

03/30/21

No. 4:20-CV-00075-TTC

21-103

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
MAR 30 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Charles Landon Roberson — PETITIONER
(Your Name)

VS.

1. Virginia Tech Board of Visitors, Secretary of the Board of Visitors, 319 Burruss Hall (0125)
800 Drillfield Drive, Blacksburg, VA, 24061

ON PETITION FOR A WRIT OF ~~CERTIORARI~~ TO
Mandamus

4th Circuit Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF ~~CERTIORARI~~ Mandamus

Charles Landon Roberson

(Your Name)

705 Dobyns Road

(Address)

Stuart, VA 24171

(City, State, Zip Code)

(276) 288-4231

(Phone Number)

RECEIVED
JUL 26 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

In your capacity as; Presiding Justice over the Fourth Circuit,

I, as Plaintiff in Roberson v. Hanesbrands, and Appellant In Re: Roberson (or Roberson v. The Board of Visitors of Virginia Tech and also Roberson v. O'Rourke {a misnomer}), must request an expedited hearing on both associated cases and satisfy all of the rules of the court in this petition to the best of my ability, though there are some aspects of this case that do not have applicable rules at this time.

First I must satisfy the time for filing. Ordinarily, both would need to be returned before my 30th Birthday on June 7th. However, a quirk of Rule 27 means that these associated cases are calculated in reverse. Ask the Clerks to double check my math, but I'm right. All of the rules that apply to both associated cases narrow the appropriate date for filing to be expected for delivery on 6/28/2021. This means that both cases can ONLY be mailed on 6/25/2021 and only be shipped through USPS Priority mail two day shipping (for the main documents).

I am requesting that both cases be heard on or before 7/14/2021 (suggest doing both cases on 7/14, and in D.C. due to the sealed nature), and the reasoning will follow. Hanesbrands is scheduled to transfer ownership of the building to a new corporation on 7/31, and the case should be settled before then. Also, I have a GRE test scheduled for 7/15 at 8am. I do not think that the test should have a bearing on whether or not I am admitted into Graduate School, as my rights have already been violated beyond the point of Virginia Tech's opinion on the matter being viable. However, it can be used to judge whether or not I am admitted on probation to the Graduate School.

The Clerk of the Supreme Court said that any request for Mandamus must include what I hope to get out of the case, so I'll describe what I consider a flawless victory in both. In the request for Mandamus, I would say that a majority court opinion that my Constitutional Rights were violated beyond repair as an Undergraduate student, and that readmitting me alone would be a further violation of my rights. Finding that I was medically incapable of succeeding at University due to my genetic condition, the administration knew, and manipulated me to continue only because the tuition check we're clearing. By Order of Mandamus, force Virginia Tech to admit me as a PhD. student in the Graduate program in Physics, and pay tuition, provide a room at the "Graduate Life Center at Donaldson Brown", and access to the campus Nutritionist at all times as long as I'm making satisfactory Academic progress. The likelihood of my success in this endeavor should not be a concern in this case. I ask only that my work be my own and my failures be my own. I am mentally capable of success now that I am on Palynziq (and years of medical data can be provided if you want me to sign a HIPPA release to the University of North Carolina).

Respectfully,
The Plaintiff for Roberson v. Hanesbrands, and Roberson v. O'Rourke, and In Re: Roberson.

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

☒ All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

2. Ms. Kim O'Rourke, Secretary of the Board of Visitors, 319 Burruss Hall (0125) 800 Drillfield Drive, Blacksburg, VA, 24061 ~~~~
3. Timothy David Sands, President; Virginia Polytechnic Institute and State University/Virginia Tech, Office of the President (0131) Burruss Hall, Room 210, 800 Drillfield Drive, Blacksburg, VA, 24061 ~~~~
4. Department of Physics MC 0435 850, Graduate Program, 850 West Campus Drive, Blacksburg, VA 24061 ~~~~
5. Sharon Kurek, Executive Director of Audit, Risk, and Compliance, North End Center, Suite 3200, Virginia Tech - MC 0328, Blacksburg, VA, 24061 ~~~~

RELATED CASES

In the case v. Hanesbrands, there is a monetary figure in the Petition for Certiorari. My proposal is that whole figure be rewarded. It may be paid out on my final paycheck. Which would appear in my bank account on 8/6/2021. Due to the way the case began, you may find that 20% of the gross payment is due to Snyder and Williams P.C. The address is 125 Slusher St, Stuart, VA 24171, so mail them a notice and copy of the Supreme Court's opinion and I will write that check as soon as I receive the direct deposit. This payment should be reflected on my final pay stub as "Separation Pay".

Lastly, the reason this case was appealed so fast is that District Judge Thomas T. Cullen kept refusing my petition for in forma pauperis without any caveats. I had left open the Judge's discretion

to force me to donate all winnings from the Hanesbrands case, and the Honorable judge kept writing orders that were essentially "15 days pay or quit". Even if I paid the filing fee, the counsel for Hanesbrands could argue that I have to donate all money or they will on my behalf. The way the Judge unwittingly denied my petition, I could win an infinite amount of money in federal court and still end up net negative. This is a violation of my right to petition my government for a Redress of Grievances, and the court's opinion should address the issue. A copy of the opinion of both cases should be sent amicably to Thomas T. Cullen for reference.

Very humbly and nervously submitted,


- Charles Landon Roberson

P.S. A copy of all previous dismissals and this letter with its motion are sent to all applicable parties.

P.P.S. I swear and affirm to the above under penalty of Perjury here: 

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TABLE OF AUTHORITIES CITED

CASES

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Regents of University of California v. Bakke (1978)
Brown v. Board of Education of Topeka (1954)
Goss v. Lopez (1975)
Grutter v. Bollinger (2003)

STATUTES AND RULES

14th Amendment (Equal Protection Clause)
Civil Rights Act of 1964
Genetic Information Nondiscrimination Act of 2008

OTHER

6. Hanesbrands Inc. 1000 E. Hanes Mill Road Winston-Salem, NC 27105
7. Virginia A. Piekarski, 1000 E. Hanes Mill Road Winston-Salem, NC 27105
8. Thomas T. Cullen, U.S. District Judge, 210 Franklin Rd, SW, Suite 200, Roanoke, VA 24011

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix n/a to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix Doc. 9 to the petition and is

☒ reported at Case 4:20-cv-00075-TTC, 3/30/21, id.#13; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was h/a.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

* Case was sent back to District Court and dismissed. Associated case involves Constitutional issue, so Judge Callen was asked to recuse in this one, with that being denied.

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

14th Amendment and branching Federal Law.

Any laws related to Equal Protection apply.

Any provisions preventing discrimination due to genetic information also apply.

STATEMENT OF THE CASE

Virginia Tech Equity & Accessibility Complaint Form

Submitted on July 21, 2020 at 11:28:02 am EDT

Nature: Genetic Information
Urgency: I am able to wait up to one week
Incident Date and Time: 2020-04-30
Incident Location: Online

Reported by

Name: Charles Landon Roberson
Title: Graduate Applicant
Email: clr2624@vt.edu
Phone: (276)288-4231
Address: 1678 Campbell PO RD, Lawsonville, NC 27022
[UNAUTHENTICATED]

Respondent(s) and Potential Witnesses

Karen DePauw, PhD. () kpdepauw@vt.edu
This person or organization discriminated against me (identified respondent)

Tim Sands, PhD. () president@vt.edu
This person witnessed what happened (witness)

Harrison Blythe () hblythe@vt.edu
I have told this person what happened to me (witness)

Description of Discrimination or Harassment

Please briefly describe the situation. If you need more space, please attach a description of your allegations as a supporting document (see below).

Karen DePauw, PhD. Denied me access to the Graduate School in a manner that violates the Genetic Information Nondiscrimination Act of 2008 (an extension of the Civil Rights Act of 1964) I informed Karen DePauw that I sought access to the Grad school and that my past academic struggles were due to a lack of my necessary medication existing at the time. I sought help from SSD (Services for Students w/ Disabilities) Several times as an Undergrad, and received little help, and often derision. The illegal violation is that Dr. DePauw has denied me access to the Grad school and a Graduate Assistantship without offering any avenue to which I could become eligible for admission in the future. If I am permanently so damaged that I am unable to ever receive a Graduate level education, then Virginia Tech is legally liable for that, and Dr. DePauw is legally culpable for the blanket denial of access to services and employment that I am legally required to have an opportunity to access, however slim it may be.

What would you like to see happen to remedy this situation?

To be compliant with the law before the start of the semester, I would need a Virginia Tech Official to accept or offer an avenue to which I would qualify for admission to the Graduate School and Employment as a Graduate Assistant. Also, if SDS is continually unwilling to support students with Rare Diseases in any real way, then Virginia Tech must open a separate Support Office to care for its student body with Rare Diseases and/or Genetic Conditions.

REASONS FOR GRANTING THE PETITION



UNITED STATES DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS

400 MARYLAND AVENUE, SW
WASHINGTON, DC 20202-1475

REGION XI
NORTH CAROLINA
SOUTH CAROLINA
VIRGINIA
WASHINGTON, DC

November 24, 2020

Via email to: clandonroberson@gmail.com

Charles Landon Roberson
1678 Campbell PO RD
Lawsonville, NC 27022

Re: OCR Complaint No. 11-20-2332
Dismissal Letter

Dear Mr. Roberson:

On August 6, 2020, the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) received your complaint against Virginia Polytechnic Institute and State University (the University). You allege that the University discriminated against you on the basis of disability and retaliated against you. Specifically, the complaint alleges that the University denied you admission to its physics graduate program because of your genetic condition and again in retaliation after you challenged the decision.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the Department. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive Federal financial assistance from the Department. Because the University receives Federal financial assistance from the Department and is a public entity, OCR has jurisdiction over it pursuant to Section 504 and Title II.¹

After carefully reviewing the information you provided, OCR determined that we will not investigate your complaint. OCR learned that on July 21, 2020 you filed the same allegations based on the same facts with the University's Office for Equity and Accessibility, and the University resolved the allegations on August 4, 2020. OCR reviewed the University's determination. We decided that the University investigated the allegations, and there was a comparable resolution process under legal standards acceptable to OCR. The University's inquiry into your allegations found that after the February 19, 2020 decision not to offer you admission to the physics graduate

¹ We note that your complaint asserts violations of the Genetic Information Nondiscrimination Act of 2008, a law that OCR does not enforce. However, because your genetic condition could constitute a disability under Section 504 and Title II, laws OCR does enforce, we evaluated your complaint under those laws.

program, on April 30, 2020 you disclosed to the graduate education dean that you have a disability/genetic condition. You claimed that after you put the dean on notice of your disability/genetic condition, she wrote to you confirming the decision to deny your application. The dean initially notified you that you were not admitted to the physics graduate program prior to receiving notice of your disability/genetic condition, and after learning of it, the dean confirmed the denial decision. Based on those facts, the University's inquiry into your allegations determined that there was no inference of discrimination or retaliation. Therefore, in accordance with Section 108(i)(2) of our *Case Processing Manual*, OCR will not conduct its own investigation of the complaint and is dismissing the complaint as of the date of this letter.

You have a right to appeal OCR's dismissal of the complaint within 60 calendar days of the date of this letter. You must submit an online appeal form (<https://ocrcas.ed.gov/content/ocr-electronic-appeals-form>) or a written statement of no more than 10 pages (double-spaced, if typed) by mail to the Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202; by email to OCR@ed.gov; or by fax to 202-453-6012. The filing date of an appeal is the date that the appeal is submitted online, postmarked, submitted by email, or submitted by fax. In the appeal, you must explain why you believe the factual information was incomplete or incorrect, the legal analysis was incorrect, or the appropriate legal standard was not applied, and how the correction of any error(s) would change OCR's decision. Failure to provide this information may result in denial of the appeal.

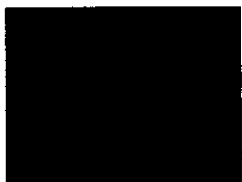
This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. You may have the right to file a private suit in federal court whether or not OCR finds a violation.

We did not notify the University of your complaint. Nevertheless, please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, please contact the OCR attorneys assigned to this complaint: Kristi Bleyer, at 202-453-5901 or kristi.bleyer@ed.gov, and Megan Rok, at 202-453-6978 or megan.rok@ed.gov.

Sincerely,



Digitally signed by
Michael Hing
Date: 2020.11.24

am09:54:34 -05'00'

District of Columbia Office
Office for Civil Rights

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be "David M. Lynn", written over a horizontal line.

Date: 07/21/21