

20-6627

ORIGINAL

IN THE

Supreme Court of the United States

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

Clarence B. Jenkins Jr.,

Petitioner,

v.

South Carolina Department of Employment Workforce,
South Carolina Budget and Control Board and Office
Of South Carolina Governor

Respondents,

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the federal circuit

PETITION FOR A WRIT OF CERTIORARI

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SUPREME COURT, U.S.

QUESTIONS PRESENTED

The United States of America in 1964 decided that it is was unlawful to discriminate against another human being because of color of their skin by denying basic rights to life and liberty with the Title VII of the Civil Rights Act of 1964 and Civil Rights Act of 1991. Discrimination Laws were used to abused and harass a certain race of people specifically black citizens by establishing the white people as superior that violated their rights under U.S. Constitution. Institutional Racism has lead to discrimination of Systemic Racism therefore have been the arm that prevent all mankind from obtaining the rights of afforded by U.S. Constitution where every person is treated equally.

The Question Presented is:

- (1). Define the purpose of the Title VII of the Civil Rights Act of 1964 and Civil Rights Act of 1991. (2). Did the false application of NEPOTISM and Barred From Applying intentionally applied by South Carolina Department of Employment Workforce violated the Title VII of the Civil Rights Act of 1964 and Civil Rights Act of 1991.

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TABLE OF AUTHORITIES**CASES**

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PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully seeks a writ of certiorari
To review the judgment of the United States Court of
Appeals for the Federal Circuit.

JURISDICTION

The Federal Circuit entered judgment on August 10, 2020.
Pro Se Petitioner is making this direct appeal the COURT. The
COURT has jurisdiction under 28 U.S.C 1254(1)

STATEMENT

It is illegal to discriminate against any citizen of the United States by denying access to all the privileges and rights allowed under the U.S. Constitution. The practice of unfair laws such as Jim Crow were used to deny access to education, threatening, abused, created white economic social class of superiority to oppress certain races of people and even killed many to maintain that standard of discrimination. It was not because having no desire or potential but to maintain WHITE PRIVILEGE that only white people was worthy of. The federal government has written and instituted laws to protect all citizens from the abuse of discrimination, systemic racism and institutional racism that has been used to harmed and caused deprivation for certain races of people based on the color of their skin, nationality, economic status, religion and disability especially the black race. The federal laws of anti-discrimination was used as a roadmap for the individual states of the United States to create their own laws to against racism because it violated the U.S. Constitution to create a fair and just society. Discrimination was not only seen in white people but the institutions created by them to maintain that standard of WHITE PRIVILEGE which exist today in many of them which includes the COURTS. In the past several years with the killings of young black males it has become more evident of discrimination, systemic racism and institutional racism still exists. And with the killings of Trayvon Martin, Philando Castille, Eric Gardner, Sandra Bland, George Floyd, Breonna Taylor and many more has exposed a broken system of injustice that includes the COURTS. And it has caused White America and White Privilege to confront the abuse that many blacks has known to suffered and cried about at the hand of Institutional Racism. The violation of anti-discrimination laws by agencies of local government and the practice of discrimination did not foster an environment where the best of mankind could be seen and potential of great ideals explore where every person is valued. Title VII of the Civil Rights Act of 1964: Makes it illegal to discriminate against someone on the basis of race, religion, national origin or sex. The law protect employees against

retaliation for going forward with a claim regarding discrimination in the workplace. The Civil Rights Act of 1961, which, among other things, provides monetary damages in cases of intentional employment discrimination. Discriminatory Practices such as hiring and firing; job advertisement, classification of employees and recruitment are prohibited by federal and state laws. The COURT has stood against discrimination and retaliation as seen in EEOC v. Jacksonville Plumbers and Pipefitters Joint Apprenticeship and Training Case No. 3:18-cv-862-J-32 JRK (2020), EEOC v. Diversified Maintenance Systems, LLC, Case No. 8:17-cv-01835 (2019) and EEOC v. Bass Pro Outdoor World LLC, Case No. 4:11-cv-03425 (2017).

REASONS FOR GRANTING THE WRIT

This is a straightforward Certiorari Candidate as any case be because issues involving the evidence, facts and laws. It is of significant importance that the COURT stand up for the law an opportunity for mankind to have a redress against Defendant and further harm by lower courts to properly apply the evidence, facts and law. The U.S. Fourth Circuit Court of Appeals got it wrong in their RULING by not considering all the arguments and facts presented by Pro Se Petitioner. The lower courts has been found to be institutions of systemic racism therefore the RULING by U.S. Fourth Circuit Court of Appeals and U.S. District Court, Columbia Division falls on that ground. The federal courts has always been known to apply the laws without being biased, prejudice and political favors owed. And if this COURT neglect justice to one then it neglect justice to all whether unseen or unheard and never written. The U.S. Constitution guarantees every American Citizen DUE PROCESS under the 14th Amendment which was not provided. U.S. Fourth Circuit Court of Appeals has stated in their RULING that Pro Se Petitioner did not make the argument of Judicial Misconduct in Informal Brief which is an egregious error of the facts. U.S. Fourth Circuit Court of Appeals has stated in their RULING that arguments of Judicial Misconduct were submitted in Petitioner's Reply Brief which is an egregious error of the facts. Pro Se Petitioner presented arguments of Failure of Due Process, Magistrate Judge, Paige J. Gossett is Unfit for Office, Judge Paige J. Gossett and Defendants engaged in Ex-part Communication, Defendants conspired to concealed the events surrounding "Barred from Applying" and Reconsideration in Informal Brief to U.S. Fourth Circuit Court of Appeals. The ORDER of the U.S. Fourth Circuit Court of Appeals Pro Se Petitioner did not received DUE PROCESS according to the facts, evidence, documents and the law before the COURT. The records of Informal Brief presented to COURT does not comport with RULING by the U.S. Fourth Circuit Court of Appeals. And because an errant RULING by U.S. Fourth Circuit Court of Appeals therefore Pro Se Petitioner has requested that Patricia Connor, Clerk of Court on September 22, 2020 by certified mail to certify the records of the Informal Brief that were presented to the COURT because of an errant RULING. Pro Se Petitioner has not received a response from Patricia Connor, Clerk of Court for U.S. Fourth Circuit Court of Appeals at the time of mailing. Fourth

Circuit Court of Appeals placed case no. 19-2037 into ABEYANCE until a ruling in Bing vs. Brivo Systems. Case No. 19-2037 was not decided on its own merits but on a PRE-JUDICIAL RULING in Bing vs. Brivo Systems LLC which had different set of facts and that is egregious errors of Judicial Misconduct of the COURT.

THE COURT FAILED TO CONSIDERED THE EVIDENCE OF RECORD

Pro Se Petitioner submitted evidence to verify Defendants was engaged in intentional employment discrimination and retaliation. Adrienne Sorenson of SCDEW(herein after SCDEW) applied “Barred From Applying” from July 19, 2103 to expired on December 30, 2018 to deny Pro Se Petitioner from obtaining employment within the state of South Carolina. SCDEW sought to declared that :Barred from Applying” was a system error after Pro Se Petitioner informed them of such actions after being directly rejected for employment because of the bar. NEOGOV, the software provider stated in written communications that “Barred From Applying” was not a system error but a feature of the product. Pro Se Petitioner systemic racism and institution racism from State of South Carolina Government Agencies and the COURTS by denying the facts and evidence therefore a failure of DUE PROCESS. It is illegal under the Title VII Civil Rights Act of 1964 and Civil Rights Act of 1991 to discriminate and retaliate to classify applicant to deny employment. And “Barred From Applying” was an illegal and false classification against Pro Se Petitioner.

THE COURT FAILURE TO CONSIDERED NEW EVIDENCE OBTAINED IN 2019

Pro Se Petitioner submitted written documents with Informal Brief to U.S. Fourth Circuit Court of Appeals. NEOGOV, which provided the employment software to South Carolina Department of Employment Workforce(herein after SCDEW) has stated by email communication that “Barred From Applying” is not a system error but a feature of the product. NEOGOV has stated that “Barred From Applying” is used to flag an applicant to prevent employment which is activated by the users of their product. NEOGOV has stated that authorized users of product under SCDEW will received notification that applicant is barred. NEOGOV has confirmed that it does not control how the barred feature is used by their customers personnel and they have no input. NEOGOV has confirmed that “Barred From Applying” has to be manually enabled by users. NEOGOV has confirmed that system is run by users and only they can explain why the barred feature was applied. A false classification of NEPOTISM was applied by SCDEW to prevent employment within the state of South Carolina because it is illegal to do so. SCDEW stated that NEOGOV applied that false classification of NEPOTISM to avoid being held accountable for illegal employment discrimination and retaliation. NEOGOV has confirmed by email that it is not involved in how the users decide to

utilize their products and therefore rejecting claims of responsibility fabricated by the state agencies of South Carolina when applying "Barred From Applying and NEPOTISM" to prevent employment.

PRO SE PETITIONER SUBMITTING NEW EVIDENCE OBTAINED IN 2020 TO ESTABLISHED ADDITIONAL GROUNDS FOR REMAND

Pro Se Petitioner received a written response by email from Kelly Coakley on January 28, 2020 stating that NEPOTISM was applied to applicant master profile automatically by system which is a false classification. NEOGOV has stated users has totally control on how their system is used and reject any claims of responsibility. "NEPOTISM" is special notation on applicant master profile therefore it has to be manually applied by users of product and not an automatic application therefore SCDEW falsely applied the illegal discrimination stipulation to prevent employment that would caused intentionally harm and deprivation. Pro Se Plaintiff has never been involved with NEPOTISM as claimed by the state of South Carolina. The State of South Carolina Government Agencies sought to discriminate ad retaliate because of a complaint filed with U.S. Equal Employment Opportunity Commission for Civil Rights Violations. The State of South Carolina Government Agencies has refused to answer when NEPOTISM was applied, who applied NEPOTISM, when NEPOTISM was removed and who removed NEPOTISM. Pro Se Petitioner does not have any knowledge of when NEPOTISM was removed because of corrupt activities to deny pertinent information. The State of South Carolina Government Agencies sought to deny, refused accept responsibility, attempted to falsely blamed NEOGOV and participated in a conspiracy to cover up Civil Rights Violations. See document

I. Define the purpose of the Title VII Of The Civil Rights Act of 1964 and Civil Rights Act of 1991.

Title VII prohibits employment discrimination based on race, color, religion, sex and national origin. In an action brought by complaining party under 706 or 717 of the Civil Rights Act of 1964(42 U.S.C. 2000e-5) against a respondent who engaged in unlawful intentional discrimination allows for the complaining party to recover compensatory and punitive damages.

**II. Did the false application of NEPOTISM and
Barred From Applying intentionally applied by
South Carolina Department of Employment Workforce
violated the Title VII Civil Rights Act of 1964
and Civil Rights Act of 1991**

Pro Se Petitioner brought this discrimination complaint against the State of South Carolina Government Agencies for Civil Rights Violation of Title of VII of 1964 Civil Rights Act and Civil Rights Act of 1991. South Carolina Department of Employment Workforce(herein SCDEW) has the responsibility of a state government agencies to provide resources and employment opportunities sought to deny that access by constantly rejecting applications for employment when well qualified for position up to fifteen in single day; applied a false classification of NEPOTISM to applicant master profile to intentionally caused harm and applied an illegal stipulation of "Barred From Applying" from July 19, 2013 to expired on December 30, 2018 without notification. SCDEW did not have any justification for applying "Barred from Applying" due to having the required education, professional work experience and excellent work performance therefore when confronted about the bar by Pro Se Petitioner then it was declared a system error. SCDEW along with other State of South Carolina Government Agencies sought to deny responsibility by placing blame on NEOGOV. NEOGOV has emphatically stated to Pro Se Petitioner in writing by email that users of their product has full control of how it is used and not them. NEOGOV has stated that "Barred From Applying" is not a system error but a feature of their product. SCDEW intentionally applied "Barred From Applying" to caused harm. NEOGOV has stated in writing that it did not apply the false classification of NEPOTISM to Pro Se Petitioner applicant master profile. SCDEW and other State of South Carolina Government Agencies intentionally applied NEPOTISM and Barred From Applying as false classification to harm Pro Se Petitioner in his effort to obtain employment. The Discriminations Laws are very clear therefore I am appealing to U.S. Supreme Court to apply the evidence, facts and the law as intended under the 14th Amendment of the U.S. Constitution requiring DUE PROCESS. I am declaring that DUE PROCESS has not been rendered in the case against the State of South Carolina Government Agencies. Pro Se Petitioner is requesting a review by U.S. Supreme Court seeking a REVERSE and REMAND.

CONCLUSION

The COURT should grant Certiorari.

Respectfully submitted,

October 8, 2020

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