

No. 21-6400

IN THE

SUPREME COURT OF THE UNITED STATES

FILED
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OFFICE OF THE CLERK
SUPREME COURT, U.S.

Sonya R. Edwards — PETITIONER
(Your Name)

vs.

Mesquite Independent School District — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Sonya R. Edwards
(Your Name)

232 Alexandria Street
(Address)

Mesquite, TX 75149
(City, State, Zip Code)

(214) 274-0710
(Phone Number)

QUESTION(S) PRESENTED

- (1) In light of the Supreme Court's holdings that an EEOC intake questionnaire may constitute a charge and a charge may be verified after the filing period, did the district court err in dismissing Sonya Edwards' Title VII suit on the grounds that her predicate charge was untimely?
- (2) If a plaintiff adequately pleads in an original and / or amended complaint that she exhausted all required administrative remedies prior to filing a Title VII suit, did the appellate court err in affirming the district court's dismissal on the basis of waiver?

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:

RELATED CASES

- ① Sonya R. Edwards v. Mesquite Independent School District, No. 20-10158; In the United States Court of Appeals for the 5th Circuit; Judgment entered August 20, 2021.
- ② Sonya R. Edwards v. mesquite independent School District, USDC No.: 3:18-CV-2620; In the United States District Court for the Northern District of Texas - Dallas Division; Judgment entered January 13, 2020.

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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 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 is unpublished.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 B to the petition and is

reported at _____; 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 is unpublished.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 August 20, 2021

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).

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

- (1) 28 U.S.C. § 1331
- (2) Civil Rights Act of 1964 Title VII, 42 U.S.C. §§ 2000e *et seq.*
- (3) 29 C.F.R. § 1601.3(a)
- (4) 29 C.F.R. § 1601.9
- (5) 29 C.F.R. § 1601.12(a)
- (6) 29 C.F.R. § 1601.12(b)
- (7) 29 C.F.R. § 1626.6
- (8) 29 C.F.R. § 1626.8
- (9) 29 C.F.R. § 1626.8(b)
- (10) 29 C.F.R. § 1626.8(c)

STATEMENT OF THE CASE

Beloved, long-time substitute teacher for MISD, Sonya Edwards, who is black, was told by a white MISD employee that "her people lie;" that "her people do not like to work; and to "sit in that chair like a dog." Ms. Edwards made a formal complaint to her superiors about these comments which she believed were racial discrimination. Everything got worse from that point forward, and Ms. Edwards suffered daily racial discrimination and retaliation. Ms. Edwards contends these actions by MISD employees violated Title VII. The district court never reached the merits of this dispute, however, because it concluded summarily that Ms. Edwards' timely-filed but unverified intake questionnaire was not a charge of discrimination (despite this Court's rulings in *Federal Express Corporation v. Holowecki*, 552 U.S. 389, 128 S. Ct. 1147 (2008); *Edelman v. Lynchburg College*, 535 U.S. 106, 115, 122 S. Ct. 1145, 1150 (2002); and the 5th Circuit Court of Appeals ruling in *EEOC v. Vantage Energy Services, Inc.*, 954 F.3d 749, 757). In so ruling, the court committed reversible error for which the Supreme Court should grant this petition for a writ of certiorari.

Two Supreme Court cases speak to the charge-filing requirements at issue here. The district court disregarded both. First, in *Holowecki*, 552 U.S. 389, the Supreme Court held that an intake questionnaire or other document constitutes a charge of discrimination for timely-filing

purposes if it contains the information required by the EEOC's regulation for a charge and can reasonably be construed as a request for the EEOC to take remedial action. Second, in *Edelman*, 535 U.S. 106, the Supreme Court upheld the validity of the EEOC's regulation at 29 C.F.R. § 1601.12(b) permitting verification of a charge to occur after the filing period. In other words, *Edelman* held that a charge does not need to be verified within the filing period. The Court explained that the purpose of the verification requirement is to protect employers from the expense and disruption of responding to frivolous claims. That objective is fulfilled, *Edelman* stated, so long as the employer is not required to respond to the charge until it has been verified.

In addition, despite the 5th Circuit Court of Appeals ruling, *Black*, relying on case law related to summary judgment proceedings and *not* a Rule 12(b)(6) motion like in this case, merely holds that "even on de novo review, a party may not raise new legal arguments." *Black v. North Panola School Dist.*, 461 F.3d 584, 593 (5th Cir. 2006). However, Ms. Edwards adequately pleaded that she exhausted all required administrative remedies prior to filing her Title VII suit in her original and amended complaints, as well as in her Response to MISD's Motion to Dismiss Plaintiff's First Amended Complaint. She also attached to her Second Amended Complaint the Intake Questionnaire she used to show it constituted a charge and was timely filed. Ms. Edwards did every single thing right. She complied with all laws and procedures. Ms. Edwards adopts the legal reasoning in Circuit Judge James L. Dennis' dissenting opinion (see Appendix). The basis for federal jurisdiction in the court of first instance is 28 U.S.C. § 1331.

REASONS FOR GRANTING THE PETITION

"Injustice anywhere is a threat to justice everywhere." Martin Luther King, Jr., Letter from Birmingham Jail, April 16, 1963. Although this Honorable Court grants petitions for writs of certiorari in only about 1% of the cases that are filed each Term, this case is such a case that should be granted. For every pro se appellate litigant whose case demands just as much attention to the law and administration of justice as litigants who are represented by counsel. This petition should be granted because a grave miscarriage of justice has been done. A beloved substitute teacher who believes she has been discriminated against based on her race and retaliated against for complaining of such treatment did *everything* she knew to do, and followed all laws and procedures. **THREE DAYS** after being terminated from her employment with MISD, she contacted the EEOC and checked the box to request a Charge to be filed with the EEOC. But yet, her case was dismissed on a 12(b)(6) motion for the charge being filed untimely. Thus, the lower court has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power; AND, a United States court of appeals has decided an important federal question in a way that conflicts with relevant decisions of this Court.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Sonya R. Edwards

Date: 11/18/2021