

No. 20-6999

IN THE

Supreme Court of the United States

Kannha Bounchanh,

Petitioner,

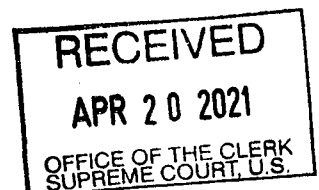
v.

Washington State Health Care Authority (HCA) et al,

Respondents,

**Petition for Rehearing a Writ of Certiorari to the United States Court of
Appeals for the Ninth Circuit**

**Kannha Bounchanh
117 N. Tacoma Avenue
Apt.#803
Tacoma, WA 98403
(253) 272-0905**



I, Kannha Bounchanh (Petitioner), am disagreed with your decision on March 22, 2021 because you have denied my Petition and Amended Petition for a Writ of Certiorari (refer denial notice dated March 22, 2021 from Mr. Scott S. Harris, Clerk), and per the return telephone call from Ms. Susan Frimpong on Friday, March 26, 2021 at 7:17AM (Pacific Time) that on March 22, 2021 the petition denied based on a “discretionary denied and no reason for deny and if you want to you can file a motion for Rehearing In Petition.” And, per the notice dated April 5, 2021 from Ms. Susan Frimpong, Case Analyst, at the Supreme Court and per her request, this is my correction and my petition for rehearing with good faith and not for delay by this court and the honorable nine justices for the following valid legal reasons:

- 1. I am the United States citizen, disabled person, and being protected by the Title VII of the Civil Rights Act of 1964, ADA, ADAAA2008, EEOC rules of law and the 14th and 5th Amendments of the United States Constitution as case name: Bostock v. Clayton County and two other cases that the Supreme Court of the United States has granted their petition for a writ of certiorari and heard and ruled in favor of their claims or cases (Bostock v. Clayton County, Georgia, no. 17-1618 petition for a writ of certiorari to the United States Court of Appeals for the Eleventh Circuit; Together with No.17-1623, Altitude Express, Inc. et al. v. Zarda et al., as Co-Independent Executors of the Estate of Zarda, on certiorari to the United States Court of Appeals for the Second Circuit, and No. 18-107, R. G. .& G. R. Harris Funeral Homes, Inc. v. Equal Employment Opportunity Commission, et al., on certiorari to the United States Court of Appeals for the Sixth Circuit; argued October 8, 2019—Decision on June 15, 2020) and my source is from Cornell Law School and its website. This is my petition for rehearing with good**

faith and not for delay to act with honest intent to act without taking an unfair advantage over another person or to fulfill a promise to act, even when some legal technicality is not fulfilled. I am respectfully requested this court and your honorable nine justices to uphold the Federal Rules of law and the 14th and 5th Amendments of the United States constitution, and protect my human rights, legal rights, due process, and equal justice.

- 2. The Denial Notice dated March 22, 2021 states that and I quote “Dear Mr. Bounchanh: The Court today entered the following order in the above-entitled case: The petition for a writ of certiorari is denied.” The court’s order does not tell me who (justices and how many and anyone else) participated in the Conference on Friday, March 19, 2021 and does not explain to me why my Petition from December 3, 2020 and Amended Petition for a Writ of Certiorari from January 13, 2021 are denied. I am entitled to my fair Due Process and Equal Justice Process under the above rules of law and the United States Constitutions. For this reason, my petition should not be denied by this court because there is no lack of jurisdiction; and the court should have granted it under U.S.590 code.**
- 3. A Clerk at this Clerk’s Office has filed and entered the final decision date (August 7, 2020) by the Ninth Circuit court. It should have been a decision on November 3, 2020 by the honorable judges Schroeder, Hawkins, and Lee in Docket#61, which is their final court order. The November 3, 2020 has also been confirmed by Ms. Stephanie (COVID 19 CA09Operations Supervisor at the 9th Circuit court, her email dated December 1, 2020). There is no time-barred and no lack of jurisdiction and for this valid legal reason this court cannot deny my petition based on U.S. 592 code on March 22, 2021.**
- 4. The panel of three judges’ decision on November 3, 2020 occurred after I had complied with the Ninth Circuit’s court order (Docket#22, March 4, 2020 by the honorable Canby**

and Gold) for me to filing an Optional Reply Brief to multiple answering briefs by other counsels. I complied and filed my Optional Reply Briefs (Docket#49, 51,52,53,54,55,56, and 57) with the Ninth Circuit court without missing deadline. The Ninth Circuit court judges accepted and granted above Optional Reply Brief filings, except they have switched judges to my case and the panel of three new judges changed their mind to helping me because they have decided to discriminate against me because of who I really am and where I came from. It is wrong for the panel of three judges to exclude the honorable Canby and Gould from the panel of discussion and decision making on November 3, 2020. If the 9th Circuit court did not change the panel of judges and the court respected and honored the already granted Amended Cross-Appeal on March 4, 2020, I believe that the honorable Canby and Gould would have been allowed my fair Due Process and the Equal Justice Process and gave me an opportunity to present my case at the oral hearing and that I would have won my case at the United States Court of Appeal's oral hearing level. Furthermore, it is wrong and illegal for the honorable judges Schroeder, Hawkins, and Lee to discriminate against me and decided to take side with the respondents and dismissed all respondents from the already granted Amended Cross-Appeal on March 4, 2020 without allowing me my fair Due Process and the Equal Justice Process under the 14th and 5th Amendments of the United States Constitution and my legal rights for the court's hearing. By doing so, the honorable Schroeder, Hawkins, and Lee have violated my human rights and legal rights under the 14th and 5th Amendments of the United States Constitution, my fair due process and equal justice.

5. I did not miss my 60 days filing deadline for the Amended Petition for a Writ of Certiorari (refer to letter dated January 5, 2021 from Ms. Susan Frimpong at the Clerk's Office). The 60 days begins on January 5, 2021 and I filed my original petition on December 3, 2020 and my Amended

Petition for a Writ of Certiorari, and I filed my second Amended Petition for a Writ of Certiorari on January 13, 2021. There is no time-barred or missing deadline. The Proof of Service and Compliance for Words Limitation have been notarized and served.

- 6. I mailed many pieces of evidence (Appendix and Joint Appendix) in petition that are beyond a reasonable doubt to this court on December 3, 2020; January 5, 2021; January 13, 2021(Exhibits: 1A to 129A and 1B to 39B); February 5, 2021; February 8, 2021; February 17, 2021(Exhibits: 185A to 385A); February 19, 2021(other exhibits submission); March 3, 2021 and other parties' counsels, Mr. Bob Ferguson, the Clerk's Office of the Supreme Court of the United States, and Solicitor General for the Department of Justice). I mailed them via certified and priority mail. I believe these pieces of evidence have not been addressed and taken into a consideration by this court. I should not be discriminated by any member of this court simply because I am an Asian male or Pacific Islander, my sexual orientation or who I really am or where I came from. Again, I am being protected by the above federal rules of law and the United States Constitutions as for the case of Bostock v. Clayton County and two other cases.**
- 7. I am respectfully requested that your honorable Chief Justice and Associated Justices to review my petition or claim or case again and give me a chance or an opportunity to present my case under the fair Due Process and Equal Justice Process and the rules of law and the United States Constitutions. I have become the victim by the same employer (DSHS) for the 4th time in my professional career of nearly 25 years from August 9, 1991 to June 11, 2015. The bully, retaliation, and discrimination happened to me the first time in 2000, second time in 2006 including the sexual harassment by my social services supervisor, third time in 2015 and 2016 combined, and the fourth time in 2018. DSHS and HCA employers have set me up to fail miserably; they teamed up and betrayed me**

after we fired our DSHS employee. I tried to return to work for DSHS again but my 31 job applications that I submitted to the State of Washington in 2018 have been rejected and some were not referred to hiring managers even though I have had excellent work histories for nearly 25 years with excellent Employee's Annual Performance Evaluations by many of my supervisors including 7 years in management position and 2 years as program manager. If some were referred to hiring managers, I was not given an opportunity for a job interview (Docket#91 and 92 with the U.S. District Court). Instead of rehiring me, the respondents bullied, retaliated, and discriminated against me.

8. The panel decision by the honorable judge Schroeder, Hawkins, and Lee at the 9th Circuit court are conflicted with the U.S. Supreme Court decision, 6 to 3 ruling (Bostock v. Clayton County, 590 U.S. ____ (2020), was a landmark United States Supreme Court civil rights case in which the Court held that Title VII of the Civil Rights Act of 1964 protects employees against discrimination because of their sexual orientation or gender identity). The honorable judge Schroeder, Hawkins, and Lee's decision (Docket number#61, November 3, 2020) are also conflicted with the other United States Court of Appeals' decision (see #1 above). They have violated my fair Due Process and Equal Justice Process under the 14th and 5th Amendments of the United States Constitution. I am a Laotian/Asian male and gay and I am a disabled person (Dkt#48 to Dkt#48-3 for Charges of Discrimination by Nancy Sienko, EEOC Executive Director from 2018, 2016 and 2015 combined with this court in the petition and Appendix and Joint Appendix).
9. The honorable Schroeder, Hawkins and Lee's decision is involved an issue on which the panel decision conflicts with the Supreme Court of the United States' decision and the authoritative decisions of other United States Courts of Appeals that have addressed the

issues (e.g. the 11th Circuit court states and affirms that "Further more individual may be held liable for corporate violations and be subject to injunctive relief if the individual directly participated in the deceptive practices and had an authority to control defendants," FTC v. Gem Merch 87 F 3rd 466-477, 11th circuit 1986). This above case reference is in docket no. 58, page 5 to 7 of total of 21 pages, filed date entry August 13, 2020 with the 9th Circuit court in case no. 19-36059.

10. The honorable judge Schroeder, Hawkins, and Lee ignored the fact that I received the abuse, bully, retaliation, and discrimination by the respondents of DSHS, HCA, AGO, EEOC, WSHRC and AFSCME Union and the discrimination by the United States District court and all pieces of evidence provided in Appendix and Joint Appendix. For instance, the United States District Court's staff hid some evidence from my case who might be related to or know Mr. Dylan Oxford and Ms. Nicole Rivera, hid evidence that I was there at Equal Employment Opportunity Commission (EEOC) office in Seattle on February 5, 2016, EEOC lost or destroyed 66 pages of evidence from my file on July 29, 2015 and I had to provide another copy to Ms. Toni Haley on September 16, 2015. The EEOC Staff at reception refused to assist me and turned me away on February 26, 2019. One of the respondents communicated with my health care provider, colonoscopy specialist who performed my colonoscopy procedure in 2014 had poked me and damaged my intestinal organs. I have poor health nowadays because of their bad motives and intention and negligent. The respondents are responsible for all damages that they have caused to my good health, good life, professional career of nearly 25 years and good reputation in many communities. Prior to my employing with HCA employer in July 2013, I did not have to live in fear on the daily basis for my life and I was not afraid to be

outside alone, but nowadays I do. I had no problem getting a job prior July 2013. Prior to my filing and engaging with the Tort's claim and EEOC complaint process, I did not receive any bully, retaliation and discrimination by strangers, other people in other federal and state agencies. Because of some employees or respondents' bad motives and bad intention and through their social media and networking, I have become the victim by other staff members of other agencies or organizations or in many communities. DSHS and HCA employers set me up to fail miserably and they betrayed me and teamed up to get rid of me after we (DSHS employer and I) decided to fire our DSHS employee. Furthermore, "they may be liable for monetary damages if they had some knowledge of the wrongful acts and practices Id. under section 13 (b) of the Act and the court's inherent equitable powers, the court may order injunctive or equity relief to accomplish justice," see U.S. Oil& Gas Corp., 748 F. 2d, 1431, 1433-34, 11th circuit. This above case reference is in docket no. 58, page 5 to 7 of total of 21 pages, filed date entry August 13, 2020 with the 9th Circuit court in case no. 19-36059. For a cause of each actions, their respondents of the five government agencies and the AFSCME union have committed bully, retaliation and discrimination against me and the upper-management team members knew about it but did nothing to stop the bully, retaliation, and discrimination (Dkt#31 to 31-1, 264 pages and Dkt#7, 42 pages with U.S. District Court). In fact, the Directors and supervisors have engaged in this wrongful act themselves (see Dkt#51-1, 22 pages with the 9th circuit court). And, I reached out to Ms. Jody Costello, HCA Risk Management who is a supervisor of Mr. Robert Bouffard (new HCA Human Resources Director who took Ms. Costello's job after she was being promoted and Mr. Michael Otter-Johnson, HCA Human Resources Supervisor) and they refused to meet with me

and failed to investigate my personnel issues/matter (Dkt#31,31-1 with U.S. District Court; and Dkt#33,34 with the 9th Circuit court) that I raised with them. These HCA upper-management staff members were involved and participated in the wrongful act. They lied and covered up too many things for issue that matters to my Tort claim and EEOC charges and when they responded to the AGO's investigators and Ms. Hattie Y. Reed, the EEOC Automated Office Assistant (Dkt#32,671 pages with the 9th Circuit court). It turned out that some employees or respondents of DSHS and HCA were involved and participated in my x-DSHS employee's investigation for discrimination filing and supported his EEOC charge with WSHRC agency, evidence provided by Ms. Cherrie Willhide, DSHS Public Records Unit(Dkt#85, 48 pages and Dkt#101-1, page 82 out of 127 pages with the U.S. District court, which is a correspondence by Mr. David Stillman at DSHS ESA Secretary to Ms. Sharon Ortiz at WSHRC that we did not discriminate against our x-DSHS employee Mr. Timothy Francis-Moore). It is illegal to bully, retaliate and discriminate against anyone (Dkt#77-1, 7 pages with the U.S. District Court) and Article 2-Non-Discrimination clause of the AFSCME union's collective bargaining agreement). The respondents have violated the rules of law when they abused, bullied, retaliated, and discriminated against me (Dkt#1, 1-1, 3-1, 7 amended complaint of 42 pages with the United States District Court of Western Washington). In the 42 pages of my amended complaint of April 18, 2019(Dkt#16, 46 pages, date entry January 31,2020 with the 9th Circuit court), I have listed each cause of actions for my civil lawsuit and provided copy of Notice of Rights to Sue from December 12, 2018 and March 1, 2019. I filed the civil lawsuit within the 90 days on March 6, 2019 and there is no time-barred. All respondents named in the lawsuit destroyed my life, good health, and good reputation

(Dr. Ho in Dkt#135, page 7 of 13, October 11, 2019 with U.S. District Court) and (Dkt#48-1, page 14 of 64, Dr. Kinney, with the 9th Circuit court). DSHS employer refused to provide public records to me (Dkt#83 and Dkt#84 with U.S. District court). In addition, my civil lawsuit was originally being assigned to the honorable judge Theresa L. Fricke (TLF) on March 6, 2019; however, the United States District court has changed its mind and reassigned my civil case to manage by the honorable Ronald B. Leighton who has discriminated against me (see Dkt#7,31,31-1, 61-1,100,101-1,143,144,145 with U.S. District Court and Dkt#48-1,64 pages with the 9th Circuit court). The U.S. District Court of Western Washington has failed to notify me what was a reason why my civil lawsuit case was necessary reassigned to the honorable Ronald B. Leighton who discriminated against me because I am a Laotian male and gay and he refused to recuse himself from my case (Dkt#143 and Dkt#144, Dkt#145 with U.S. District Court). The staff at the U.S. District Court also hid some evidences(Dkt#58 with the 9th Circuit court) from my case (Dkt#61-1,100,101-1 with United States District Court), and also hid evidences that I was at the EEOC on February 6, 2019 (Dkt#34,57 pages with the 9th Circuit court) and I filed my complaint about them with the U.S. District Court of Western Washington at Tacoma's supervisor and Mr. Brian T. Moran, the U.S. Attorney (Dkt#100 with the U.S. District Court and Dkt#31, 9 pages, entry April 6, 2020 with the 9th Circuit court), but neither one of them has responded to my complaint. The U.S. District Court of Western Washington at Tacoma, WA has refused to schedule a court hearing for my jury demand trial (Dkt#1, 1-1, 3-1 and 7 with U.S. District court). The U.S. District court did not allow my due process based on LCR l(d) rule and FRAP (a) (4) rule and follow the court legal proceeding by allowing my case to be heard according to the rules of law and the 14th, 7th

and 5th Amendments of the United States Constitution. By doing so, the U.S. District court has violated the above United States Constitutions and the LCR 38 for "Right to a Jury Trial; DEMAND (P.68 of 156), and the LCR 39.2(m)-Jury Trial before seven jurors," P.79 of 156. The U.S. District court not only refused to schedule a court hearing for my civil case, but it also hid some evidence from my case (Docket#61, 100, and 101 with the U.S. District court). By doing so, the U.S. District Court has violated the LCR1 (d), Non-Discrimination. By doing so, the U.S. District court has violated the 14th, 7th, and 5th Amendments of the United States Constitution. I can proof my case only if the U.S. District court has allowed my due process and the equal justice and allowed my case to be heard and have many pieces of evidence to be heard in Docket#1 thru Docket#158. Furthermore, the law also states that "Summary judgement can be entered on a claim only if it is shown there is no genuine dispute as to any material fact and a movant is entitled to judgement as a matter of law," FED. R. CIV. P.56(a). For my civil lawsuit, the U.S. District court did not allow my fair due process and the equal justice process, there was no summary judgement because there was no court hearing allow by the court. By doing so, the U.S. District has violated my fair due process and the Local Civil Rule 1 (d). I am being punished by the legal system and injustice of U.S. of America.

11. I have mentioned in the petition that I have submitted many pieces of evidence in the docket numbers (Docket#1 to Dkt#158) with the District Court; and Dkt#1 to Dkt#18 for case no: 19-35801 and Dkt#1 to Dkt#60 with this case no: 19-36059 with the Ninth Circuit) and copy of all Case Summary for case no. 19-36059. The Notice of Rights Sue that I have received from EEOC and date stamped on December 12, 2018, and another Notice of Rights to Sue date on March 1, 2019. I filed my civil lawsuit on March 6, 2019

and there was no time-barred. Two Charges for Discrimination by WSHRC/EEOC Nancy Sienko, EEOC Executive Director (Dkt#48 with the 9th Circuit court). My letter date January 14, 2019 that I did not want my EEOC charge for 2018 closed and I still wanted to meet and interview by Sharon Ortiz, WSHRC Executive Director. Ms. Sharon Ortiz refused to the fair, thorough, and objective investigation and there was no interview occurred in mid-January 2019 as WSHRC agency and its respondents had promised me. This is because for a reason that WSHRC and its employees or respondents had already represented my x-DSHS employee (see Dkt#85, 48 pages with the U.S. District court, which is correspondence from Mr. David Stillman to Ms. Sharon Ortiz at WSHRC). Furthermore, why did Ms. Nancy Sienko, EEOC Executive Director, allow Ms. Hattie Y. Reed, EEOC Automated Office Assistant to conduct my EEOC charges investigation instead of an EEOC trained investigator, EEOC attorney or by Ms. Toni Haley, EEOC Attorney knowing that Ms. Hattie Y. Reed and HCA employer made up her lie(e.g. She said my x-employee is Mr. Thomas Moore instead of Mr. Timothy Francis-Moore). The respondents lied and covered-up the real issue that matters to my EEOC charges and Tort's claim (671 pages from AGO's public record by La Donna Jensen). Many of my witnesses(Kathy King, Nancy Hite, Gary Blair and Mary O'Hare) had not been called in for the Tort's claim and EEOC charges' investigations, except Mr. Gary Blair. Mr. Gary Blair informed me in January 2019 that he had cooperated with EEOC investigation and told Equal Employment Opportunity Commission (EEOC), but his witness statement did not even mention in the EEOC investigative report by Ms. Hattie Y. Reed. Why did Ms. Nancy Sienko, EEOC's Executive Director, fail to investigate my EEOC charge from 2018 after she

knew that WSHRC and its employees already have discriminated against me and because they already represented my DSHS employee? In July 2013, Mr. Scott Palafox and Mr. Dylan Oxford questioned me why I did not come to work for them clean and that I had to bring my personnel or work issue with me from DSHS. In February 2014, my HCA supervisors were angry with me after I had informed them that I had been called in by Mr. Myron Toyama, DSHS HRD Investigative Unit Supervisor, for an investigation regarding my x-employee. HCA employer refused to train me for my MAPS3 position when they switched my job duties from: manage out of state contracts for different hospitals, and manage bills and bills payment for out of state hospitals, EAPG and hospital based clinic researches for my supervisors, and manage the subcommittee work group meetings from July 2013 to October 2014 while Mr. Gary Blair managed and performed my MAPS 3 duties because there was no budget for his Ambulatory Surgery Center(ASC) program due to the state budget cuts. My supervisor cancelled the Medical Coding Course Training in February 2014 because they were angry with me. My HCA Training record and Professional Development Plan (PDP) that Mr. Dylan Oxford signed in September 2013 and again in October 2014 do not lie. I was being forced to work alone without any job required skills training for my MAPS3 position. I was being lied to by Mr. Oxford that there were no courses available to me and later I have found out from Ms. Nicole Rivera, HCA HRD Training Coordinator when I met with her on March 26, 2015 at 11:00 AM in the HRD Break Room from 11:00AM to 12:18PM and that is when she told me that the SQL, Excel, BATS and many other trainings were available and my supervisor is supposed to register me to attend when they first hired me in 2013. Ms. Jean Bui refused to approve

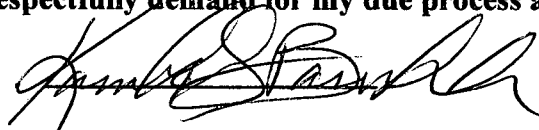
the Excel, BATS and SQL courses for me after she met with Mr. Scott Palafox at 2:00 PM and my meeting with her was at 3:00 PM on March 26, 2015 because they were too angry. I told Ms. Rivera about the abuse, bully, and discrimination that I had received by Andrew Steers, Dylan Oxford and Jean Bui and Mr. Oxford refused to discipline Mr. Steers because he is his friend. I returned to EEOC on February 5, 2016 because Ms. Toni Haley requested additional evidence from me and that is when I have found out from Issac Olive, EEOC Receptionist, that he could not find any case or any case narrative notes from the EEOC computer and everything had been deleted from the EEOC computer about my EEOC charges. That is when Issac called to Mr. Todd the supervisor. Todd then sent Ms. Haley to come out to see me. I also received the discrimination by the AFSCME union and its employees or defendants (Dkt#31-1, 264 pages; Dkt#101-1, the email exchanges between me and Perry Gordon, Kurt Spiegel, and Jason Watson) and my proofs that AFSCME Union and its employees have discriminated against me, but no problem helping my x-DSHS employee who is a white male and not gay. The Article 2 of the Collective Bargain Agreement (CBA) states that it is illegal to discriminate against anyone and under the Article 65 of CBA, employee rights and Article 65.5, I have my employee's rights to ask for a union representation by the AFSCME Union Representative. Why did the AFSCME Union represent my x-employee after he was fired? In addition, the AGO and its employees or respondents have discriminated against me and they have excluded me from my Tort's claim investigation. The AGO's investigators and HCA employer lied and covered-up because the AGO investigators (Ms. Leigh J. Swanson and Mr. Stephen (Steve) Weeks believe my HCA employer that I was not qualified for my MAPS 3 position, which is a

program manager position. The AGO's investigators believed my HCA employer without doing a fair, thorough, and objective investigation for my Tort's claim. I then filed an appeal and the complaint for the discrimination by AGO and its respondents. I received the email correspondence from Mr. Gregory Silvey, AGO's Attorney on April 11, 2019 that he would investigate and respond to my complain and reconsideration, but he failed to investigate my complaint. While the DSHS, HCA, WSHRC, EEOC and AFSCME Union had no issue or problem to assist my x-employee (who is a white male and not gay) after he was fired by me and DSHS employer, but they refused to assist me and represent my Tort's claim, and my EEOC charges from 2015 and 2016 combined and 2018.

12. I am requested that this court and your honorable nine justices reviewing all pieces of evidence listed in the above number 1 to number 12 and take them into a reconsideration for your decision and grant my petition for rehearing.

13. For all above valid legal reasons, I respectfully request that this court and your honorable nine justices grant my petition for rehearing with good faith and not for delay my claim or case. I respectfully demand for my due process and justice.

Executed on April 10, 2021



**Kannha Bounchanh
117 N. Tacoma Avenue Apt.803
Tacoma, WA 98403
(253) 272-0905**