

Case #:

THE SUPREME COURT OF THE UNITED STATES

Tamara Rouhi

Original Case Number: 19CV701

Plaintiff/Appellant

Original Case/Complaint/Exhibits Filed:
3/6/19

V

CVS Pharmacy (CVS Health Inc)
Giant Pharmacy (Ahold Delhaize)
Wegmans Pharmacy (Wegmans Food
Markets Inc)
Walgreens Pharmacy (Walgreen Co.)
Nature Care/Health Mart Pharmacy
(McKesson Inc)

Appellate Court Case Number:
20-1462

**A review from the US Court of Appeals
for the Fourth Circuit.**

Civil Case.

Jury not requested.

Defendants/Appellee

PETITION FOR REVIEW & WRIT OF CERTIORARI

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(McKesson Inc)

I. ISSUES PRESENTED FOR REVIEW

- The Defendants did not make a single factual or valid point, but still prevailed in the case. That is clearly unjust.
- I am not happy with the service (in terms of business, but also postage) that I received from the Federal District Court of Maryland or the US Court of Appeals for the Fourth Circuit.
 - The Federal District Court of Maryland made the wrong decision. The decision was not based on law, but instead, on lies. This injustice should be corrected.
 - The Federal Court of Appeals for the Fourth Circuit made a fraudulent judgement. This injustice should be corrected.

II. PARTIES

Plaintiff/Appellant

Tamara Rouhi

125 Fennington Circle

Owings Mills MD 21117

Defendants/Appellees

CVS Health Inc

One CVS Drive

Woonsocket, RI 02895

Walgreen Co.

200 Wilmot Rd.

Deerfield IL 60015

Ahold Delhaize/Giant Food

8301 Professional Place Suite 115

Landover, MD 20785

McKesson Inc

One Post Street,

San Francisco, CA, 94104

Wegmans Food Markets Inc

1500 Brooks Ave

Rochester, NY 14624

III. PREVIOUS PROCEEDINGS

The Original case (Tamara Rouhi V CVS Pharmacy et al, Case #19CV701) was filed at the United States District Court, District of Maryland, Baltimore, on 3/6/19. Judgment granting the Defendant's Motions to Dismiss were entered on 2/24/20. Plaintiff's Motion for Reconsideration was denied on 3/10/20.

An Appeal was filed at the United States Court of Appeals for the Fourth Circuit (Tamara Rouhi V CVS Pharmacy et al, Case #20-1462), and "judgement" by a clerk was entered on 8/24/20.

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V. TABLE OF AUTHORITIES

| Statute Title | Code | Page Number |
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| Article III, Section 2, US Constitution | Article III, Section 2, US Constitution | 8 |
| Certiorari | 28 U.S. Code § 1254 | 8 |
| Civil Rights | The Civil Rights Act of 1964, title II | 8,14,15 |
| Deprivation of Rights Under Color of Law | 18 U.S. Code § 242 | 14 |
| Diversity Jurisdiction | 28 U.S. Code §1332 | 7 |
| Federal Question | 28 U.S. Code §1331 | 7 |
| Final decisions of district courts | 28 U.S. Code §1291 | 7 |
| First Amendment | First Amendment, US Constitution | 14 |
| Harassment | MD § 3-803 | 8 |
| Misuse of an interactive computer service | MD § 3-805 | 8 |
| Misuse of telephone facilities | MD § 3-804 | 8 |
| Obstruction of Justice | 18 U.S. § 1505 | 14 |
| Stalking | MD § 3-802 | 8 |
| Supplemental Jurisdiction | 28 U.S. Code § 1367 | 7 |
| Thirteenth Amendment | Thirteenth Amendment, US Constitution | 14 |

VI. CITATION OF JUDGEMENTS

Judgement in Tamara Rouhi V CVS Pharmacy et al, Case #19CV701, U.S. District Court, Maryland, 2020, can be found on page 3 of Appendix I. A memorandum opinion follows.

Judgement in Tamara Rouhi V CVS Pharmacy et al, Case #20-1462, U.S. Court of Appeals, Virginia (4th Cir. 2020), can be found on page 19 of Appendix I. An unpublished opinion follows.

VII. BASIS FOR JURISDICTION

Rule 14,E, I, is satisfied section in section III.

The Basis for Jurisdiction in Tamara Rouhi V CVS Pharmacy et al, Case #19CV701, US District Court, Maryland, 2020, was Diversity Jurisdiction (28 U.S. Code §1332), Federal Question Jurisdiction (28 U.S. Code §1331), and Supplemental Jurisdiction (28 U.S. Code §1367). I am aware that Diversity Jurisdiction alone is not sufficient enough to have complex issue of state law reviewed by the Federal District Court of Maryland, but the combination of Diversity Jurisdiction and Federal Question Jurisdiction is enough to include Supplemental Jurisdiction.

The Basis for Jurisdiction in Tamara Rouhi V CVS Pharmacy et al, Case #20-1462, U.S. Court of Appeals, Virginia (4th Cir. 2020), is: The United States Court of Appeals for the Fourth Circuit has jurisdiction over The Federal District Courts of Maryland (28 U.S. § 1291).

The Basis for Jurisdiction in Tamara Rouhi V CVS Pharmacy et al, Case #_____ , US Supreme Court, DC, 20____, is that the United States Supreme Court has jurisdiction over The United States Courts of Appeals (Article III, Section 2 of the US Constitution).

VIII. STATUTORY PROVISION

28 U.S. § 1254 states that judgments in the US Court of Appeals may be reviewed by the US Supreme Court by getting a Writ of Certiorari granted.

IX. RULE 29.4 COMPLIANCE

Service under this subsection does not apply to this case.

X. AUTHORITIES

Rule 14 F is satisfied in section V and Appendix II.

XI. SUMMARY OF THE CASE

Rule 14 G II is satisfied in section VII.

“While I have been a customer of CVS Pharmacy, Giant Pharmacy, Wegmans Pharmacy, Walgreens Pharmacy, and Nature Care Pharmacy, I have been the victim of injustices including, but not limited to, harassment (MD § 3-803), stalking (MD § 3-802) , the misuse of telephone facilities (MD § 3-804), the misuse of an interactive computer service (MD § 3-805), invidious discrimination, refusal of equal access to goods and services (Civil Right), and general invasions of privacy.

Pharmacy employees from different stores were in contact with each other to ensure that I was harassed at each pharmacy that I went to, and to make sure that I was unable to avoid the harassment. They have made going to the pharmacy an extremely traumatizing experience. They have interfered with my health care, as well as my life, while creating prolonged and severe emotional distress, for which I would like to be compensated.”

Above is an extract from the US District Court of Maryland Original Complaint and the US Court of Appeals for the Fourth Circuit Appellate Brief.

None of the facts/claims in it, or any other claims in the Original Complaint regarding the pharmacy employee's behavior have been questioned or disputed as false by the Defendant's Representatives, the US District Court of Maryland, or the US Court of Appeals for the Fourth Circuit, yet judgement was still made in favor of the Defendants (Appendix I P.3).

Additionally, any claims of insufficiency regarding the legal process of the plaintiff were lies. The outcome of this case was clearly unjust.

XII. ARGUMENT

My petition should be granted because the previous courts have so far departed from the accepted and usual course of judicial proceedings that someone must step in and correct thier clear errors.

The United States District Court of Maryland

My issues with the Federal District Court of Maryland started with my first filing, when they refused to give me copies of my Summons, even though it was sufficiently filled out. By the end of the case, I was not even served the Order granting the Defendant's Motions to Dismiss, despite the Order (which I obtained from Pacer) stating that it would be sent to me (Appendix I P. 3).

The Memorandum Opinion (Appendix I P. 4-15) that was filed with the Order is basically a summary of the case/causes of action, and a summary of the Defendant's Motions. My argument will mostly focus on this document, as I already responded to each Defendant's Motion in my responses to their filings,

which should be included in the record. Despite responding to the Defendant's, the Judge chose to re-state what the Defendant's Representatives said, and ignore everything that I had said in response. I will respond to the issues again, this time directing them toward the Judge's filings/rulings.

Pages 1-5 of the Memorandum Opinion are just a summary of the Original Complaint. On page 6 (Appendix I P. 9) it is stated that the case was filed under Diversity Jurisdiction, without mentioning the other jurisdictions that were listed in the document titled Amendment to Complaint (District Court Docket entry 1), which were Federal Question as well as Supplemental. It is then stated that Tamara Rouhi served some, but not all, of the defendants. It states that I did not serve Nature Care or Health Mart pharmacy, but instead its parent Company McKesson. As previously stated, I am suing McKesson, therefore service was proper. The cause of action for suing McKesson were things that occurred at businesses that they own (Nature Care/Health Mart). With all five of the defendants, the parent company was sued, so I am not sure why the judge singled this defendant out. Nevertheless, jurisdiction and service was accurate.

On page 7 (Appendix I P. 10) the judge lists rules for a complaint, all of which were followed by the plaintiff, and are therefore not relevant reasons for dismissal.

On page 8 (Appendix I P. 11) the judge repeats what was already said, this time adding that the Original Complaint fails to state a claim of any kind, something that the judge already proved false on pages 1-5 of his Memorandum

Opinion. He then states that the Plaintiff's Complaint is dismissed without prejudice, after not giving a single factual legal reason as to why.

The judge then goes over the previous "points" again. The judge mentions jurisdiction again, stating things like "the citizenship of every plaintiff must be different from the citizenship of every defendant" but then shooting this argument down by saying "a corporation is deemed to be a citizen of the state by which it has been incorporated and of the state where it has its principal place of business". This would mean that all of the defendants qualify for Diversity jurisdiction in one way or another.

On page 9 (Appendix I P. 12) the judge focuses on Giant Food LLC (Giant Pharmacy, owned by Ahold Delhaize), first "proving" (if it were true) diversity jurisdiction and then stating that complete diversity does not exist for the defendant. The judge then tries to shoot down Federal Question jurisdiction (just for this defendant), stating that no federal cause of action was mentioned in the Complaint (Appendix I P. 13). However, Civil Rights were mentioned in the Complaint, and on page 6 of the judge's Memorandum Opinion. Therefore, the judge's statement that "as the complaint fails to establish a statutory basis for this court's exercise of jurisdiction, it must be dismissed" is absurd.

Continuing on page 10 (Appendix I P. 13) is the judge's argument that no claim was stated. How were no claims stated? Because "the plaintiff lacks a private cause of action to bring claims under the Maryland laws she cites", despite being a private citizen who is representing myself for causes of action that

happened to me personally. The judge's statement that no claims were stated is clearly false.

On page 11 (Appendix I P. 14) the judge states that any discrimination claims fail because I did not state that I was in a "protected class". I actually did do so, even though unnecessary and offensive, in one of my responses to the Defendants. I'm an **American**, a woman, and a person of color. After that the judge once again states that the case is dismissed.

I filed a Motion for reconsideration, where I specifically asked for a different judge. Instead, the same judge sent me a Memorandum Order (Appendix I P. 16-18) stating that my Motion for Reconsideration was Denied.

On page 1 of the Memorandum Order (Appendix I P. 16), the judge states that the case was dismissed because the "...complaint failed to establish an adequate basis for jurisdiction and otherwise did not state a claim of any kind", before stating claims from the original Complaint in the Background section.

In the Standard of Review section (Appendix I P. 17) the Judge states that "the Federal Rules of Civil Procedure do not expressly recognize motions for reconsideration". As stated in the actual Motion for Reconsideration, it was filed under Local (Maryland) Federal Rules, so this is not relevant. The judge goes on to name the reasons for granting a type of motion that I did not submit to the court, including Manifest Justice which was in fact mentioned in the Motion for Reconsideration that was denied, and clearly not given proper consideration, as I received a response from the same judge.

In the Analysis section of the Memorandum Order (Appendix I P. 18), the judge essentially states that the previous 12 page Memorandum Opinion was enough. The judge also states that no reason for obtaining relief “from the judgement” was provided, nor were any legal authorities provided, even though the judge cites them himself. In conclusion, my Motion for Reconsideration was given as much consideration as the rest of my filings: none.

The outcome of this case is clearly incorrect in terms of law, and ethics. The judge was a bully, who purposely delayed relief, or any form of justice, through lies. I have been treated unfairly by the court, just as I was treated unfairly at the Defendant’s businesses.

The United States Court of Appeals for the Fourth Circuit

The United States Court of Appeals for the Fourth Circuit was no better than the United States District Court of Maryland. Instead of reviewing my case, The United States Court of Appeals for the Fourth Circuit had a clerk send me a document which said “Judgement” (Appendix I P. 19) and close the case. I did not receive a signed order from a judge, which I, and all of the Defendant’s are entitled to. This is disgraceful.

The fraudulent judgement was accompanied by an unpublished opinion (Appendix I P. 20-21) by an unknown person that was full of fictitious or irrelevant information. The document states that the District Court’s Decision was not a final order (it was), that the case is dismissed for lack of jurisdiction (proper jurisdiction has been proven), and that I would receive instructions on

how to amend my complaint. If the case is dismissed why would I need to amend my original complaint? Nevertheless, that info was not sent to me.

Conclusion

The previous Court Houses gave me the run-around, and treated me like I did not matter. I did not contact these Court Houses to be social, I contacted them to exercise my rights as an American and to get what is owed to me. Although the previous Court Houses refused to honor it, the ownership of people/slavery was abolished in the Thirteenth Amendment of the US constitution. No one is required to socialize with these people against their will, through deception, under the guise of justice or official business. If the employees of these Court Houses want to play games and hurt people, they should do so on their own time.

In addition to the defamation and abuse of a Country and a Citizen, the previous Courts have deprived me of rights (18 U.S. Code § 242), denied me equal access to the laws of this country (Civil Rights), violated my First Amendment Rights (US Constitution), obstructed justice (18 U.S. § 1505), and treated my case like a joke. These injustices must be corrected.

XIII. PROPOSED ORDER

I propose that the order state something along the lines of: The Plaintiff's Petition for Review and Writ of Certiorari is granted.

XIV. POINTS AND AUTHORITIES

I am entitled to equal access to the judicial system (Civil Rights).

XV. REPRESENTATION STATEMENT

I, Tamara Rouhi (Pro Se), represent the Plaintiff (Appellant), Tamara Rouhi, in the review of this case. All research and documents were done by Tamara Rouhi, with no direct help from an attorney.

I certify, under penalty of perjury, that the information in this document is true to the best of my knowledge.



Tamara Rouhi

Pro Se