

No. _____

21 - 6451

ORIGINAL

In
The Supreme Court of the United States

Benson, Ada Maria
Petitioners, v.

IHSS_DPSS, Mt. Lyon Rv and Resort,
Cal-OSHA, Labor Law Commissioner San Bernardino, CA
Respondents

FILED
NOV 20 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

**On Petition For A Writ Of Certiorari
To The Supreme Court Of the United States**

**Case Brought from Court Of Appeals For The Ninth Circuit
21-55797 District Court No. 5:20-cv-02595
Ada Maria Benson (Petitioner)**

v.

Defendants:

IHSS DPSS,
Mt Lyon Rv and Resort,
Cal-OSHA and Labor law Commissioner, San Bernardino

PETITION FOR A WRIT OF CERTIORARI

Benson, Ada Maria
(**Persona Propria**)
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Questions Presented

1. In the US Supreme Court Volume 408 Grayned v. City of Rockford, 408 U.S. 104 (1972) "The person cannot be declared a Frivolous (vexatious) litigant until after the court has conducted a hearing and given the opportunity to be heard. Can a federal court ignore the due process and the trespassing of Constitutional laws to declare a victim of violence vexatious?
2. This is a case 42 U.S.C. § 1983 filed in Appeals Court Ninth Circuit under the 28 U.S. Code § 1292 Interlocutory Decisions with excerpts of the district's judge bias. However, the Appeals court 9th Circuit dismissed under the 9th Cir. R. 27-10. The appeals court rule stated deals with timely motions. The petitioner has kept an active litigation visible in Pacer. Can an erroneous court rule be above 28 U.S. Code § 1292?
3. Petitioner suffered physical and verbal assault in the workplace in April 2020, to this day petitioner has been left injured without therapy and unpaid. Defendants have been deaf to the requests the petitioner has made in requesting to comply with the labor laws and safety laws. Employer (IHSS-DPSS) did not pay various months of wages to the petitioner, has refused to pay workers compensation , has refused to pay unemployment, and left the petitioner injured and unpaid. Employer did not call back the petitioner to work leaving the petitioner unemployed. All respondents in this case failed to assist an injured employee and refused to provide health care. Can Due Process (4th and 14 Amendment section 1), be denied to leave wage theft, Physical assault, defamation of the petitioner's character, without punishment? Is a victim of wage theft, physical and verbal assault vexatious?

4. Under the **Gypsum Formula**, The Supreme Court standard requires that the court of appeals breaks down the case and apply the appropriate standards to each component(each right violated) **Meridian Bank v. Allen** **958 F.2d 1226, 1229 (3rd Circ 1992)**. Can the Appeals Court 9th Circuit defeat the established Gypsum Formula and deaf to the assault suffered by petitioner? This is a plain Error of the court under U.S.C. Fed R Crim P Rule 52

5. Why was this case filed in the Superior Court of California during the petitioner's leave for medical surgery between the months of July and august 2021? Petitioner never filed this case in a State court. The petitioner found notes of no appearance in the mail at the petitioner's return from medical surgery.

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LIST OF PARTIES

**Petitioner: Benson, Ada Maria
Persona Propria**

Defendants:

1. I.H.S.S-DPSS
2. Mt. Lyon RV and Resort -Hemet, Ca
3. CAL-OSHA San Bernardino
4. Labor Law Commissioner San Bernardino

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APPENDICES

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Letter Of Appendices

- **Appendix I**--Appeals Court Order of aug 12, 2021
- **Appendix II**--Appeals Court Order of Nov 02, 2021
- **Appendix III**--appeals Court Order of Nov 10, 2021
- **Appendix IV**--District Court Denial to proceed in *Forma Pauperis* of July 29, 2021
- **Appendix V**--District Court Granting order to proceed in *Forma Pauperis*
- **Appendix VI**--Exhibit of the Motion For Standing filed by petitioner on 04/02/2021 District Court libeled as "Letter to the Judge" (2 pages sample)
- **Appendix VII** District Court order of march 22, 2021 Dismissal for Lack of Prosecution. (Libel) and falsely

stating that the petitioner had not served summons.
Summons are filed before the date of this order by
petitioner as Persona Propria.

- **Appendix VIII** Email sent to the District court Clerk by petitioner notifying that petitioner attempted to log in the conference but no password nor meeting number were provided by the court. Yet the CCourt marked absent.
- **Appendix IX** relevant entry related to this case made by petitioner in Case 21-55802 Appeals Court 9th Circuit Document ID 12187873- 4 pages

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TABLE OF AUTHORITIES

AMENDMENTS

1st Amendment
4th Amendment
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14th Section 1

STATUTES

5 U.S. Code § 2302 (a)(2) (xii).

5 US. Code 6307

5 US. Code Chapter 85

5 U.S. Code § 8102.

FECA (5 U.S.C. 8101 et seq ,

13 U.S. Code § 212

18 U.S.C. § 241. Title VII of the Civil Rights Act of 1964.

18 USC § 119, § 119(b)(3) a

18 U.S.C. § 1503

18 USC § 119, § 119(b)(3)

28 U.S.C. § 1254 (1)

28 U.S.C. § 1291

28 U.S.C. § 1292

28 U.S.C. § 4101, Under Intentional Torts (Second of
Torts) Common Law Torts Claim (b) page 12-6

42 U.S.C. § 1983

Affordable Health Care Act (ACA) 42 USC Ch. 157

A.D.A. (American with Disability Act 1983).

California Welfare and Institutions Code Article 2.
Section 15610-15610.65.

Cal-OSHA § 344.51(criminal)

Cal-OSHA Safety Standards U.S.C California Code of
Regulations, Title 8, Section
344.51 and seq.

EEOC-CRA, 1991 , CAL-OSHA chapter 3.2 article 1 340,
342, 344.51 sec 102 of the CRA of 1991

Federal Employees' Compensation Act 8102 . e Title VI, 42
U.S.C. § 2000d et seq (Civil Rights Act), 14th Amendment
section 1.

Labor Law Federal Codes: - § 210, § 225.5 § 226.8, § 238.5
(a) (1), § 238.5 (e) (1), § 98.1(c), § 1194, § 1194.2 Cal Labor
Code § 201. (a), § 2802 (b)(c), § 2810.3, 238.5, § 203, § 226,
§ 226.7, § 1193.6, § 1194, § 2802, § 2810.3

Restatement (2D) Of Torts § 13. Battery: Harmful Contact

Restatement (2D) of Torts § 8A. Intent, § 13, § 15, § 18, § 21,
§ 46.

Supreme Court Gypsum Formula

US Codes and Statutes > US Constitution Annotated >
Article III. Judicial Department > Substantial Interest:
Standing

LEGAL CASES CITED

Ada Maria Benson v. San Jacinto Unified School District
appeals Court 9th Circuit case No: 21-55549 (is a case of
defamation by employer hindered by the district and
appeals court)

Ada Maria Benson v. Census 2020 Appeals Court 9th Circuit Case No; 21-55791(is a case of wages theft by employer and employer threatening petitioner with deprivation of liberty and libel) Posted evidence by petitioner in pacer. Yet the District and Appeals Court have called it vexatious).

Benson, Ada Maria v. IHSS DPSS et al
5:20-cv-02595 . Nature 442 Civil Rights - Employment.

Benson, Ada Maria V. IHSS DPSS ET SEQ. Appeals Case:
21-55802, 07/29/2021, ID: 12187873, DktEntry: 5, Page 15
through 19 of 44 pages

Bose Corp. v. Consumers Union, 466 U.S. 485 (1984)

Baker, 554 U.S. 471 (2008), Texaco, Inc. v.

Cowan v. Prudential Insurance Co., 852 F.2d 688, 690-91,
47 EPD Par.38,167 (2d Cir. 1988),

Kirkland V. Ensign Bickford Co. D.C. Conn. 267F 3 472,
475.

Martin V. texaco Inc. 726 F2d. (5th Circuit 1987)

Meridian Bank v. Allen 958 F.2d 1226, 1229 (3rd Circ
1992).

Pennzoil Co. - 729 S.W.2d 768 (Tex. App. 1987)
Olano, 507 U.S. at 731 (quoting Yakus v. United States, 321
U.S. 414, 444 (1944).

ROGERS v. LOEWS L'ENFANT PLAZA HOTEL 526 F. Supp.
523 (D.C. D.C. 1981) On April 07, 2020

Stallworth V. Shuler 2nd 143138 E. PD PAR 35.806 (11 Cir.
1985)

U.S. Supreme Court, Bose Corp. v. Consumers Union, 466
U.S. 485 (1984)

United States v. Ríos-Hernández, 645 F.3d 456, 462 (1st
Cir. 2011).

Waco Cotton Oil Mill Of Waco V. Walker, Tex. Civ App, 103
S.W. 2d 1071, 1072.

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PETITION FOR A WRIT OF CERTIORARI

OPINIONS BELOW

1) The order of August 12, 2021 from the Appeals Court Ninth Circuit literally reads: "Before: SCHROEDER, TASHIMA, and HURWITZ, Circuit Judges. A review of the record demonstrates that this court lacks jurisdiction over this appeal because the orders challenged in the appeal are not final or appealable.

See 28 U.S.C. § 1291. Consequently, this appeal is dismissed for lack of jurisdiction. All pending motions are denied as MOOT.

DISMISSED See Appendix I

2) Appeals Court 9th Circuit order of November 02, 2021 states:

Order before Schroeder, Tashima, and Hurwitz, circuit judges. Appellant's motion for reconsideration (Docket Entry Nos. 15, 18) is denied See 9th Cir. R.27-10) No further filing will be entertained in this closed case." See Appendix II

3) Appeals Court 9th Circuit mandate of November 10, 2021 states:

"The judgment of the Appeals Court, entered August 12, 2021, takes effect on this date. (Nov. 10, 2021) This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure." See Appendix III

4) The July 29, 2021 order from the District Court regarding petition for writ in forma pauperis is a plain error. R. 52 The order states: "The court has considered the motion and the motion is DENIED. The Court certifies that the proposed appeal is not

taken in good faith under 28 U.S.C. 1915(a) and is
frivolous, without merit and does not present a
substantial question
within the meaning of 28 U.S.C. 753(f)." (Appendix IV)

Yet

The order of the same district court Riverside County, Ca
regarding petition to proceed in forma pauperis reads
"Granted" on December 16, 2020. (Appendix V)
The writ was already filed when the denial order
appeared. Further intentional errors are posted as
example see entry in Pacer district court case
5:20-cv-02595-JWH-KK Document 15 Filed 04/02/21
Page 1 of 20 Page ID #:87 is the petitioner's Motion To
Standing. The District Court reprimanded the petitioner
stating that petitioner had mailed a letter to the judge.
(See Appendix VI- is not a letter) This libel was stated on
various dates in which petitioner filed motions in the
case. . Further errors from the district court are the
entries made in 03/22/2021 posted twice stating :
"Dismissal for Lack of Prosecution by Judge John W.
Holcomb" This is Plain Error R.52 The petitioner
motions were hindered as anyone can see the entries in
Pacer. All documents petitioner filed are related strictly
to the case and are active motions in the litigation
process.

On March 22, 2021 district court entry reads: "(IN
CHAMBERS) Order to Show Cause re Dismissal for
Lack of Prosecution. Absent a showing of good cause, an
action must be dismissed without prejudice if the
summons and complaint are not served on Defendant
within 90 days after the complaint is filed. Fed. R. Civ.
Proc. 4(m)" See Appendix VII " This is Plain error. The
same order reads that the petitioner had not served
summons on defendants. False entry by the court. The
petitioner had provided the district court with the
certified delivery certificates from USPS with tracking
number of the delivery of each summons to each

defendant long before March 22, 2021. Clerks hindered the Proofs of Services submitted by petitioner more than once provided. (see pacer entries made by the petitioner in this case.)

The district judge had arranged a Zoom Conference.

Petitioner logged in as instructed, however the Zoom conference did not open. Zoom requested a password and meeting number. They were not provided by the court.

(See Appendix VIII). Therefore the petitioner could not be logged in. In further zooms conferences district Judge

John W. Holcomb scolded the petitioner stating that petitioner lacked what was needed to represent herself. Yet the petitioner has been a 40 years teacher, graduated MBA with PhD in progress. The petitioner considers the scolding as an error. This is the petitioner requesting acceptance for review by the Supreme Court in persona propria. See the email sent by petitioner to the district court clerk via email. The false entry is posted twice the same day. (Appendix VIII)

The entries made in this case by clerks in the district court hindered the title of the motions and responses filed by petitioner. Examples of hindered entries made are : Mar 6, 2021 is the petitioner's proof of service in one of the defendants. Hindered by the clerk. March 26, 2021 Document 13 Filed 03/25/21 Page 1 of 2 Page ID #:84 is also a proof of service.

Entry made by clerk on February 22, 2021 hindered the Writ of Certiorari filed by petitioner. The cover of the writ shows exactly the case number and the initials of the judge appointed. Yet the clerk entry does not describe that petitioner filed the writ. The Writ of Certiorari Appears docketed at Case 5:20-cv-02595-JWH-KK Document 9 Filed 02/19/21 Page 3 of 43 Page ID #:39, Entry of Case 5:20-cv-02595-JWH-KK Document 15 Filed 04/02/21 Page 1 of 20 Page ID #:87 is hindered by clerk. The entry reads; "letter to the judge". It is not a

letter. It is a Motion for Standing in the case filed by petitioner. As such many other bad entries.

JURISDICTION

The judgment of the court of appeals was entered on August 12, 2021,. A petition for rehearing was denied on November 02 and November 10, 2021. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254 (1)

The Supreme Court has set Constitutional Standards for Jurisdiction based in Injury, Fact, Causation, and Redressability. US Codes and Statutes > US Constitution Annotated > Article III. Judicial Department > Substantial Interest: Standing

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

In United States constitutional law, a Due Process Clause is found in both the Fifth and Fourteenth Amendments to the United States Constitution, which prohibits arbitrary deprivation of "life, liberty, or property" by the government except as authorized by law.

42 U.S.C. § 1983 provides, in pertinent part: " Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or

other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. .

The First Amendment to the United States Constitution provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” U.S. Const. Amendment I The Appeals Court 9th Circuit uses the word **Moot** –denied as to suppress the right to petition in a case of physical and verbal assault and deprivation of wages.

STATEMENT OF THE CASE

1. Following physical and verbal assault in the workplace (in April 2020) and deprivation of months of wages, without responses from the employer, a legal suit for damages under the 42 U.S.C. § 1983 was filed by the petitioner. The District Court Riverside, Ca assigned Case 5:20-cv-02595-JWH-KK Document 1 of PACER.

Petitioner’s claim is based on Intentional, reckless wanton, criminal behavior by the assailants. Violation of all Labor Laws, (wage theft, violation to unemployment , violation to worker compensation laws and safety in the workplace laws) recalling Martin V. Texaco Inc. 726 F2d. (5th Circuit 1987) entry in PACER -Appeals Case: 21-55802, 07/29/2021, ID: 12187873, DktEntry: 5, Page 15 through 19 of 44 pages). (See Appendix IX 4 pages sample of the entry of 07/29/2021).

2. The district court biased against the petitioner hindering the petitioner's suit. Furthermore the district court defamed the petitioner alleging that the petitioner was sending letters to the judge, when the petitioner had strictly submitted motions in the litigation process. The Excerpts are posted in PACER by the petitioner to demonstrate to the Appeals Court that bias exists in this case by the District Court. All documents sent by the petitioner are posted in PACER. The petitioner has no knowledge of the private life of the judge, nor is interested in the person.

3. Petitioner filed Appeals after the bias of the district court.(28 USC § 144) On appeal, the circuit court affirmed the district court dismissal in all claims made in this case, despite the Supreme Court rulings in the 28 U.S.C. § 1292 that grants direct Appeal Court jurisdiction from orders granting or refusing applications for receivers or interlocutory decisions. The Appeals Court 9th Circuit refuses to hear this case stating that the court lacks jurisdiction or that the case is vexatious. The word **Moot** used by the Court of appeals means **forbidden intrusion on the field of free expression** in violation of the first Amendment.

4. Petitioner is a former employee of IHSS-DPSS (Department Of Public Social Services-IHSS division). Petitioner was formally hired by IHSS and assigned an employee number. Former employer has committed wage theft against the petitioner and has failed to comply with all laws and regulations established in the protection of employees. Petitioner was physically assaulted in the workplace. Employer has refused to comply with providing workers' compensation, unemployment nor health care in addition to having deprived the petitioner of months of wages. Although the main career of the petitioner is teaching, during long vacations petitioner

has worked as a health assistant. The days of the physical assault and verbal defamations the petitioner was in the workplace assisting a patient. (April 2020). The petitioner has been hospitalized and treated on emergency basis bleeding since the day of the physical attack. No physical therapy and no medical care has been provided to the petitioner after left injured. Wages remain unpaid. The **specifics of this case were filed in the Appeals Court Ninth Circuit entry of 07/29/2021, Case 21-55802, ID: 12187873, DktEntry: 5, Pages: 44**

5. Utilizing the services of the petitioner and depriving the petitioner of his wages, is the establishment of slavery trespassing the Constitutional Rights in the **13th Amendment: Section 1.** “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.” Refusing to care of an injured employee in the workplace is a **trespassing of the Federal Employees’ Compensation Act 8102** . Furthermore the **5 U.S. Code § 8102**. Ignoring the injuries suffered by the petitioner and letting the petitioner go without rehabilitation **FECA (5 U.S.C. 8101 et seq ,** Depriving the injured employee of sick leave is trespassing of the **5 US. Code 6307** (sick leave accrual and accountability) and depriving the injured employee of unemployment is a trespassing of the **5 US. Code Chapter 85** and it is the imposition of Hegemony and Oligarchy. May this court recognize the **trespassing of the Title VI, 42 U.S.C. § 2000d et seq (Civil Rights Act)**, the **14th Amendment section 1.** “... No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws-”

6. The trespassing of the 8th Amendment is manifest. Cruel and unusual punishments have been inflicted in the claimant. Deprivation of wage, deprivation of employment, deprivation of sick leave, deprivation of the Affordable Health Care Act (ACA) **42 USC Ch. 157** (that mandates basic health insurance to cover workers compensation and their children up to 26 years old). Wage theft by the employer and refusal to comply with constituted laws for the care of employees is to place an individual in the category of slavery while the victim is injured. **The employer refused to answer the petitioner's calls when the petitioner was injured.** Faxes and letters were not answered. There were no answers to provide a respite worker to cover the petitioner. The lack of responsibility from the employer's part represents a hazard to society, as it represents discrimination, alienation, segregation. Furthermore participation in committing a crime and the establishment of cruel and unusual punishment and slavery under **the 8th and 13th Amendment by a State Human Care Agency** as it is the Department of Public Social Services and cannot be let go free of judiciary processing where **torts are premeditated and inflicted with intent to harm.** Restatement (2D) Of Torts § 13. **Battery: Harmful Contact ROGERS v. LOEWS L'ENFANT PLAZA HOTEL 526 F. Supp. 523 (D.C. D.C. 1981)** On April 07, 2020,

7. Petitioner was physically and verbally assaulted forcing the petitioner's spine (diagnosed with High risk of Fractures) to bounce against a counter inside the petitioner's patient's home, while the assailant named Rosa arrived with the Mt. Lyon RV and Resort manager to verbally scream defamation against petitioner. (The petitioner's Musculoskeletal test results of May 16, 2019 describe petitioner's BMD at AP. SPINE L2-L4 is

0.921g/cm² with a T-Score of -2.4 Fracture Risk is HIGH. BMD Femur total Right is 0.792 g/cm² with a score of -1.7 Low and Fracture Risk is HIGH. BMD Femur total LEFT is 0.744g/cm² T-score of -2.1 is low. Fracture Risk is HIGH. Petitioner has been recovering from a broken left ankle fibula in 2017 and a left broken shoulder in 2018.

Petitioner works under the A.D.A. (American with Disability Act 1983). Rosa, a Hispanic female that arrived with the RV park manager, tried to pull the Android tablet Huawei from the petitioner's hands to avoid that the petitioner could record the trespassing of Civil Rights on April 07, 2020. During the attempt to stop the petitioner from recording, Rosa pulled the tablet from the petitioner and at that moment the petitioner's spine hit the corner counter. During the three subsequent days until April 10, 2020. The Mt. Lyon Park manager and janitors defamed the petitioner in front of many park residents in the most vulgar and obscene street gang slander language, park manager yelled aloud to the petitioner while Rosa the manager's friend was inside trying to injure verbally the petitioner screaming and stating that she was the new health aid. The petitioner remained bound to the patient under **California Welfare and Institutions Code Article 2. Section 15610-15610.65.** Kirkland V. Ensign Bickford Co. D.C. Conn. 267F 3 472, 475. **Trespass: Waco Cotton Oil Mill Of Waco V. Walker, Tex. Civ App, 103 S.W. 2d 1071, 1072.** The- Welfare and Health Act ties up health personnel that are penalized if they abandon the patients under their care. The Welfare Act Mandate, forced the petitioner to stay around the patient in spite of having been injured while waiting for a response from DPSS. A relevant entry related to this case is made in case appeals Court Ninth Circuit Case 21-55802 (Benson, Ada Maria V. Hemet Police Department 07/29/2021 Document ID: 12187873 Docket entry # 5 44 pages. (See Exhibit 9))

-Petitioner was abducted by Hemet Police on September

09, 2020 while under medication. This case is also biased).

8. Under the US Code 18 USC § 119, § 119(b)(3) assault in the workplace suffered by the petitioner constitutes **Assault and Battery**. The manager and rest of assailants in the RV park are unknown to the petitioner, but they referred to the petitioner in the lowest and most obscene words 28 U.S. Code § 4101. Under Intentional Torts (Second of Torts) Common Law Torts Claim (b) page 12-6 "Defendants (Mt. Lyon RV Park and Resort) are liable for assault. The Mt. Lyon RV Park and resort assailants intended to interfere with the plaintiff's personal integrity...." **Stallworth V. Shuler 2nd 143138 E. PD PAR 35.806 (11 Cir. 1985)** Humiliation, emotional distress have been suffered by the petitioner. Under the 8th, 13th, 14th Amendment Section 1, physical and verbal assault and invasion of the workplace., 28 U.S.C. § 4101, loss of job-EEOC-CRA, 1991 , CAL-OSHA chapter 3.2 article 1 340, 342, 344.51

9. Mountain Lyon RV Park and Resort was never contacted by the petitioner's employer IHSS-DPSS in regards to the tasks assigned to petitioner in quality of health aide employees and their responsibilities and respect that management and janitors owed to the IHSS employee. I.H.S.S nor the RV Park posted any signs in the patient's property to distinguish the residency under the care of DPSS— IHSS, in violation of the Cal-OSHA Safety Standards U.S.C California Code of Regulations, Title 8, Section 344.51 and seq. May this court find willful gross wanton negligence in the parts of RV Park and Resort under the 8th Amendment 14 Amendment Section 1, 28 U.S.C. § 4101, The-Restatement (2D) of Torts § 8A. Intent, §13, §15,§18, §21, § 46. and consider punitive damages to the petitioner ? **Baker, 554 U.S. 471 (2008)**,

Texaco, Inc. v. Pennzoil Co. – 729 S.W.2d 768 (Tex. App. 1987)

10. The employer's (IHSS DPSS) negligence in processing payments constitute wage theft under the Labor Commissioner. May this court enforce its judicial power under the Labor Law Federal Codes: - § 210, § 225.5 § 226.8, §238.5 (a) (1), §238.5 (e) (1), § 98.1(c), §1194, §1194.2 Cal Labor Code §201. (a), §2802 (b)(c), §2810.3, 238.5, §203, §226, §226.7, §1193.6, §1194, §2802, §2810.3, and under the “Enforcement Guidance: Compensatory and Punitive Damages Available under sec 102 of the CRA of 1991 | U.S. Equal Employment Opportunity Commission?

11. The petitioner worked for DPSS (The directing office for IHSS), between the years 1998 – 2000. Retaliation against the petitioner took place in the assigned unit where the petitioner worked as a Bilingual Spanish Eligibility Technician in Perris, California. Before the petitioner was promoted to the next level in position. Having produced accurate percentage of workload, was laid off under humiliations by the unit supervisor Carlene Edmonson. Not providing any opportunity for ascending to the next level position. The employer's reckless and criminal behavior represents repetitive behavior as it endangered the petitioner's life and economy. *Cowan v. Prudential Insurance Co.*, 852 F.2d 688, 690-91, 47 EPD Par.38,167 (2d Cir. 1988), Defendant's failure to provide a grievance process and retraining if necessary to promote the petitioner, caused the claimant severe emotional distress. The way in which petitioner was laid off during the prior employment process, was a process of humiliations and stress imposed in the workplace under the enclosed secretive policies of the DPSS supervisor tactics to unemploy the claimant. The internal office verbal abuse included requesting that the petitioner

“goes back to the place she came from”. Supervisor openly manifested racial bias against the petitioner. Petitioner witnessed the bias executed by the former employer in other employees. Petitioner attempted to contact the upper level supervisors, but was blocked from pursuing grievances alleging it was a temporary position that could be canceled at any time. Management discharged the plaintiff without asking for her version of the incidents. Petitioner asks this court to consider investigation of the case from the years 1998–2000 employees’ files in DPSS main offices at Kidd and Lemon st Riverside, Ca to resource as **patterns of retaliation** from this employer?

12. Petitioner contacted Cal_OSHA while injuries had occurred. As the procedures in workers compensation mandate from employees. CAL-OSHA failed to respond in violation of their own administrative policy section **§ 344.51(criminal investigation) and § 5 U.S. Code § 2302 (a)(2) (xii).**

13. Petitioner contacted the Labor Law Commissioner of the San Bernardino Regional Office. The California Labor Commissioner answered with great delay. The day of their scheduled conference, the petitioner waited for the conference call, the Labor law Commissioner workers failed to comply with the ordinances of their own laws regarding assisting employees to recover wages owed. Labor Commissioner's Office deputy Viridiana Garcia de Leon. Few days prior, a Deputy Labor Commissioner; Ryan Ibanez had sent a letter stating that calls had been made to a phone number petitioner had not provided details as (951) 502-5817. In all the petitioner’s correspondence to Labor Law, Cal-OSHA and I.H.S.S. The phone number provided by the petitioner was (951) 480-9972. The Labor Commissioner’s workers failed to call the petitioner on the scheduled day, falsely stating by

email that they had called the petitioner. The petitioner had faxed and emailed the days before the conference the correction on the phone number. The petitioner had her phone tested by witnesses the day of the scheduled conference. There were no incoming calls from Labor Law Commissioners. A screenshot of the petitioner's phone shows no incoming calls from the Labor Commissioner, but shows the incoming testing calls. May this court consider obstruction of justice under the **U.S.C 18 U.S.C. § 1503** Failure to perform the duties owed to the Constitution under **13 U.S. Code § 212** to their assigned jobs. IHSS_DPSS, Labor Law Commission and CAL-OSHA workers have committed **conspiracy against rights of plaintiffs cooperating in hurting the already injured petitioner, trespassing all civil liberties. 18 U.S.C. § 241. Title VII of the Civil Rights Act of 1964.**

14. The defendant (former employer) has not provided work to the petitioner. I.H.S.S left the petitioner without months of pay, injured, assailed in the workplace without providing with the obligations that employers have to employees injured in the workplace and workless. Petitioner suffers daily from spine pain and often internal bleeding. In the State Of California, "**An employer shall not threaten, retaliate or discriminate against, or terminate any applicant for employment or any employee because of the refusal to consent to the waiver of any right, forum, or procedure for a violation of the California Fair Employment and Housing Act or this code, including the right to file and pursue a civil action or a complaint with, or otherwise notify, any state agency, other public prosecutor, law enforcement agency, or any court or other governmental entity of any alleged violation. Chamber of Commerce V. Bonta I A(b)pg 9.** The defendant has clearly retaliated against the petitioner. Former employer left the petitioner injured and without work, and without benefits. It is the

obligation of employers to see that if an assignment ends, another assignment is provided to the employee.

REASONS FOR GRANTING THE PETITION

This Court granted certiorari in *Olano*, 507 U.S. at 731 (quoting *Yakus v. United States*, 321 U.S. 414, 444 (1944)). Petitioner was entitled to plain-error relief on this forfeited challenge. The Supreme Court of the United States has stated that the court of appeals has discretion under Rule 52(b) to correct "plain errors or defects affecting substantial rights ...

The United States Supreme Court defined the Standard for Review "A finding is 'clearly erroneous' when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed. The finding in this case meets the standards. 1) There are district and appeals courts errors 2) the errors are clear and obvious 3) the errors affect substantial rights, and 4) the court's decisions seriously impair the fairness, integrity, or public reputation of the judicial proceeding. *United States v. Ríos-Hernández*, 645 F.3d 456, 462 (1st Cir. 2011).

Under Rule 52(a) of the Rules of Civil Procedure, a finding of fact by the trial court is "clearly erroneous" when, although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed. Pp. 333 U. S. 394-395.

The Supreme Court should grant this petition and hold it for disposition in accordance with the Court's decision cases:

- a) Olano, 507 U.S. at 731 (quoting Yakus v. United States, 321 U.S. 414, 444 (1944)).
- b) Supreme Court rulings in the 28 U.S.C. § 1292
- c) U.S. Supreme Court, Bose Corp. v. Consumers Union, 466 U.S. 485 (1984)

CONCLUSION

This petition for a writ of certiorari should be held pending this Court's based in the U.S. Supreme Court decisions made under the protection of the 28 U.S.C. § 1292, under the protection of Rule 52(a) of the Rules of Civil and Criminal Procedure, under the **Bose Corp. v. Consumers Union, 466 U.S. 485 (1984)** and disposed of in accordance with the Court's decision in that case.


Respectfully submitted
Benson, Ada Maria
Persona Propria

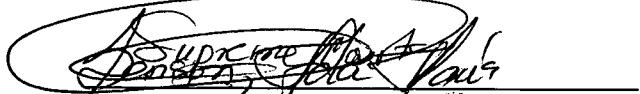
11/18/2021
Date

UNSWORN DECLARATIONS UNDER PENALTY OF PERJURY

28 U.S. CODE § 1746 -

I, Benson, Ada Maria (Persona Propia), declare (or certify, verify, or state) under penalty of perjury under the laws of the United States that the foregoing Petition For Writ Of Certiorari submitted to the United States Supreme Court is true and correct under 28 U.S. CODE § 1746.

Executed on this date, November 18, 2021

A handwritten signature in black ink, appearing to read "Benson, Ada Maria", is enclosed within a decorative oval border.

Petitioner (Persona Propria)

Benson, Ada Maria