

No. 20-5916

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**In the Supreme Court of the United States**

Veronica Delph,  
*Petitioner,*

v.

(UAMS) University of Arkansas for  
Medical Sciences, Melvin Kirkwood  
Assistant Manager for UAMS,

*Respondent.*

**ORIGINAL**

**FILED**  
**AUG 10 2020**

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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*On Petitioner for Writ of Certiorari*

*From the United States District Court Eastern District of Arkansas Western  
Division Appeal to the United States Court of Appeals for the Eighth Circuit*

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**PETITION FOR WRIT OF CERTIORARI**

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Veronica Delph  
Petitioner,  
Pro se of Record  
2902 Bermuda Lane  
Little Rock, Arkansas 72206  
(501) 291-7584

**RECEIVED**

**AUG 17 2020**

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

**QUESTION PRESENTED**

Does a court of appeals deny a party due process  
Under the 14<sup>th</sup> Amendment when it decides the case on  
A basis never litigated or passed on as a matter of fact  
Or law in the trial court and raised for the first time on  
Appeal.

**PARTIES TO THE PROCEEDINGS**

The parties are:

Veronica Delph file a complaint under Title VII of the Civil Rights Act of 1964 and American With Disabilities of the Civil Rights Act of 1964( as amended) American With Disabilities Title VII of the Civil Rights Act of 1990(as amended) and Retaliation and Veronica Delph is the Petitioner,

(UAMS) University of Arkansas for Medical Sciences,  
Melvin Kirkwood assistant manager for UAMS, Respondents.

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Veronica Delph respectfully petitions for a writ of *certiorari* to review the judgment of the United States District Court Eastern District of Arkansas Western Division and of the United State Court of Appeals for the Eighth Circuit in this case.

### **OPINIONS BELOW**

The United States District Court Eastern District of Arkansas Western Division-Little Rock opinion is unreported. Petition Complaint Appendix) The United States District Court Eastern District of Arkansas Western Division denied Plaintiff Complaint .

### **JURISDICTION**

The judgment of the United States District Court Eastern District of Arkansas Western Division and the judgment of the United States Court of Appeals for the Eighth Circuit denied Petitioner Complaint pursuant to 28 U.S.C. §1257 United States District Court Eastern District of Arkansas Western Division decision, the Court's Jurisdiction is being invoked under 28 U.S.C § 1257 also 28 U.S.C § 1254(1).

### **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

U.S. Constitution, amend. 14, Sec. 1, provides in relevant part:

.....No State shall....deprive any person of life, liberty, or property, without due process of law;.....

Complaint under Title VII of The Civil Rights act of 1964( as amend) and American With Disabilities of Title VII of the Civil Rights Act of 1990(as amended) This a civil rights action was brought under pursuant to title VII of the Civil Rights Act of 1964 for employment discrimination, arbitrary denials of due process claim of First Amendment retaliation and denial of equal protection under the Fourteenth Amendment to the federal Constitution.

The district Court enter an Order granting Veronica Delph 's motion to proceed in forma paupers, No. 1, is granted.

Veronica Delph in her claim of a constitutional violation and in her complaint state enough facts to state a claim for relief. That article establishes the principle of equality before the law and prohibits all forms of arbitrary discrimination in law or by any authority and racial discrimination, sex discrimination, retaliation, disability discrimination, claims under the Arkansas Civil Rights Act, intimidation, harassment, intentional infliction of emotional distress, and retaliation, Arbitrary discrimination prohibits discrimination based on any the following:

Person's medicinal condition or mental or physical disability; or personal characteristics, such as a person's physical appearance or because she is a black female. The Assistance Manager, Melvin Kirkwood set in motion to cause Veronica Delph to become more sicker and Melvin Kirkwood intentional cause intentional infliction of emotional distress upon Veronica Delph.

Veronica Delph was exercising her rights under the First Amendment when she call 9-1-1 because she became sick on the job and the Police came on the scene and the employee of UAMS take action against her for exercising her rights for call 9-1-1 and employee disciplinary was file against her and this is one of the retaliation claim for relief that Veronica Delph is seeking. Once a person become sick they automatically become under the American disability act.

The Americans with Disabilities Act (ADA) provides broad nondiscrimination protection for individuals with disabilities in employment, public services, public accommodations and services, in 1990 and amended in 2008 and part of the civil rights and elimination of discrimination against individuals with disabilities. It has been the subject of numerous lower court decisions and the Supreme Court has decided 20 ADA cases, most recently in 2006 *United States v. Georgia*.

The district court erred in dismissing the complaint and the amended complaint in this action. Pursuant to Federal Rule 60 Rules of Civil Procedure relief from judgment or Order that during the pendency of an appeal, such mistakes may be so

corrected before the appeal is docketed in the appellate court, and thereafter while the appeal is pending may be so corrected with leave of the appellate court.

## **STATEMENT**

### **Factual Background**

Veronica Delph a black female filed a complaint charge of discrimination, Veronica Delph is a person with a disabilities and claim under the American With Disabilities Act and filed two charge with EEOC.

The charge # 493-2017-01107 on May 18, 2017 Veronica Delph filed her charge in to EEOC on May 10, 2017 Veronica Delph was hires August, 2015 and worked most recently as a cashier Veronica Delph filed a prior EEOC charge. Veronica Delph was discharged on or August 15, 2017. I was told I was discharged due to attendance policy violation. Shortly after Veronica Delph filed the complaint to EEOC she was terminated from her job.

### **Procedural Background**

A. UAMS is the Hospital treated sick people and also treatment for the mental, disabilities, incapacities people and that receive benefit program money and pursuant to Title VII of the Civil Rights Act of 1964 prohibits discrimination bases on Race, Color or National Origin in programs or Activities which receive Federal Financial Assistance. The American With Disabilities Act the (ADA) prohibits discrimination in compensation against persons with disabilities. While an employer may make compensation differences based on job differences or job performance, the employer may not base pay differences on the physical or mental condition of the worker.

B. Supervisor, Melvin Kirkwood set in motion the hostile work environment, harassment by other employee that set in motion that led to this action.



C. Tracy Brown she aide and abide Supervisor, Melvin Kirkwood by illegal terminate Veronica Delph for her job for the UAMS and in the Arkansas work Force.

D. Diana Johnson she aide and abide Assistance Manager, Melvin Kirkwood by making a difference between the employees.

E. Yolunda Cain she was carrying out Melvin Kirkwood regime against Veronica Delph.

Pursuant to Rule 60 Rules of Civil Procedure the order in the U.S. district court was set aside and should be readdress.

Pursuant to Rules of the Supreme Court of the United States Rule 14 A petition for a writ of certiorari shall contain, in the order indicated: The question presented for review, expressed concisely in relation to the circumstances of the case, without unnecessary detail. The questions should be short and should not be argumentative or repetitive.

### **REASONS FOR GRANTING THE WRIT**

This case presents an issue which goes to the essence of the appellate process and the fairness and constitutional legitimacy of the judicial process. Are appellate court bound by due process in deciding cases the same as other courts?

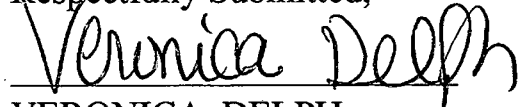
The general rule is "that a federal appellate court does not consider an issue not passed upon below." *Singleton v. Wulff*, 428 U.S. 106, 120 (1976). This rule, like every other rule, has exceptions, e.g., where the proper resolution is beyond any doubt or "injustice might otherwise result." *Id.*, citing *Turner v. City of Memphis*, 369 U.S. 350 (1962); and *Hormel v. Helvering*, 312 U.S. 552, 557, (1941). Compare *Dandridge v. Williams*, 397 U.S. 471, 475 (1970) (issues fully briefed considered); *U.S. v. Lovasco*, 431 U.S. 783, 788 n. 7 (1977).

Or right for the wrong reason and for refusing to do any act on the ground that it would be inconsistent with such law. Veronica Delph who is denied or cannot enforce in the district court of such right under any law providing for the equal civil rights of a citizens of the United States.

**CONCLUSION**

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

Respectfully Submitted,



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The Defendant's Attorney

THE BOARD OF TRUSTEES OF

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