE in grade 9; 5.PLAN in grade 10; 6.ACT in grade 11 or 12.

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[2]La. Const. art VIII sec. 3(A) The State Board of Elementary and Secondary Education is created as a body corporate. It shall supervise and control the public elementary and secondary schools and special schools under its jurisdiction....

La. R. S. 17§91 " the superintendent shall faithfully carry out the requirements of the state school laws and the rules and regulations made for the schools by [SBESE]or LAC 28, Part CXV.Bulletin 741 Chapter 3.§301. General Authority: A. "The public school system established under the Louisiana Constitution shall operate in accordance with the standards set by BESE...in accordance with the Constitution of the United States, the Constitution of Louisiana, the Louisiana Revised Statutes, applicable state and federal regulations, and policies of BESE.

Also: The Louisiana State Board of Elementary and Secondary Education (BESE) is the administrative body for all Louisiana public elementary and secondary schools; .... BESE adopts regulations and enacts policies governing the operations of the schools under its jurisdiction,... https://bese.louisiana.gov/

CPSB IL-R - FROM THE SDR:, It shall be a violation of test security...(f). Administer published parallel, previously administered, or current forms of the a test (...[LEAP 21][GEE 21] Graduation Examination ["old' GEE] , LEAP Alternative Assessment [LAA], or Forms K, L, and M...all new forms of the Iowa Tests). **App. Z3. 403a.,**

La. R.S. 17 § 81.6(B): ...parish, and other local public school board shall adopt a policy... uniform procedures for...investigation of employees accused of irregularities or improprieties in the administration of standardized tests. D.(1) No employee shall knowingly and willfully obstruct the procedures...receiving and investigating a report of irregularities or improprieties in...administration of standardized tests....shall be guilty of a misdemeanor (2)...employee may commence...civil action in a district court...against any employer who engages in a practice prohibited by this Subsection....employee may recover from...employer all damages,... attorney fees, and court costs. F. (1) No employee shall make a report of irregularities or improprieties...administration of standardized tests knowing that the information...is false....person who violates the provisions ...guilty of a misdemeanor offense....F(4) Nothing in this Section shall prohibit the governing authority of a public elementary or secondary school from taking any action authorized by law as to...employee who makes a false report of irregularities or improprieties in the administration of standardized tests.

The Caddo Parish School Board...adopted a district test security policy.....State Board of Elementary and Secondary Education.... (f) Procedures the investigation of ...irregularities...in the administration of standardized tests, as required by...R.S. 1781.6[sic]; **App. Z3. 404a (k & f)**.

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[3] Actual malice occurs when "the statement was made with knowledge that it was false or with reckless disregard of whether it was false or not."5 *Tarpley v. Colfax Chronicle*, 650 So. 2d 738, 740 (La. 1995) (citing *Harte-Hanks Commc'ns, Inc. v. Daniel Connaughton,* 491 U.S. 657 (1989)). Words that "by their very nature tend to injure one's personal or professional reputation, [even] without considering extrinsic facts or circumstances, are considered defamatory per se." *Kennedy v. Sheriff of E. Baton Rouge*, 935 So. 2d 669, 675 (La. 2006) (...*Costello v. Hardy*, 864 So. 2d 129, 140 (La. 2004); and then citing *Cangelosi v. Schwegmann Bros. Giant Super Mkts.*, 390 So. 2d 196, 198 (La. 1989)); *Williams v. Allen,* 15 So. 3d 1282, 1286 (La. App. 2d Cir. 2009) ("When a plaintiff proves publication of words that are defamatory per se, the elements of falsity, malice and damages are presumed, but may be rebutted by the evidence at trial." (citing *Costello*, 864 So. 2d at 140)).

> La. RS 17:443(A). Discipline of teachers; procedure; right of review: A. The school superintendent may take disciplinary action against any nontenured teacher after providing such teacher with the written reasons therefor.... Within sixty days of such notice, the teacher may seek summary review in a district court pursuant to Code of Civil Procedure Article 2592.
>
> La. Const. Art. V Sec. §16. (B) District Courts; Jurisdiction Section ... Appellate Jurisdiction. A district court shall have appellate jurisdiction as provided by law. Amended by Acts 1990, No. 1098, §1, approved Oct. 6, 1990, eff. Nov. 8, 1990; Acts 1993, No. 1040, §1, approved Oct. 1, 1994, eff. Nov. 3, 1994.

The SDR showed CPSB's Dr. Carolyn Gore stating AR's last DIBELS training was 2011 thus no LDE DIBELS POLICY training for 2014-2015 termination period at Turner, despite being there a year before (Fall 2013). Thus, no legal nexus to Angela Rogers and DIBELS and standardized test to conceal the CPSB's "policy violation" of giving DIBELS materials to Angela Rogers without LDE mandatory training for that school year. **App. Z3. 470a**.

> When we moved from using DIBELS 6th to the new edition DIBELS Next, we did not require active DIBELS Next testers to take Days 1 and 2 for the new version. We simply went over the changes in the new edition in a one-day training during the spring of 2011. Mrs. Rogers attended that training.

The CPSB published false pleadings before trial which also shows judicial confessions as to their illegal and wrongful acts. **App. Z2.340a-344a. App. X. 309a-316a.** Also falsely stating Angela Rogers was at Turner in 2011 to tie her into DIBELS training which she never received at Turner. **App. X. 313a. ¶2, ll.4-6.** The Disciplinary Letter of 05/21/2015 and the Termination Letter of 06/09/2015, **App.**

Z3. 400a-401a, 510a-511a, fraudulently and falsely stated "impeded the process", "your actions are in violation of...Louisiana law, and BESE and CPSB regulations and policies" and "to the detriment of the school system and the affected students". None of which with affidavit support or 01/06/2016 CPSB witness support.

Any mention of DIBELS was moot as the CPSB did not three day DIBELS train Angela Rogers per Louisiana Department of Education's[4] ("LDE") mandatory policy (2014-2015 termination) and La. R.S. 17:182. No training means she could neither monitor DIBELS nor could any alleged results be legally input into any system. Thus, no AR impeding or negatively affecting anything. The trial court and CPSB knew of these fraudulent pleadings before, during and after trial.

> La. C.C. Art. 1953. Fraud...misrepresentation...suppression of the truth ...with the intention either to obtain an unjust advantage...or to cause a loss or inconvenience.... Fraud may also result from silence or inaction.

The CPSB said DIBELS was not in Policy IL-R or the SDR **App. R. 272a. ll. 13.** Thus, a state employee's valid formal contract terminated for a non-existent, non-legal reason(s). Thus, the canard or supposition that a multi-state certified, highly educated teacher (Angela Rogers) with a formal contract can be terminated without law or policy by fraudulent state actions and be legally affirmed by any court.

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[4]Louisiana Department of Education is a state agency of Louisiana, United States. It manages the state's school districts. louisianabelieves.com

Law and policy violations have never been about Angela Rogers but the CPSB, yet the Louisiana Supreme Court denied against Rogers. Despite:

> ...school board has only such authority as the legislature has delegated to it. (Louisiana) Op. Att. Gen., 1942-44, p. A 1341., see also: School boards possess only delegated powers defined by statutes and are not free to act as individuals and can do no act beyond the special powers delegated to them. *Ellis v Acadia Parish School Board*, 1947, 211 La. 29,29 So. 2d. 2d 461; *Murry v. Union Parish School board* App. 1939, 185 So. 305see also: *Chevron USA, Inc. v. Vermilion Parish School Board*, W.D. La. 2003, 215 F.R.D. 511. Question certified 364 F.3d 607, certified question denied 872 So. 2d 533, 2004-0810 (La. 5/14/04), opinion after certified question declined 377 F.3d 459. Schools Westlaw key 55. La. R.S. 17:391.7(g): §391.7.: "Testing G. No provision of this Part shall be construed to mean, require, or direct any city or parish school system to develop any tests or test programs.

In *Loop, Inc. v. Collector of Revenue* 523 So. 2d 201 (La. 1987) the Louisiana Supreme Court affirmed that invoking the limited review jurisdiction of a district court to review "administrative action" is not axiomatic:

> Consequently, a litigant seeking judicial review of administrative action in a district court must establish that there is a statute which gives subject matter jurisdiction to that court. When the statute upon which he relies establishes a specific procedure for judicial review of an agency's action, a litigant may invoke the reviewing court's jurisdiction only by following the statutorily prescribed procedure,...*Corbello v. Sutton*, 446 So. 2d 301 (La.1984); see also, *Whitney National Bank v. Bank of New Orleans & Trust Co.*, 379 U.S. 411, 85 S. Ct. 551, 13 L. Ed. 2d 386 (1965); *Memphis Trust Co. v. Board of Governors of the Federal Reserve*, 584 F.2d 921 (6th Cir.1978); *Investment Co. Institute v. Board of Governors of the Federal Reserve*, 551 F.2d 1270 (D.C. Cir.1977); *Application of Lakeview Gardens, Inc.*, 227 Kan. 161, 605 P.2d 576 (1980); *Montana Health Systems, Agency, Inc. v. Montana Board of Health and Environmental Sciences*, 188 Mont. 188, 612 P.2d 1275 (1980); and *Bay River, Inc. v. Environmental Quality Commission*, 26 Or.App. 717, 554 P.2d 620 (1976).

> Usually, however, the existence of a special statutory procedure implies a legislative aim that the special statutory procedure is to be the exclusive means of obtaining judicial review for the situations to which it applies. *Whitney National Bank v. Bank of New Orleans & Trust Co.*, supra; *Mezines*, supra, at § 45:01; Note, "Jurisdiction to Review Federal Administrative Action: District Court or Court of Appeals," 88 Harv. L.Rev. 980, 982 (1975). *Metro River Boat Associates, Inc. v Louisiana Gaming Control Board*, 01-0185, p. 6 (La 10/16/01), 797 So.2d 656, 660. (Citing: *Wade Clark et. al. v. State of Louisiana* (La. App.1st, no. 2002 CW 1936 R)

The CPSB did not follow "special statutory procedure" in its illegal La. R.S. 17:81.6(B) investigation, illegally invoking disciplinary authority (La. R.S. 17:443[A]), and illegally invoking limited appeal jurisdiction of the trial court under La. Const. Art. V sec. 16(B). The trial court's judgments are void, "no subject matter jurisdiction" thus unenforceable, *Loop, Inc. v. Collector of Revenue, supra.* Angela Rogers never received due process "reasons" or notice of anything she illegally did.

> Subject matter jurisdiction cannot be "conferred by consent" or "waved" by litigants and any court's judgment issued without or lacking subject matter jurisdiction is void ab initio. La. C.C.P. arts. 1, 2, and 3. *Canal/Claiborne, Ltd. v. Stonehedge Dev., LLC,* 14-664 (La. 12/9/14); 156 So.3d 627, 632. "has no legal existence". *Valley v. Northern Fire & Marine Ins. Co.,* 254 U.S. 348, 41 S. Ct. 116 (1920). 204 So.3d 1074 (La. Ct. App. 2016) "Before considering the merits of any appeal, appellate courts have the duty to determine, sua sponte, whether subject matter jurisdiction exists, even when the parties do not raise the issue." *Moon v. City of New Orleans*, 15-1092, 15-1093, p.5 (La. App. 4 Cir. 3/16/16), 190 So. 3d 422, 425.
>
> A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court", *Old Wayne Mut.L. Assoc. v. McDonough*, 204 U. S. 8, 27 S. Ct. 236 (1907). Joyce v. United States, 474 F.2d 215 (3d Cir.1973)".

"Where there is no jurisdiction over the subject matter, there is, as well, no discretion to ignore that lack of jurisdiction. The limitations inherent in the requirements of due process and equal protection of the law extend to judicial as well as political branches of government, so that a judgment may not be rendered in violation of those constitutional limitations and guarantees. *Hanson v Denckla*, 357 US 235, 2LEd2d 1283, 78 S Ct 1228. (1958).

The judiciary in Louisiana does not make law, but rather interprets the law. Jurisprudence must supplement, not supplant the legislation. *Willis-Knighton Medical Center v. Caddo-Shreveport Sales and Use Tax Commission* 874 So. 2d 159 (La 2005).

The CPSB never constitutionally informed Angela Rogers of any know law or policy violation that she could respond to. *Cunningham v. Franklin Parish School Bd.*, 457So.2d184 (La.App. 2 Cir.), writ denied, 461 So.2d 319 (La. 1984). the teacher must "... know exactly what the alleged facts are that form the basis of proceedings...so she can prepare her defense accordingly." *Rubin v. Lafayette Parish School Bd.*, 649 So. 2d 1003 (La. Ct. App. 1994) writ denied. 654 So. 2d 351 (LA. 5/12/95) notes:

Its failure to comply with the expressed requirements of LSA-R.S.17:443 and those recognized by constitutional due process principles render the decision to terminate Rubin unenforceable. The Louisiana Supreme Court in *Wilson v. City of New Orleans*, 479 So.2d 891, 894 (La. 1985) also expressed:"[The] central meaning of procedural due process is well settled. Persons whose rights may be affected are entitled to be heard; and in order that they may enjoy that right, they must first be notified." An equal concomitant to this right, thus, is "the right to notice and opportunity to be heard" which must be extended at a meaningful time and in a meaningful manner. *Fuentes v. Shevin*, 407 U.S. 67, 92 S.Ct. 1983, 32 L.Ed.2d 556 (1972); *Armstrong v. Manzo*, 380 U.S. 545, 85 S.Ct. 1187, 14 L.Ed.2d 62 (1965). As stated in Wilson "due process is not a technical concept with a fixed content unrelated to the time, place and circumstances." Rather, it requires the implementation of flexible rules which may yield to the demands of the

particular situation. *Morrissey v. Brewer*, 408 U.S.471, 92 S.Ct. 2593, 33 L.Ed.2d 484(1972).

> The constitutional right to be heard is a basic aspect of the duty of government to follow a fair process of decision making when it acts to deprive a person of his possessions. Fairness can rarely be obtained by a secret, one-sided determination of facts decisive of rights, and no better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss notice of the case against him and opportunity to meet it. *Wilson*, 479 So.2d at 894 (citations omitted and emphasis added).

> In *Board of Elementary & Secondary Education v. Nix* 347 So.2d 147, 151(La. 1977) the Supreme Court interpreted the phrase "as provided by law" as used in La. Const. art. 8 § 3(A), to mean "provided by legislation" citing the codal definition of "law" as "the solemn expression of legislative will."

No Westlaw citation shows any teacher terminated per DIBELS or La. R.S. 17§ 81.6(B) to investigate DIBELS or terminate per the material facts of this case. .

B. In The Trial Court, The Hon. Ramon Lafitte

The trial was conducted as a summary review (La. R.S. 17:443(A) and La. C.C.P. art 2592) not an original proceeding with discovery. After Rogers responded to disciplinary notice and SDR to CPSB, **App. Z3. 485a.-509a.,** Rogers filed suit on 08/07/2015, **App. Z3, 345a.-511a**, for illegal and wrongful (breach of contract) termination of a formal contract, penalty wages, defamation and retirement benefits in the 1st JDC. Even after receiving an unopposed extension to file, the CPSB feigned it could not understand "pro se" pleadings and then submitted false pleadings as their answer to the suit. **App. Z2. 340a-344a**.

Rogers noted these false and/or legally erroneous statements and false pleadings in their original petition and replies before the 01/06/2016 termination trial. **App. V. 296a-302a., App. W. 303a-308a., App. Y1. 317a-323a., App. Z1. 325a-339a., and App. Z3 Petition, 345a-511a.** The CPSB's pleadings called for an *ad hominem* trial against *pro se* Rogers and their constitutional rights. **App. Z2.** From day one, the trial court affirmed unconstitutional actions by allowing the 01/06/2016 trial date on termination to be set *ex parte* of Rogers, **App. Y2, 324a**, as the 1st JDC's Judicial Administrator refused to deal with "a pro se litigant", over Rogers's objection. **App. Y1, 317a-323a**. The trial court's legally violative approach to Rogers, was an aggressively non-neutral shielder of the CPSB.

At the 01/06/2016 trial, the first action of Judge Lafitte was to quickly, without due process notice or hearing, remove Edgar Rogers, the paralegal/notary, as a plaintiff, before the evidence, direct examination, and argument phase began.

The trial court refused to discussion Edgar Rogers's standing as per community property rights. While inquiring as to legal standards, Edgar Rogers was abruptly interrupted by the trial court's loud proclamation, " I'm making the statement" and "I am within my rights" without ever citing any law or jurisprudence for support thus violating Rogers's constitutional due process rights by supplanting the United States or Louisiana Constitutions, and procedure, in order to shield the CPSB. **App. U. 250a. lls. 6-26.**

In an erroneous and prejudicial application of law and jurisprudence, the trial court then noted he dismissed Edgar Rogers as plaintiff because, "you are not an employee (of the CPSB)...you have absolutely no standing in this case." Despite the fact there is no such law, procedure or jurisprudence in the United States let alone Louisiana. Edgar Rogers objected. **App. U. 251a. lls. 4-10.**

To bolster his due process violations further against Rogers, the trial court erroneously stated in his reasons for judgment, that Edgar Rogers "indicated" Edgar was representing Angela Rogers, without any record cite and the legally irrelevant point that ER "did not work for the CPSB". **App. U. 247a ll.20 through 251a ll.16**. The trial court's "barrier" to ER's standing of not being a CPSB employee was irrelevant to and violative of Rogers's thorough community property law cited in their original 08/07/2015 petition. **App. Z3, 347, ll.7--350, ll. 8.** Edgar Rogers had standing to protect his community property rights.

> Northeastern Fla. Chapter of the Associated Gen. Contractors v. City of Jacksonville, 508 U.S. 656 (1993). 657, (a) When the government erects a barrier that makes it more difficult for members of one group to obtain a benefit than it is for members of another group, a member of the former group seeking to challenge the barrier need not allege that he would have obtained the benefit but for the barrier in order to establish standing. See, e. g., Regents of Univ. of Cal. v. Bakke, 438 U. S. 265.

Despite knowing from the professional teacher's testimony at the 01/06/2016 trial and the SDR, that the word "discrepancy" by law strictly related to standardized test not DIBELS, Judge Lafitte prejudicially attempted to tie DIBELS

to standardized test by using the word at least eight ("8") times in his reasons for judgment, **App. U. 290-293.,** and tried to verbally coerce Rogers into tying DIBELS, at trial and in his judgment and reason, to standardized test, normally an illegal act. 01/06/2016 transcript: **App. U. 245a-289a**

THE COURT: She was never told that there were any discrepancies in the sheets and the entrees that were put in the DIBELS?

MR, ROGERS: No, sir. because Ms, Rogers corrected that term discrepancies. She told them it, was a standardized test, you can't, have discrepancies in DIBELS. That's what she told them, Standardized tests are Leap/ Ileap, GEE that was her information. **App. U. 261a. lls. 23-31**

THE COURT: Were you asked about discrepancies, at the meeting, asked about discrepancies in the sheets in the information that was actually---

MS ROGERS: Well, actually there can't be discrepancies in DIBELS.

THE COURT: That's not my question. **App. U. 274a. lls. 8-13.**

As already proven before, during and after the 01/06/2016 trial, the word discrepancies only related to standardized test and the trial court and the CPSB knew it thus any use of the word "discrepancies" by anyone is fraudulent, illegal, false, and erroneous.

- **SDR CPSB Policy IL-R**: Any discrepancies noted in the number of serial numbers of test booklets and answer documents and supplementary secure materials or the quantity received from contractors shall be reported to the District Test Coordinator...**App. Z3. 405a. (b).** ...."Only trained personnel shall be allowed to have access to or administer any standardized tests." Id. **Z3. 405a. ¶ below C.**

Additionally, the SDR showed the trial court made misleading statements in his reasons for judgment that: "When she met with (CPSB) personnel regarding the

discrepancies...and the DIBELS booklets, she did not take a look at the documents nor did she request to see them." **App. U. 288a. lls. 1-4, and 292a. ¶2. lls 3-6.**

The SDR showed not only did Angela Rogers give a prepared statement to the Superintendant's staff, met with CPSB educational personnel reviewing all materials and offered a fix, (2011 DIBELS policy) which was refused by the CPSB as coach Mrs. Edie Speed had sat on the materials for months precluding adjustment, but also told the same at 01/06/2016 trial. **App. Z3. 441a-451a.** And at trial: **App. U. 265a. lls.31-32.** Thus the trial court knew his statements were false.

And of course for the record, the entire 01/06/2016 transcript has been changed to counter Rogers's attempted recusal of Judge Lafitte. Rogers noted at that recusal after the 01/06/2016 trial that the CPSB attorney never objected to anything yet the transcript shows several objections by the CPSB along with the trial court's attempted ridicule of Mrs. Rogers as "sad" and "she don't like that word discrepancies (court room bursting out into laughter)" all removed to cover the CPSB's attorney's false statements at the recusal trial that those events did not happen. The transcript was also not available until after the recusal hearing.

But as Rogers has already noted, this issue of DIBELS is moot (as is the termination and the 01/11/2016 judgment for the CPSB) as the CPSB has already admitted their LDE policy violations as per not training Mrs. Rogers on DIBELS, thus she never legally gave a DIBELS monitoring. Additionally, the record showed fraudulent pleadings of the CPSB. Rogers's material facts, evidence and affidavits

and the SDR were all against the CPSB and the actions of its Superintendent Theodis Lamar Goree and his staff.

Additionally, the trial court noted he "judicially noticed" La. R.S. 17:81.6(B) and decide to disregard the CPSB's illegal use of the statute " maybe you had some legal authority supporting your position, but I did not see any" **App. U. 267a. lls .5-18,** and what Rogers noted of the illegal use of standardized test and the word "discrepancies", "I know she doesn't like to use the word discrepancy,..." **App. U. 286a. lls. 17-18.** despite being penal in nature. La. C.C. 9 and 11. Thus the trial court violated law and La. C.E. art. 202, by refusing to rule according law.

> La. C.E. Art. 202. Judicial notice of legal matters
>
> A. Mandatory. A court, whether requested to do so or not, shall take judicial notice of the laws of the United States, of every state, territory, and other jurisdiction of the United States, and of the ordinances enacted by any political subdivision within the court's territorial jurisdiction whenever certified copies of the ordinances have been filed with the clerk of that court.
> B. Other legal matters. (1) A court shall take judicial notice of the following if a party requests it and provides the court with the information needed by it to comply with the request, and may take judicial notice without request of a party of:
> (b) Rules of boards, commissions, and agencies of this state that have been duly published and promulgated in the Louisiana Register.
> (c) Ordinances enacted by any political subdivision of the State of Louisiana.
> (d) Rules which govern the practice and procedure in a court of the United States or of any state, territory, or other jurisdiction of the United States, and which have been published in a form which makes them readily accessible.
> (e) Rules and decisions of boards, commissions, and agencies of the United States or of any state, territory, or other jurisdiction of the United States which have been duly published and promulgated and which have the effect of law within their respective jurisdictions.

The CPSB never legally rebutted Rogers's evidence and affidavits at any time in this case with testimony or counter-affidavits or counter-evidence. At the 01/06/2016 trial, the trial court, unsuccessfully, attempted to lead Rogers into a "perjury trap"[5] with constant "badgering the witness" to counteract Rogers's affidavits and evidence, **App. U. 263a. lls. 23-32., 264a., 265a. lls. 1-5, 273a. lls. 26-32., 275a. lls. 20-24, 276a. lls. 18-30., 278a. lls. 18-27 (CPSB attorney asking questions suddenly interrupted by Judge Lafitte) lls. 28-32., 279a. lls 1-9.** Yet the trial court took no La. C.C.P. art 863(D) action against the false pleadings of the CPSB and used some of them in its opinions/judgments. Thus, a few examples of unconstitutional shielding. **App. U. 245a--295a.**

> La. C.C.P. art. 863.B...., but the signature of an attorney or party shall constitute a certification by him that he has read the pleading, and that to the best of his knowledge, information, and belief formed after reasonable inquiry, he certifies all of the following: (1) The pleading is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation. (2) Each claim, defense, or other legal assertion in the pleading is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law. (3) Each allegation or other factual assertion in the pleading has evidentiary support or, for a specifically identified allegation or factual assertion, is likely to have evidentiary support after a reasonable opportunity for further investigation or discovery. (4) Each denial in the pleading of a factual assertion is warranted by the evidence or, for a specifically identified denial, is reasonably based on a lack of information or belief.

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[5]The phrase 'perjury trap' suggests the deliberate use of a judicial proceeding to secure perjured testimony, a concept in itself abhorant.[*United States v. Simone*, 627 F. Supp. 1264, 1268 (D.N.J. 1986)]

Additionally, the CPSB failed to comply with La. R.S. 17:443(A) designed to afford due process to Angela Rogers as no disciplinary action until "after providing such teacher with the written reasons" *Rubin v. Lafayette Parish School Bd.*, 649 So. 2d 1003 La. Ct. App. 1994) writ denied. 654 So. 2d 351 (LA. 5/12/95).

> The vague and unspecified charges which the Board judged Rubin guilty violated her due process right to notice. As mentioned, we cannot say this violation was not prejudicial to her defense. *Rubin v. Lafayette Parish School Bd.*, 649 So. 2d 1003 (La. Ct. App. 1994) writ denied. 654 So. 2d 351 (LA. 5/12/95).

MR. CARNIE: "Your Honor, School Board does not have any witnesses. We believe a decision can be rendered based on what plaintiff presented and what's already been offered into evidence which is Exhibits A, B and C. **App. U. 283a. lls. 19-23.**

MR. CARNIE: "...he concluded that she needed to be terminated based on policy IL...." (Standardized Test Security Policy) **App. U. 286a. lls. 2-3.**

> Nonetheless because a client speaks through her attorney in court any statement made by the attorney is held to be an admission by the client *Singleton v Bunge Corporation* 364 So 2d 1321 1325 (La App 4th Cir 1978) see also *Landry v Landry* 97 1839 (La App 4th Cir 11/25/98) 724 So 2d 271.

The CPSB's SDR and trial "judicial confessions" showed a termination solely transacted by the illegal use of standardized test security policy IL-R/17:81.6(B) and unauthorized disciplinary authority La. R.S. 17§ 443(A) not following "special procedures" *Loop, Inc. supra,* to terminate and invoke trial court's limited jurisdiction under La. Const. art. V sec. 16(B). The trial court lacked subject matter jurisdiction to affirm the CPSB 's non legal use of law and non due process notice of termination to AR. CPSB knew what test IL-R covered. **App. Z3. 418a.**

> La. CC Art. 1853. Judicial confession: A judicial confession is a declaration made by a party in a judicial proceeding. That confession constitutes full proof against the party who made it. A judicial confession is indivisible and it may be revoked only on the ground of error of fact. Acts 1984, No. 331, §1, eff. Jan. 1, 1985. *Lewis v. City of Shreveport*, 36,659 (La. App. 2Cir. 12/11/02), 837 So.2d 44.

The aforementioned shows the CPSB knew they violated law (standardized test investigations) and disciplinary authority using La. R.S. 17:81.6(B). The CPSB had no immunity against suit. Angela Rogers had a right to sue and prevail:

> Any teacher(s), administrator or other school personnel who breach test security or allow breaches in test security shall be disciplined in accordance with the provisions...by the amended R.S. 17:81.6. **App. Z3. 409a ¶2.**
>
> FED. R. CIV. P. 17(b)(3). CAPACITY TO SUE OR BE SUED. Capacity to sue or be sued is determined as follows: (3)...by the law of the state where the court is located,....
>
> La. R.S. 17 § 51: Parish boards as bodies corporate; power to sue and be sued; The legislature hereby authorizes suits against any parish school board for the enforcement of contracts entered into by the school board or for recovery of damages for the breach thereof, without necessity of any further authorization by the legislature. See also: La. R.S. 17 § 443(A) *supra.*
>
> *Steve Barton v .Jefferson Parish School Board* 171 So.3d 316 Court of Appeal of Louisiana, Fifth Circuit. , No. 14–CA–761. (La. App. 5 Cir., 05/28/ 2015). Non-tenured teacher brought action against school board... seeking damages for alleged...wrongful termination...The...Court of Appeal, Marc E. Johnson, J.,...held that: [1] evidence was insufficient to support school board's finding...as required to support teacher's termination on such basis; [2] teacher established that, rather than being "at will" employee, he had fixed term contract with school, such that he had cause of action for wrongful termination after school board fired him, ... The cause of action for wrongful termination is established by La. C.C. art. 2749, which states: If, without any serious ground of complaint, a man should send away a laborer whose services he has hired...before that time has expired, he shall be bound to pay to such laborer the whole of the salaries which he would have been entitled to receive, had the full term of his services arrived.

The CPSB produced no rebuttal affidavits and no witnesses for defense and abandoned well-settled jurisprudence mandates and due process procedures.

> *Driscoll v. Stucker*" 893 So. 2d 32 (La. 2005) Despite the advent of modern, liberal discovery rules, this rule remains vital, especially in cases, such as this one, in which a witness with peculiar knowledge of the material facts is not called to testify at trial. Id. (quoting 19 Frank L. Maraist, Louisiana Civil Law Treatise: Evidence and Proof, This adverse presumption is referred to as the "uncalled witness" rule and applies "when 'a party has the power to produce witnesses whose testimony would elucidate the transaction or occurrence' and fails to call such witnesses." *Taylor v. Entergy Corp.*, 2001-0805 (La. App. 4 Cir. 4/17/02), 816 So.2d 933 (quoting *Davis v. Myers*, 427 So.2d 648, 649 (La. App. 5 Cir.1983)).
>
> Explaining that adverse presumption, the Fourth Circuit recently noted "'[w]hen a defendant in a civil case can by his own testimony throw light upon matters at issue, necessary to his defense and particularly within his own knowledge, and fails to go upon the witness stand, the presumption is raised and will be given effect, that the facts, as he would have them do not exist.'" *Safety Ass'n of Timbermen Self Insurers Fund v. Malone Lumber, Inc.*, 34,646 (La.App.2 Cir.6/20/01), 793 So.2d 218, writ denied, 2001-2557 (La.12/07/01), 803 So.2d 973.
>
> *Sonja Wise v. Bossier Parish School Board*,851 So.2d 1090 (La.2003), "'Substantial evidence' has been defined as 'evidence of such quality and weight that reasonable and fair-minded men in exercise of impartial judgment might reach different conclusions.'" *Coleman v. Orleans Parish School Bd.*, 93-0916 (La. App. 4 Cir. 215197),688 So. 2d 1312, 1315 (citing *Wiley v. Richland Parish Sch. Bd.*, 476 so. 2d 439, 433 (La. App. 2 Cir. 1985)
>
> Generally, an abuse of discretion results from a conclusion reached capriciously or in an arbitrary manner. See *Burst v. Bd. of Com'rs Port of New Orleans*, 93-2069 (La. 10/7/94),646 so. 2d, 955,writ not considered, 95-265 (La.3/24/95),651 So. 2d 284. The word "arbitrary" implies a disregard of evidence or of the proper weight thereof. A conclusion is "capricious" when there is no substantial evidence to support it or the conclusion is contrary to substantiated competent evidence. *Coliseum Square Association v. City of New Orleans*, 544 So. 2d 351, 360 (La. 1989).
>
> Additionally, in *Wise*, the Louisiana Supreme Court noted: the Coleman decision stated: [T]he teacher must have some knowledge that his actions were contrary to school policy gained either through warnings from his

supervisors or from general knowledge concerning the responsibilities and conduct of teachers. . . . Thus, under the case law, teachers may be dismissed for willful neglect of duty only for a specific action or failure to act in contravention of a direct order or identifiable school policy. *Coleman*, 688 So. 2d at 1316. (supra.)

In *Howard v. West Baton Rouge Parish School Bd.*, 00-3234 (La. 6/29/01),793 So.2d 153, a tenured teacher brought a loaded handgun on school grounds, and left it in his vehicle which was parked in an area easily accessible to the students. The gun was subsequently stolen from the teacher's vehicle. This court concluded that although the teacher's conduct may have endangered students, it did not rise to the level of a failure to follow an identifiable school policy. This court ultimately concluded that the School Board failed to prove that the teacher acted with willful neglect of duty...

The statutory requirement that the statement of charges contain certain information is also designed to insure that the teacher is afforded "due process." This right, though protected in LSA-R.S. 17:443, is constitutionally guaranteed. U.S. Const. Amend. XIV; La. Const. Art.1, Sec. 2. Due process necessarily requires that a teacher is fully apprised of the charges against her and that she is given a fair opportunity to defend. Charges which do not articulate specific facts to support them and provide the dates of the alleged occurrences violate the fundamental requirements of constitutional due process. A teacher is entitled to know exactly what alleged facts form the basis of the proceedings against her so that she is able to prepare an adequate defense. *Rubin v. Lafayette Parish School Bd.*, 649 So. 2d 1003 (La. Ct. App. 1994) writ denied. 654 So. 2d 351 (LA. 5/12/95).

The trial court acknowledges the illegal use of standardized test in the 01/06/2016 transcript and illegally used standardized test "discrepancies" to affirm termination.

THE COURT: Mrs. Rogers was terminated as a result of there being discrepancies in the DIBELS booklets. **App. U. 286a. lls. 15-17.** You tried to explain why the system, the DIBELS system should not be in place. **App. U. 288a. lls. 12-19.**

THE COURT: ...therefore, the Superintendent, made the decision that ... discrepancies were made ...DIBELS booklets. **App. U. 287a. lls. 2-5.**

Not signing the legally incongruous 01/11/2016 judgment, Rogers filed other pleadings i.e., a motion to recuse Judge Lafitte, a relative nullity, and penalty wages but due to Judge Lafitte trying to stop Rogers's actions while under recusal, Rogers had to re-file them causing additional court cost and a negative balance.

To keep Judge Lafitte on the case, at the recusal, the CPSB attorney, Mr. Brian Carnie of Keen Miller, LLP, falsely stated no recusal allegations occurred and Judge Lafitte was not recused. The 01/06/2016 trial transcript, which the trial court was in charge of, was only available after the recusal with intemperate statements by the trial court removed and adding actions by the CPSB (raising objections) that never occurred. This shows the desperation to keep Judge Lafitte on the case in contravention to law. Later, the CPSB attempted to sanction Rogers for notifying the attorney's head office. Although cognizant the judge did not correct the CPSB..

> ..., the Due Process Clause may sometimes demand recusal even when a judge " 'ha[s] no actual bias.' " *Aetna Life Ins. Co. v. Lavoie*, 475 U. S. 813, 825 (1986). Recusal is required when, objectively speaking, "the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable." *Withrow v. Larkin*, 421 U. S. 35, 47 (1975); see *Williams v. Pennsylvania, 579 U. S. ___, ___ (2016) (slip op., at 6)* Our decision in Bracy...we did not hold that a litigant must show as a matter of course that a judge was "actually biased in [the litigant's] case," 132 Nev., at ___, 368 P. 3d, at 744— ...."

The CPSB's fraudulent actions in the maintaining, injuring or filing of Mrs. Rogers's employment record , false statements in her employment record, false statements in court, in court rulings or Westlaw® is illegal and actionable. Such

actions regarding a public record can lead to five years at hard labor (felony) per violation): La. R.S. 14:132 (C)(D) and 14:133 (C)(1) and (2).

> La. R.S. 14 § 132. A. First degree injuring public records is the intentional... alteration, falsification, or concealment of any record, document, or other thing, filed or deposited, by authority of law, in any public office or with any public officer B. Second degree injuring public records is the intentional...alteration, falsification, or concealment of any record, document, or other thing, defined as a public record pursuant to R.S. 44:1 et seq. and required to be preserved in any public office or by any person or public officer pursuant to R.S. 44:36.
>
> La. R.S. §133. A. Filing false public records is the filing or depositing for record in any public office or with any public official, or the maintaining as required by law, regulation, or rule, with knowledge of its falsity, of any of the following: (3) Any document containing a false statement or false representation of a material fact.

The CPSB's attorney has no "absolute privilege" to continue making false statements. CPSB has no "protected free speech regarding a public matter".

> ...,attorneys in Louisiana are afforded only a qualified—not an absolute—privilege for statements made in the course of litigation. *Freeman v. Cooper*, 414 So.2d 355, 359 (La. 1982) (—[i]n other jurisdictions, a defamatory statement by an attorney in a judicial proceeding is absolutely privileged, if the statement has some relation to the proceeding, but in Louisiana the privilege is a qualified one); 1 Robert D. Sack, SACK ON DEFAMATION § 8:2.1 (4th ed. 2013) ...this does not give the attorney free rein to make outlandish and unwarranted statements. . . . Furthermore, the Supreme Court held that —an attorney in Louisiana cannot make disparaging statements, either in pleadings, briefs or arguments, if the defamatory statements are not pertinent to the case or are made maliciously or without reasonable basis. *Freeman v. Cooper*, 414 So.2d 355, 359 (La.1982).
>
> ...words that are defamatory per se are those which expressly or implicitly... by their very nature tend to injure one's personal or professional reputation, without considering extrinsic facts or circumstances. When a plaintiff proves publication of words that are defamatory per se, falsity and

malice (or fault) are presumed,....Injury may also be presumed. *Kennedy v. Sheriff of E. Baton Rouge*, 05-1418 at p. 5, (La. 7/10/06) 935 So.2d at 674-75

Nonetheless because a client speaks through her attorney in court any statement made by the attorney is held to be an admission by the client. *Singleton v Bunge Corporation* 364 So 2d 1321 1325 (La App 4th Cir 1978) see also *Landry v Landry* 97 1839 (La App 4th Cir 11/25/98) 724 So 2d 271. La. CC Art. 1853. Judicial confession:

La. C.E. art. 506 Lawyer-client privilege

C. Exceptions. There is no privilege under this Article as to a communication:
(1)(a) If the services of the lawyer were sought or obtained to enable or aid anyone to commit or plan to commit what the client or his representative knew or reasonably should have known to be a crime or fraud.
(b) Made in furtherance of a crime or fraud.

To counter the unconstitutional actions of the trial court to shield the CPSB, Rogers moved, at a 05/09/2016 relative nullity trial for dismissal of the appeal, of the 01/11/2016 judgment. The trial court first orally granted and then promptly orally modified his oral ruling stating dismissal would only occur via a written motion "so that we'll be sure that you know what you are doing", "And once that's done it's dismissed". **App. B. 95a-96a.** This gave Rogers more time to prosecute other pleadings at the appellate level. Rogers also later filed emails from BESE and the LDE noting the illegality of using La. R.S. 17 § 81.6(B) and a ruling from the Louisiana Workforce Commission ("LWC") noting "no misconduct connected" with Angela Rogers's termination during the termination period in order to receive 6 months unemployment payments. As the CPSB did not appeal or cite any immunity against judgment, this LWC ruling was conclusive. **App. U. 242a.-244a.**

> see: *Delta American Healthcare, Inc. v. Burgess*, 41,108 (La. App. 2d Cir.5/17/06), 930 So. 2d 1108 "shall be conclusive, ...*Lafitte v. Rutherford House, Inc.*, 40,395 (La. App. 2d Cir.12/14/05), 917 So.2d 684" . Factual findings of the board are conclusive... see: *Jackson v. Louisiana Board of Review*, 41,862 (La. App. 2d Cir. 1/10/07), 948 So. 2d 327."

Noting the CPSB never invoked the trial court's jurisdiction, Rogers later filed, (09/18/2017) for an absolute nullity against the 01/11/2016 judgment. **App. U. 205a.-295a.**. Judge Lafitte refused to have the rule to show cause. **App. T. 204a.** Rogers then sought and did receive a writ of mandamus from the La. App. 2nd ordering the Absolute Nullity trial. **App. S. 202a-203a.** Then Judge Lafitte did not set a court date. Rogers had to file another motion with the La. App. 2nd to enforce their mandamus in setting a date of May 2018. **App. R. 200a-201a.** At the May 2018 absolute nullity trial, the trial court attempted to shield the CPSB by circular argument and *argumentum ad baculum* against Rogers, to have Rogers undermining or "self-impeach" their own case. With no success against Rogers, the trial court declared its own jurisdiction, without support of any cited jurisprudence or law. **App. K. 168a.-185a. App. M. 186a.-187a.** With having to be mandated to have the absolute nullity trial, (eight ["8"] months added to the case) in addition to not signing other orders for nearly a year, Judge Lafitte added nearly two ("2") years to the case. The appellate courts denied writs without analysis.

Rogers then filed Informa Pauperis (IFP's) of 01/22/2019 and 04/17/2019 to finally appeal the 01/11/2016 judgment. Suddenly the trial court, on its own motion,

set a hearing for 05/16/2019. Rogers objected to the hearing as unconstitutional. **App. I. 155a.-166a** Although eligible (La. C.C.P. Art. 5181 et sq.,) for IFP, Judge Lafitte dismissed Rogers's appeal of the 01/11/2016 judgment by first crossing through the IFP motion before trial, then at trial declaring an "either or judgment", i.e., either Rogers appeal had been dismissed or (after the trial court removed the IFP) abandoned for non-payment. **App. B. 2a.-97a.**

The trial court admitted that Rogers never filed a motion to dismiss the appeal as it was the trial court who moved to unconstitutionally block Rogers's constitutional right to an appeal. As per Louisiana law, once the 03/21/2016 appeal was granted only the La. App. 2nd could dismiss the appeal if abandoned by non response to the appeal court. App. B. Thus again, no jurisdiction for the trial court to act yet he did. The trial transcript cover noted "a hearing on IFP", unknown to Rogers, it was a hearing to dismiss Rogers's 03/21/2016 appeal of the 01/11/2016 judgment of the 01/06/2016 trial. IFP was never traversed at trial. **App. B. 46a.-67a.**

At the 05/16/2019 trial, the transcriptionist recording device continued to cut off during Edgar Rogers's presentation. **App. B. 58a. lls. 1-32., 59a.** This had never happened to Edgar Rogers in 27 years of representing himself. The trial court additionally said if Rogers had paid cost no later than 3 months (in 2016) the appeal would not have been dismissed. **App. B. 65a. lls. 3-32.** Rogers showed to the La.

App. 2nd and Louisiana Supreme Court, **id. App. B, App. E. 125a-151a.**

jurisprudence which showed otherwise.:

> *Whitlock v. Fifth Louisiana Dist. Levee Bd.*, 49,667 (La. App. 2 Cir. 4/15/15), 164 So. 3d 310 (1 year and 11 months passed before appeal cost payment); In *Schmolke v. Clary*, 2003-2107 (La. App. 1st Cir. 9/17/04), 884 So. 2d 675, 676, writ denied, 2004-3089 (La. 2/18/05), 896 So. 2d 41 (quoting *Pray v. First National Bank of Jefferson Parish*, 93-3027 (La. 2/11/94), 634 So. 2d 1163). ...three (3) extension totaling nearly six (6) months with dismissal only after litigant missed the last extension. *Louisiana Board of Massage Therapy v. Fontenot*, 04–1525 (La.App. 3 Cir. 5/4/05), " C.C.P. art. 2126 is not self operative. when the costs are already paid at the time of the hearing the statute has no applicationby its own terms...the payment satisfied the intent and purposes of La. C.C.P. art. 2126 and made the motion to dismiss moot. 901 So.2d 1232 (payment 10 months later)
>
> Joseph v. Wasserman , 16-0528 (La. App. 4 Cir. 12/7/16), 206 So.3d 970 We have reviewed this judgment de novo...the trial judge's ruling was legally incorrect in dismissing the case as abandoned. Subsection A(1) 2 of Article 561, and the three-year abandonment period, does not apply to a case, as here, in which a judgment...has been rendered....we find that because the plaintiffs timely filed their motion and order for devolutive appeal, Subsection C of Article 561, treating abandonment of appeals, controls the disposition of this matter. And because Subsection C incorporates by reference Rule 2-8.6 of the Uniform Rules-Courts of Appeal, which does not contemplate or provide for abandonment of an appeal until after the record has been lodged in the court of appeal, which never occurred in this case, the case has not been abandoned. Accordingly, we vacate the judgment decreeing abandonment and remand the matter to the trial court. The trial judge is instructed on remand to sign the timely-filed order of appeal so that the appellate processes may commence. (9 years later cost were handled)

The Non Sequitur 05/16/2019 hearing to dismiss Rogers's appeal did not swear in the parties, N.B. La. C.C.P. art. 1633. Oath or affirmation of witnesses, La. C.E. Art. 603. Oath or affirmation, No. 40,992-CA. *Coffman V. Coffman*, La. Ct. App. 2nd; 926 So. 2d 809 (La. Ct. App. 2006). **App. B. 48a-52a.**

Rogers appealed the 05/16/2019 trial (05/29/2019 judgment) but Judge Lafitte truncated the appeal record, and the La. App. 2nd denied Rogers's motion for a full record to show the entire case, converted Rogers's appeal to a writ noting it *interlocutory,* despite the fact that the trial court's ruling ended the entire case, and then denied the writ without analysis as did the Louisiana Supreme Court. **Apps. B-I, 2a-166a.** The U.S. and Louisiana Constitution affirm IFP and appeal rights:

> Thus, we hold only that a State may not, consistent with the obligations imposed on it by the Due Process Clause of the Fourteenth Amendment, pre-empt the right ...without affording all citizens access to the means it has prescribed for doing so (emphasis added). *Boddie v. Connecticut,* 401 U.S. 371, 382-383, 91 S. Ct. 780, 788-789 (1971). The right to litigate in forma pauperis is guaranteed under the Louisiana Constitution, which provides that: "All courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality,or unreasonable delay, for injury to him in his person, property, reputation, or other rights." La. Const. art. 1, § 22, Access to Courts. Additionally, statutorily, La. Code Civ. P. art. 5181 et seq. provides a scheme for the waiver of costs for indigent party. Our jurisprudence, stemming from *Benjamin v. National Super Mkts., Inc.,* 351 So.2d 138, 141 (La. 1977) and its progeny, makes it clear that "...the test provided by the legislature is to allow a litigant to proceed without prepayment of costs or furnishing of bond if he is unable to pay the costs of court because of his poverty and lack of means."2018 Louisiana Judicial College"

The Louisiana Supreme Court in *Evans v. Lungrin,* 97–541 (La .2/6/98), 708 So.2d 731, 735, stated (citations omitted): Legal errors are prejudicial when they materially affect the outcome and deprive a party of substantial rights. When such a prejudicial error of law skews the trial court's finding of a material issue of fact and causes it to pretermit other issues, the appellate court is required, if it can, to render judgment on the record by applying the correct law and determining the essential material facts de novo.

III. REASON FOR GRANTING THE PETITION

The CPSB had achieved the "legal trifecta" for losing a case, (1.) commit a criminal offense to illegally investigation, (2.) use that illegal investigation to activate its disciplinary authority without authorization and (3) then use that unauthorized disciplinary authority to invoke the limited review jurisdiction of the trial court, thus no trial court subject matter jurisdiction. Yet, the trial court affirmed and the appellate courts sanctioned such lack of constitutional and law standards in deciding and legally ending this case. Thus, the only legal venue dedicated to and left to resolve such issues is The United States Supreme Court.

Rogers's incorporates all previous pleadings and exhibits as if fully set forth herein. The following constitutional mandates and law and well-settled jurisprudence show why the aforementioned legal violations and affirmations by the appeals courts are legally impermissible thus this Writ of Certiorari should be granted and ruled in favor of Angela Rogers's and Edgar Rogers's constitutional rights. TO WIT:

> "The constitutional guarantee of access to the courts found in Article I, § 22, of the (Louisiana 1974 [emphasis added]) Constitution reads: "All courts shall be open,...shall have an adequate remedy by due process... administered without denial, partiality, or unreasonable delay, for injury to him ...." "Article 1 of the Constitution,...'protects the rights of individuals against unwarrantable government action and does not shield state agencies from law passed by the people's duly elected representatives.'" *Wooley v. State Farm Fire & Cas. Ins. Co.*, 04-882 (La. 1/19/05), 893 So.2d 746, 768 (quoting *Bd. of Comm'rs of Orleans Levee Dist. v. Dep't of Nat. Res.*, 496 So.2d 281,

287 (La.1986) (on rehearing)). See also: La. Const. art. I §§§ 2, 19, 22 Due Process of Law.

U.S. Const. Amend XIV sec. 1, No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

It is clearly established that a state violates the equal protection clause when it treats one set of persons differently from others who are similarly situated. See *Wheeler v. Miller,* 168 F.3d 241, 252 (5th Cir.1999).

The U.S. Const. Art. VI, Cl. 2 and Cl. 3 (Supremacy Clause), states,

Article VI, Clause 2: "supreme Law of the Land...."

Article VI, Clause 3: Government actors "bound by Oath or Affirmation, to support this constitution...."

Colorado v. New Mexico, 467 U.S. 310 (1984)"instruct the factfinder concerning the degree of confidence our society thinks he should have in the correctness of factual conclusions for a particular type of adjudication." *In re Winship,* 397 U. S. 358, 397 U. S. 370 (1970) (Harlan, J., concurring). By informing the factfinder in this manner, the standard of proof allocates the risk of erroneous judgment between the litigants and indictates Page 467 U. S. 316 the relative importance society attaches to the ultimate decision. *See Addington v. Texas,* 441 U. S. 418, 441 U. S. 423-425 (1979).

Unchecked by the Louisiana Supreme Court, the trial court violated, mandates from the U.S. Constitution. Its rulings or judgments are void *ab initio.*

Futch v. Coumes (informa pauperis rights) 347 So. 2d 1121 (La. 1977) Courts may not adopt rules "contrary to the rules provided by law." La.C.Civ.P. art. 193 The statutory procedure provided by Article 5183 contemplates that a party may secure the privilege upon presenting an ex parte written motion to which are attached affidavits showing that the party is entitled to exercise the privilege. The statutory procedure does not involve a personal appearance at the courthouse. The simple statutory procedure provided is designed to assure efficient and non-technical exercise of the privilege by those entitled to

it. The statutory purpose and procedure is contravened by converting an ex parte written motion and affidavit procedure into an inquisitorial mini-hearing routinely required in all cases. One could well argue that a result... is to inhibit access to the privilege by those entitled by law to exercise it,... La.Civ.P. art. 283(4),...confers upon the clerk the power to grant (but not to deny) such applications. (privilege of informa pauperis emphasis added)

The Louisiana Second Circuit Court of Appeals and the Louisiana Supreme Court had authority to take action to secure constitutional rights. La. Const. V §5(A)(C)(F) .(A) Supervisory Jurisdiction; La. Const. V §10 Courts of Appeal; Jurisdiction Section 10.(A) Jurisdiction. "It has supervisory jurisdiction over cases which arise within its circuit." (Louisiana Appellate Courts)

U.S. Const. amend. I: (Redress of Grievances),

Amendment I

Congress shall make no law...prohibiting...to petition the government for a redress of grievances. Furthermore, the Court has interpreted the Due Process Clause of the Fourteenth Amendment as protecting the rights in the First Amendment from interference by state governments. The right to petition the government for a redress of grievances guarantees people the right to ask the government to provide relief for a wrong through litigation or other governmental action. It works with the right of assembly by allowing people to join together and seek change from the government. Cornell Law

Borough of Duryea, Pennsylvania, et al., v. Charles J. Guarnieri, 131 S.Ct. 2488 (2011) 564 U.S. 379 This Court's precedents confirm that the Petition Clause protects the right of individuals to appeal to courts and other forums established by the government for resolution of legal disputes. "[T]he right of access to courts for redress of wrongs is an aspect of the First Amendment right to petition the government." Sure-Tan, Inc. v. NLRB, 467 U.S. 883, 896-897, 104 S.Ct. 2803, 81 L.Ed.2d 732 (1984); see also BE & K Constr. Co. v. NLRB, 536 U.S. 516,525, 122 S.Ct. 2390, 153 L.Ed.2d 499 (2002); Bill Johnson's Restaurants, Inc. v. NLRB, 461 U.S. 731, 741, 103 S.Ct. 2161, 76 L.Ed.2d 277 (1983); California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508, 513, 92 S.Ct. 609, 30 L.Ed.2d 642 (1972).

U.S. Const. amend IX,

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

U.S. Constitution amend. XIV§1 (Due Process,

Section 1.

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Procedural Due Process

Procedural due process guarantees fairness to all individuals. As a basic rule, the more important the right, the stricter the procedural process must be. As Judge Henry J. Friendly notes in his article "some kind of hearing"

Thus, we hold only that a State may not, consistent with the obligations imposed on it by the Due Process Clause of the Fourteenth Amendment, pre-empt the right ...without affording all citizens access to the means it has prescribed for doing so (emphasis added). *Boddie v. Connecticut*, 401 U.S. 371, 382-383, 91 S. Ct. 780, 788-789 (1971).

The right to litigate in forma pauperis is guaranteed under the Louisiana Constitution, which provides that: "All courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay, for injury to him in his person, property, reputation, or other rights." La. Const. art. 1, § 22, Access to Courts. Additionally, statutorily, La. Code Civ. P. art. 5181 et seq. provides a scheme for the waiver of costs for indigent party. Our jurisprudence, stemming from *Benjamin v. National Super Mkts., Inc.*, 351 So.2d 138, 141 (La. 1977) and its progeny, makes it clear that "...the test provided by the legislature is to allow a litigant to proceed without prepayment of costs or furnishing of bond if he is unable to pay the costs of court because of his poverty and lack of means."2018 Louisiana Judicial College"

Caperton v. A. T. Massey Coal Co., 556 U.S. 868 (2009) Under our precedents there are objective standards that require recusal when "the probability of actual bias on the part of the judge or decisionmaker is too high

to be constitutionally tolerable." *Withrow v. Larkin*, 421 U. S. 35, 47 (1975). Applying those precedents, we find that, in all the circumstances of this case, due process requires recusal. It is axiomatic that "[a] fair trial in a fair tribunal is a basic requirement of due process." *Murchison, supra,* at 136.

U.S. Const. amend. XIV Equal Protection,

The Fourteenth Amendment's Equal Protection Clause requires states to practice equal protection. Equal protection forces a state to govern impartially—not draw distinctions between individuals solely on differences that are irrelevant to a legitimate governmental objective. Thus, the equal protection clause is crucial to the protection of civil rights. Cornell Law.

Mr. Justice HARLAN's dissent noted in *Plessy v. Ferguson,* 163 U.S. 537 (1896) at 563-564 notes of the legally violative actions of governmental entities:

I cannot see but that, according to the principles this day announced, such state hostility to,..., citizens of the United States...would be held to be consistent with the Constitution. ...recent amendments of the supreme law, which established universal civil freedom,...placed our free institutions upon the broad and sure foundation of the equality of all men before the law.

I am of opinion that...Louisiana is inconsistent with the personal liberty of citizens, ...and hostile to both the spirit and letter of the Constitution of the United States. If laws of like character should be enacted in the several States of the Union, the effect would be in the highest degree mischievous. ...tolerated by law...but there would remain a power in the States,...to interfere with the full enjoyment of the blessings of freedom to regulate civil rights, common to all citizens...and to place in a condition of legal inferiority a large body of American citizens now constituting a part of the political community called the [564]People of the United States, for whom and by whom, through representatives, our government is administered.

Such a system is inconsistent with the guarantee given by the Constitution to each State of a republican form of government, and may be stricken down by Congressional action, or by the courts in the discharge of their solemn duty to maintain the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding.

The trial court's "testifying" with *circular arguments* or "begging the question", using leading and argumentative direct examination to coerce Rogers's testimony to favor a ruling for the CPSB was and is unconstitutional. The trial court acting on behalf of the CPSB is shown below (no oral rulings counted).

01/06/2016 trial which produced January 11, 2016 judgment dismiss with prejudice.

Trial Court's Direct Examination for the CPSB	407 lines	35.2%
Angela Rogers	272 lines	23.5%
CPSB (Mr. Carnie)	226 lines	19.6%

05/14/2018 ABSOLUTE NULLITY Rule to Show Cause Trial:

Edgar Rogers's argument:	237 lines
The Trial Court's Direct Examination for the CPSB :	175 lines
CPSB (3.1 & 3.3 attorney code violation 5 lines):	23 lines + 5 (violations)
Angela Rogers:	20 lines

05/16/2019 Trial/Hearing which dismissed Rogers's right to appeal and by IFP.

Edgar Rogers (affirmed by AR)	178 lines
Trial Court's Argument for the CPSB	139 lines
CPSB	65 lines

Louisiana Code of Evidence art.611 and La. Civ. Tr. P. 2016,

> §2:67 Impartiality-Judge Not Investigator: At trial, the litigants, not the judge, have the responsibility to present evidence and examine the witnesses. The complete neutrality of the trial court is an essential element of a fair trial. *State v. Jones*, 593 So.2d 802, 803 (La. App. 4 cir. 1992); **Adversary system or adversarial system.** "The contest is before an impartial person or group of people, usually a jury or judge." U.S. Legal.com

Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985), stated "Fraud upon the court is fraud which is directed to the judicial machinery itself....where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court have been directly corrupted."

U.S. Const. amend. XIV [Economic] Liberty and [Contract] Property Interest) rights.

Allgeyer v. Louisiana, 165 U.S. 578 (1897), was a landmark United States Supreme Court case in which a unanimous court struck down a Louisiana statute on grounds that it violated an individual's "liberty to contract." This was the first case in which the Supreme Court interpreted the word liberty in the Due Process Clause of the Fourteenth Amendment to mean economic liberty. 65 U.S. 578 (more) 17 S. Ct. 427; 41 L. Ed. 832; 1897 U.S. LEXIS 1998.

Peter DRISCOLL, M.D. v. Fred J. STUCKER, M.D., et al. 04-0589 (La. 1/19/05); 893 So. 2d 32, 47. Moreover, a liberty interest is implicated triggering procedural due process requirements when the state imposes a stigma or other disability upon the plaintiff that forecloses his freedom to take advantage of other employment opportunities. *Bd. of Regents v. Roth* 408 U.S. at 574-75, 92 S.Ct. 2701. Explicit contractual provisions or "other agreements implied from the promissor's words or conduct in light of the surrounding circumstances" may also create property interests. *Perry v. Sindermann*, 408 U.S. 593, 601-02 (1972).

Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532, 105 S. Ct. 1487, 84 L. Ed. 2d 494, 1985 U.S. LEXIS 68, 53 U.S.L.W. 4306, 118 L.R.R.M. 3041, 1 I.E.R. Cas. (BNA) 424 (U.S. Mar. 19, 1985) An essential principle of due process is that a deprivation of life, liberty or property be preceded by notice and opportunity for hearing appropriate to the nature of the case.

Respondents' federal constitutional claim depends on their having had a property right in continued employment. [Footnote 3] *Board of Regents v. Roth*, 408 U. S. 564, 408 U. S. 576-578 (1972); *Reagan v. United States*, U. S. 419, 182 U. S. 425 (1901). If they did, the State could not deprive them of this property without due process. See *Memphis Light, Gas & Water Div.* v. *Craft*, 436 U. S. 1, 436 U. S. 11-12 (1978); *Goss v. Lopez*, 419 U. S. 565, 419 U. S. 573-574 (1975).

The Louisiana Supreme Court sanctioned actions are unconstitutional.

Vitek v. Jones, 445 U. S. 480, 445 U. S. 491 (1980), we pointed out that "minimum [procedural] requirements [are] a matter of federal law, they are not diminished by the fact that the State may have specified its own procedures that it may deem adequate for determining the preconditions to adverse official action." This conclusion was reiterated in *Logan v.*

Zimmerman Brush Co., 455 U. S. 422, 455 U. S. 432 (1982), where we reversed the lower court's holding that, because the entitlement arose from a state statute, the legislature had the prerogative to define the procedures to be followed to protect that entitlement.

Due Process, An Actionable Right

constitutional guarantee to a fair and impartial trial.

Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985) 470 U.S. 532, 105 S.Ct. 1487 84 L.Ed.2d 494 *PARMA BOARD OF EDUCATION, Petitioner, v. Richard DONNELLY et al.* (reference to *Logan v. Zimmerman Brush Co.*, 455 U. S. 422, 455 U. S. 432 (1982), where we reversed the lower court's holding that, because the entitlement arose from a state statute, the legislature had the prerogative to define the procedures to be followed to protect that entitlement. "is conferred, not by legislative grace, but by constitutional guarantee. While the legislature may elect not to confer a property interest in [public] employment, it may not constitutionally authorize the deprivation of such an interest, once conferred, without appropriate procedural safeguards." *Arnett v. Kennedy*, supra, at 416 U. S. 167 (POWELL, J., concurring in part and concurring in result in part); see id. at 416 U. S. 185 (WHITE, J., concurring in part and dissenting in part).

In short, once it is determined that the Due Process Clause applies, "the question remains what process is due." *Morrissey v. Brewer*, 408 U. S. 471, 408 U. S. 481 (1972). The answer to that question is not to be found in the (state[emphisis added]) Ohio statute. Page 470 U. S. 542.

An essential principle of due process is that a deprivation of life, liberty, or property "be preceded by notice and opportunity for hearing appropriate to the nature of the case." *Mullane v. Central Hanover Bank & Trust Co.*, 339 U. S. 306, 339 U. S. 313 (1950). We have described "the root requirement" of the Due Process Clause as being "that an individual be given an opportunity for a hearing *before* he is deprived of any significant property interest." [Footnote 7] *Boddie v. Connecticut*, 401 U. S. 371, 401 U. S. 379 (1971) (emphasis in original); *see Bell v. Burson*, 402 U. S. 535, 402 U. S. 542 (1971). This principle requires "some kind of a hearing" prior to the discharge of an employee who has a constitutionally protected property interest in his employment. *Board of Regents v. Roth*, 408 U.S. at 408 U. S. 569-570; *Perry v.*

Sindermann, 408 U. S. 593, 408 U. S. 599 (1972). As we pointed out last Term, this rule has been settled for some time now. *Davis v. Scherer,* 468 U. S. 183, 468 U. S. 192, n. 10 (1984); *id.* at 468 U. S. 200-203 (BRENNAN, J., concurring in part and dissenting in part). Even decisions finding no constitutional violation in termination procedures have relied on the existence of some pretermination opportunity to respond.

Furthermore, the employer shares the employee's interest in avoiding disruption and erroneous decisions; and until the matter is settled, the employer would continue to receive the benefit of the employee's labors. It is preferable to keep a qualified employee on than to train a new one. A governmental employer also has an interest in keeping citizens usefully employed, rather than taking the possibly erroneous and counterproductive step of forcing its employees onto the welfare rolls. Id DONNELLY et al. *Cleveland Board of Education v. Loudermill et. al.*470 U.S. 532 (1985) 105 S. Ct. 1487.

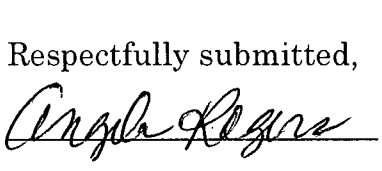
First, the significance of the private interest in retaining employment cannot be gainsaid. We have frequently recognized the severity of depriving a person of the means of livelihood. *See Fusari v. Steinberg,* 419 U. S. 379, 419 U. S. 389 (1975); *Bell v. Burson, supra,* at 402 U. S. 539; *Goldberg v. Kelly,* 397 U. S. 254, 397 U. S. 264 (1970); *Sniadach v. Family Finance Corp.,* 395 U. S. 337, 395 U. S. 340 (1969). While a fired worker may find employment elsewhere, doing so will take some time, and is likely to be burdened by the questionable circumstances under which he left his previous job. *See Lefkowitz v. Turley,* 414 U. S. 70, 414 U. S. 83-84 (1973).

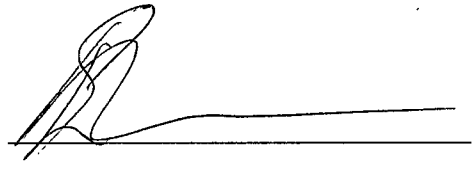
Second, some opportunity for the employee to present his side of the case is recurringly of obvious value in reaching an accurate decision. Dismissals for cause will often involve factual disputes. *Cf. Califano v. Yamasaki,* 442 U. S. 682, 442 U. S. 686 (1979). Even where the facts are clear, the appropriateness or necessity of the discharge may not be; in such cases, the only meaningful opportunity to invoke the discretion of the decisionmaker is likely to be before the termination takes effect. *See Goss v. Lopez,* 419 U.S. at 419 U. S. 583-584; *Gagnon v. Scarpelli,* 411 U. S. 778, 411 U. S. 784-786 (1973). [Footnote 8] Page 470 U. S. 544 The cases before us illustrate these considerations. Both respondents had plausible arguments to make that might have prevented their discharge. The fact that the Commission saw fit to reinstate Donnelly suggests that an error might have been avoided had he been provided an opportunity to make his case to the Board.

IV. CONCLUSION:

The supplanting of the U.S. and Louisiana Constitutions, law, and well settled jurisprudence show certiorari should be granted against state courts shielding of state entities subject to suites from judgments and liabilities. Rogers prays for granting of the writ and rulings for Angela Rogers and Edgar Rogers.

Respectfully submitted,





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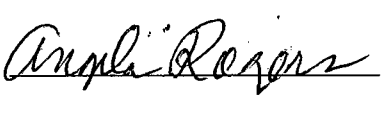
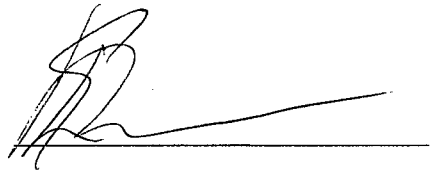
RULE 29.3 SERVICE was sent on July 28, 2020 to Clerk of The U.S. Supreme Court Rule 33.2 (ONE COPY) and personally served on Respondent- Defendant Caddo Parish School Board's counsel Keen Miller Shreveport, LA, Pursuant to 28 U.S.C. § 1746 "We declare under penalty of perjury that the foregoing is true and correct." Executed on this 27th of July, 2020.





Angela Rogers

Edgar L. Rogers