

No.

21-6783

**ORIGINAL**

Supreme Court, U.S.  
FILED

DEC 01 2021

OFFICE OF THE CLERK

IN THE

**SUPREME COURT OF THE UNITED STATES**

Broderick J. Warfield

vs

People Ready

Trueblue

USAF Military security police Kirkland

TAFB, Ca

**ON PETITION FOR WRIT OF CERTIORARI**

United States Appellate Court of the 9th Circuit

**PETITION FOR WRIT OF CERTIORARI**

Broderick Warfield

P.O. Box 3296

Fairfield, California, 94533

(707) 716 - 9851

secondcoming663@gmail.com

## QUESTION(S) PRESENTED

Breached contract of employment violated by defendant PeopleReady, Trueblue "2" National, and "1 Local Background Information reported to Command Action Line Travis Air force Base USAF. Public Affairs 60th AMS Travis Air Force Base upon a federal noncompliance by employer and a Federal torts action of a service member of the Armed Forces Acting Under Color of Authority violating the Information Privacy Act. Employee was retaliated upon by employer and suspended from employment no entitlement of Title VII due process of law by defendant Human Resources of PeopleReady , Trueblue. Whether a claim of race discrimination under 42 U.S.C. § 1981 fails in the absence of but-for causation

(Plaintiffs National Origin is of the Federal Military Installation Travis Air Force Base , Ca. National Origin and Citizenship.) DOB 1959 Daivd Grant.

Aside from this complaint Petitioner has a Hipaa Breach Privacy rule recently filed within the same Jurisdiction of TAFB ,Ca. and local the government thereof Solano County.

## 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:

People Ready

People Ready COO President Taryn Owen

Rob Frye People Ready manager branch #1516

Trueblue Compliance Alert Human resources

Mrs. Hayward manager Human Resources

Trueblue CEO; President Patrick Beharelle,

DOD; USAF

60th Security Forces

Military Police officer "Kirkland"

Travis AFB, Ca.

## TABLE OF CONTENTS

( OPINIONS ).....	pg. 1 -2
( JURISDICTION ) .....	pg. 3 - 4
( CONSTITUTIONAL AMENDMENTS ) .....	pg. 5
( STATUTORY PROVISIONS INVOLVED) .....	pg. 6 - 8
(AUTHORITIES) .....	pg. 9 - 12
(STATEMENT OF THE CASE)	
PREFACE .....	pg. 13
TRAVIS AIRFORCE BASE, CA. TRAVIS VISITORS CENTER	
Date 05/20/2019.....	pg. 14 -16
NAPA SILVERADO COUNTRY CLUB	
Date (05/21/2021 (Employment Suspension) .....	pg. 17 - 18
(REASONS FOR GRANTING THE WRIT) .....	pg. 19
(CONCLUSION) .....	pg. 20
( WORD COUNT CERTIFICATE OF COMPLIANCE) .....	pg. 21
APPENDIX ADMINISTRATIVE AGENCIES A – G .....	pg. 22
APPENDIX JUDICIAL PRECEDENTIAL H – I .....	pg. 23

**INDEX TO APPENDICES**  
**TABLE OF CONTENTS**  
**ADMINISTRATIVE AGENCIES**

APPENDIX A (i) DFEH Dept. Fair Employment Housing  
Right to Sue Notice

APPENDIX B (ii) U.S.A.F. TRAVIS AFB, CA. PUBLIC AFFAIRS,  
60<sup>TH</sup> AMS COMMANDER HOTLINE COMPLAINT

APPENDIX C (iii) TRUEBLUE HUMAN RESOURCES "COMPLAINT"

APPENDIX D (iv) U.S. DEPARTMENT OF LABOR  
OFFICE of FEDERAL CONTRACT and COMPLIANCE

APPENDIX E (v) U.S. EQUAL EMPLOYMENT COMMISSION EEOC  
EEOC Right to Sue Notice /  
Documented Report to Federal Bureau of Investigations

APPENDIX F (vi) FIRST ADVANTAGE CONSUMER REPORTS

APPENDIX G (vii) FEDERAL TRADE COMMISSION

**INDEX TO APPENDICES**  
**U.S. JUDICIAL PRECEDENTIAL**

**APPENDIX H** (viii) U.S. DISTRICT COURT

**EASTERN DISTRICT OF CALIFORNIA**

**APPENDIX I:** (ix) U.S. APPELLATE COURT 9TH DISTRICT

**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 **I** 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 **H** 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 STATEMENT**

### **I.**

The United States District Court of the Eastern District of California reviewed the 2nd amended complaint and the case was dismissed on 10/29/2020. It was appealed to the United States Appellate Court of the 9th circuit by notice of appeal filed 11/04/2020 and the 9th circuit Appellate Court affirmed it's decision on 09/ 21/ 21.

### **II.**

Article IV Relevance and it's limits

**RULE 402** general admissibility of relevant evidence

Relevant evidence is admissible unless any of the following provides otherwise.

The United States Constitution; a Federal statute; these rules; or other rules prescribed by the United States Supreme Court.

☒ [ X] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was,

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

☒ [X] A timely petition for rehearing was denied by the United States Court of

Appeals of the 9<sup>th</sup> District on the following date: 09/ 21/ 2021 , and a copy of the order denying rehearing appears at APPENDIX I: (ix) U.S. Appellate Court 9th District.

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

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

**CONSTITUTIONAL AND STATUTORY PROVISIONS  
INVOLVED**

{ FIRST U.S. CONSTITUTIONAL AMENDMENT }

{ FOURTH U.S. CONSTITUTIONAL AMENDMENT }

{ FIFTH U.S. CONSTITUTIONAL AMENDMENT }

{ EIGHTH U.S. CONSTITUTIONAL AMENDMENT }

{ NINTH U.S. CONSTITUTIONAL AMENDMENT }

{ FOURTEENTH U.S. CONSTITUTIONAL AMENDMENT }

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

### 2018 US CODE

Article III, Section 2, Clause 1:

Article IV Relevance and it's limits Rule 402

Civil Rights Act of 1991

Title VII , 29 CFR Part 1606, 29 CFR Part 1607

California labor code section 98.6

Title VII 42 U.S.C. 2000e-3(a)

TITLE I § 102 (42 U.S.C. 1981) § 1977A. DAMAGES IN CASES OF  
INTENTIONAL DISCRIMINATION

5 U.S.C. § 552. a(b) Information Privacy Act

5 U.S.C. § 522(e) . . No disclosure without Consent Defendants

5 U.S.C. Ch. 75 Adverse Actions

5 U.S.C § 2302 (b)) Prohibited Personnel Practices

5 CFR 551, Pay Administration Under the Fair Labor Standards Act

5 U.S.C. § 9701 - Establishment of human resources management system

10 U.S.C. § 1561. Armed forces part 2 personnel chapter 80

13 U.S.C. § 9 - 214 Protection of Classified Information

15 U.S.C Ch. 1 § 1- 2 Commerce and Trade Monopolizing

15 U.S.C Ch. 1 § 4 - Jurisdiction Of Courts; Duty Of United States Attorneys  
Procedure

15 U.S.C. Ch. 2- FEDERAL TRADE COMMISSION; PROMOTION OF EXPORT  
TRADE AND PREVENTION OF UNFAIR METHODS OF COMPETITION

15 U.S.C. § 6501

15 U.S.C. § 45 - Unfair methods of competition unlawful; prevention by

15 U.S.C. § 13a - Discrimination in advertising service charges; underselling  
in particular localities; penalties

15 U.S.C. § Chp 34 Antitrust Commerce and Trade § 1313, 1341, 1343, 1906  
, 1956

15 U.S.C. § 7a-3 Criminal Antitrust Anti Relatiation Act

18 U.S.C. § 241, 242 , 245, 249 Sexual Harassment Discrimination  
Police Misconduct acting under Color of Authority

18 U.S.C. § 798 Disclosure of Classified Information

18 U.S.C. Ch. 47 § 1030 Fraud and related Activities in connection with  
computers.

18 U.S.C § 2257 Record keeping requirements for simulated sexual content

18 U.S.C § 2340 – Definitions

18 U.S.C. § 1905 8000 - Miscellaneous Statutes and Regulations

26 U.S.C § 7213 Subtitle F, Chapter 75 subchapter A

28 U.S.C. Article IV Federal Rule 204

28 U.S.C. § 2680 Federal Tort Claims act .

28 U.S.C. Part VI Ch. 161 §2403 Intervention by United States or a State;  
constitutional question

29 U.S.C. § 102 Public policy in Labor Matters

29 U.S.C. § 178

29 U.S.C. § 158 (4d) Unfair Labor Practices

629 U.S.C. § 201 to 209 Fair Labor Act

29 U.S.C Ch. 8 § 211

29 U.S.C. CFR 2011 part 516

29 U.S.C. § 663 Labor Management Relations

29 U.S. Code § 215 - Prohibited acts; prima facie evidence

29 U.S. Code § 211 - Collection of data

29 U.S. Code § 218c - Protections for employees

29 U.S. Code § 218 - Relation to other laws non compliance

15 U.S. Code § 1681c - Requirements relating to information contained in  
Consumer Reports

31 U.S.C. § 3730 False Claims Act

31 U.S.C. § 3729 False Claims

Title 41 CFR § 60-4.3 - Public Contracts Property Management

## CASE AUTHORITIES

- *Big ridge, Inc. v. Fed. Mine Safety & Health Review Comm'n*  
715 F 3d 631, 650 (7th Cir 2013) Federal officials handling personal information Are bound by the privacy Act *Not to disclose Is any personal information and and to take certain precautions to keep personal information confidential. "*)
- *Navy , Navy Exchange, Naval Training Station, Naval Hosp v. FLRA*, 975 F. 2d 348 350 7th Cir. 1992) (noting that the "Privacy Act generally prohibits the Federal Government from disclosing personal information about an individual without the Individuals consent"). A "disclosure" can be by any means of communication – written, oral, electronic, or mechanical.

- *Bartel v. FAA*, 725 F.2d 1403, 1409 (D.C. Cir. 1984) (concluding that “an absolute policy of limiting the Act's coverage to information physically retrieved from a record would make little sense in terms of its underlying purpose” and that Privacy Act “forbids nonconsensual disclosure of records “by any means of communication”);
- *Speaker v. HHS Ctrs. for Disease Control & Prevention*, 623 F.3d 1371, 1382 n.11 (11th Cir. 2010) (“Numerous courts have held that the Privacy Act protects against improper oral disclosures.”)
- *Orekoya v. Mooney*, 330 F.3d 1, 6 (1st Cir. 2003) (“The Privacy Act prohibits more than dissemination of records themselves, but also ‘nonconsensual disclosure of any information that has been retrieved from a protected record’
- *Bartel v. FAA*, 725 F.2d at 1408));

- *Boyd v. United States*, 932 F. Supp. 2d 830, 835 (S.D. Ohio 2013) (“[w]hile the term ‘disclosure’ is not defined by the statute, it has been interpreted broadly”)
- *Cloonan v. Holder*, 768 F. Supp. 2d 154, 163 (D.D.C. 2011) (citing *Bartel*, 725 F.2d at 1408);
- *Chang v. Navy*, 314 F. Supp. 2d 35, 41 n.2 (D.D.C. 2004) (citing *Bartel*, 725 F.2d at 1408). Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461
- *Harris v. Forklift Systems* (1993) 510 U.S. 17
- *Brooks v. City of San Mateo* (2000) 229 F.3d 917
- *Packers and Stockyards Act*, 1921, as amended [7 U.S.C. 181 -et seq.], except as provided in section 406(b) of said Act [7 U.S.C. 227(b)
- *Bostock v. Clayton County*, 140 S. Ct. 1731
- *EEOC v. The Laquila Grp., Inc.*, No. 1:16-cv-05194 .

- *EEOC v. Crothall Servs. Group, Inc.*, Civil Action No. 2:15-cv-03812-AB (E.D. Pa. Dec. 16, 2016).
- *EEOC v. Shanska USA Building, Inc.*, No. 2:10-cv-02717 (W.D. Tenn. Jan. 29, 2015).
- *EEOC v. Dart Energy Corp.*, No. 13-cv-00198 (D. Wyo. consent decree filed Dec. 1, 2014).
- *EEOC v. Whirlpool Corp.*, Civil Action No. 3:06-0593 (M.D. Tenn. Apr. 1, 2011).
- *EEOC No. 140-97-8374x-RNS (Sept. 21, 1998).*
- *Kilgore v. Trussville Develop., LLC*, No. 15-11850 (11th Cir. brief filed June 22, 2015).
- *EEOC v. The Laquila Grp., Inc.*, No. 1:16-cv-05194 (E.D.N.Y. consent decree approved Dec. 1, 2017).
- *EEOC v. BMW Mfg. Co.*, No. 7:13-cv-01583 (D.S.C. consent decree filed Sep. 8, 2015).
- *Shillingford v Holmes*, 512 F. Supp 656 1981
- *Comcast v. National Association of African-American-Owned Media*, 589 U.S. \_\_\_\_ (2020).

## **STATEMENT OF THE CASE**

### **PREFACE**

Plaintiff Broderick J. Warfield is a native to the area of Solano County and Travis Air force Base , it is his known place of birth Travis Air force Base , California it consist of confidential U.S. Federal Hippa records reported to the DOJ in 2021 , upon a Breach Security Rule within the Jurisdiction of Solano County local government thereof by this declaration the plaintiff in this action has a deceased father who is a protected Veteran of the United States Air force; Strategic Air Command, SSgt John Warfield" retired from the 22nd Air Force, 5th Bomb Group Travis AFB, and Beale AFB, California, Aerospace Division with full 20 year service retirement 1966 .

## **STATEMENT OF THE CASE**

### **TRAVIS AIRFORCE BASE, CA. TRAVIS VISITORS CENTER**

May 20, 2019

On May 20, 2019 Mr. Warfield was contacted by Rob Frye manager of People Ready Branch 1516 via cell phone, to work general construction labor at the Travis AFB base bowling alley located at 571 Travis avenue , Travis AFB, Ca. upon PeopleReady Cellular mobile dispatch.

The wages for labor were transferred, and deposited into the employees company's DEBIT VISA bank card by [ Metabank FDIC member pursuant to a license from Visa U.S.A.] issued by PeopleReady to the employee Broderick Warfield. The card name is "Global Cash Card", located at 7 Corporate park, suite 130, Irvine , CA 92606, account card number last 4 numbers are 5735 valid through 10/20 cv code 301.

On the date of May 20th 2019 Mr. Warfield arrived at Travis Air force Base California , Main gate , 241 Travis Ave., Visitors Center to be inspected for entry by United States Military Police personnel for this labor contract at the Travis Bowling alley. After the identification inspection of the plaintiff's background information had failed entrance he was restricted from entry onto the Federal Installation and the employee was not allowed to enter the Federal Installation.

As Mr. Warfield returned to his vehicle and was parked about to leave from the Travis Visitors Center, a United States Military Police officer acting Under Color of Authority named Kirkland began making slanderous statements to the plaintiff by

sexual slander, and stated that the plaintiff must leave the Military Installation because of having a sexual relations with minors, which is not in Mr. Warfield's employment background or security data information.

Military Police Kirkland disregarded the security background check already completed by other military personnel in his place of business which is located at the Travis Air force Base, front gate entrance parking lot threatening to arrest Mr. Warfield for simply sitting in his vehicle reading the restricted entry manual given to him by the female military security officer who gave him the document to read and understand.

Mr. Warfield did leave but he did believe that M.P. Kirkland was harassing and inciting Mr. Warfield to forget his automobile registration, and proof of Insurance documents that he had forgot and left inside the Visitors Center . At this time is when Rob Frye was first seen walking towards the Travis Visitors Center of the inspection building to inquire about his own error and gross mistake of the plaintiffs employment verification.

These employment background checks were performed by the Consumer Reporting agency Fair Advantage CID# 13927396 / CID # 140352754 CID # 143563810 On the next day Rob Frye retaliated and suspended Mr. Warfield from employment.

A complaint of the event that occurred on May 20, 2019, at Travis Visitors Center front gate was submitted to DFEH May 29,2019 then a copy to the United States Air force Lieutenant Brinegaru, of Travis Public Affairs Office on May 30, 2019, forwarded by the plaintiffs email to [60amwpa@us.af.mil](mailto:60amwpa@us.af.mil) a response to the plaintiffs email was later received from

60<sup>th</sup> AMW “ [amy.younger.1@us.af.mil](mailto:amy.younger.1@us.af.mil) Public Affairs stating the complaint would be forwarded and pushed up it to the USAF Military commander for submission up the chain.

Lt. Brinegaru may possibly not be a defendant due to receiving notification from AMY YOUNGER USAF Public Affairs Travis AFB. [amy.younger.1@us.af.mil](mailto:amy.younger.1@us.af.mil) responded that the public affairs complaint had been submitted through the Military Command Chain of Command 05/30/19.

## **STATEMENT OF THE CASE**

**(05/21/2021**

### **(Employment Suspension)**

**The next following day and the beginning of unlawful retaliation**

### **II. NAPA VALLEY SILVERADO COUNTRY CLUB RESORT , NAPA CA.**

The next day after May 21, 2019 Mr. Warfield was assigned for labor at Napa Valley Silverado Country Club, 1600 Atlas Peak Rd, Napa California by People Ready Branch 1516 of manager Rob Frye ticket no.# 1095496-1516. On that date at that location Mr. Warfield again seen Rob Frye the manager and informed him that he was feeling not well on this day , and that he could only possibly commit himself to labor for 4 to 5 hours. In response the manager Rob Frye immediately insulted the employee by cursing at him in his attempt to embarrass the employee in front of other employees yelling "Don't pull No shit on me today, God damn it !" Mr. Warfield simply did not say anything in response and after one hour Rob Frye left the job site for workers to perform .

As Mr. Warfield's worked he noticed the harnessing of heavy equipment was not being properly secured to heavy doors that weighed 15 to 20 lbs. each that were stacked items at least 15 to 20 of them laid on top of each other on a flat wheeled cart accumulating unsecured weight of more than 200 lbs. At this time is when Mr. Warfield chose not to participate in unsafe work conditions and completed the 5 hours he had informed the manager Rob Frye of and was suspended by the manager Rob Frye without formal knowledge.

Mr.. Warfield was suspended for no reason, and on 05,22,2019 submitted 2 complaints to Trueblue Human Resources whom refused to answer any of the complaints to properly address this issue, or the issue at Travis AFB, Ca.

These are the events Mr. Warfield the Plaintiff immediately took to report the incident On May 22, 2019. Plaintiff reported the violation of the contract and compliance to the , Ca. . Fair Employment and Housing then to the United States Government at Travis Air Force Base. The complaint was reported to the Commander Action Hotline Line Public Affairs.

Lt Brinegaru. of U.S.A.F. may actually not be a defendant in this matter, because of her compliance to submit the complaint to the upper military command chain.

In conclusion Mr. Warfield suffers from IIED Intentional Infliction of Distress mental anguish and despair, by the defendant's unwarranted actions of disregard to his economic hardship, well-being, and state of mind for their unlawful acts of retaliation in this complaint.

## **REASONS FOR GRANTING THE PETITION**

This statement is presented and submitted to the United States Supreme Court, upon new evidence discovered after this case was dismissed in the U.S. District Court of the Eastern District of California and affirmed by the 9th circuit Court of Appeals. A multitude of discoveries were made through the Consumer Reports done by "FIRST ADVANTAGE", totaling 3 confidential background checks in which the employer misrepresented the employee in a federal contract of dispute that was on Travis Air Force Base being of a protected class.

The discoveries were made after the plaintiff submitted his last amended complaint to the U.S. District Court for the Eastern District District of California.

The Federal violations have been filed and registered, with the Federal Trade Commission report dated, 11/07/2020, and FTC, number 125345706 and two more on 11/30/2020 filed with the FTC federal Trade Commission upon 2 additional background checks in support thereof.

The most explicit right that the defendants violated upon the suspension of the plaintiff were the due process of right to redress his employment suspension violated by the Human Resources of Trueblue upon 2 different complaints that were submitted on behalf of the incidents of a hostile unsafe work environment an Unlawful Retaliation totaling at least 15 or more complaints with no reply..

Mr. Warfield suffers with Intentional Infliction of Emotional Distress in regards to this FLSA complaint . The wages of back pay at this time total more than \$30,000.00 dollars in addition to compensatory damages; punitive and or other general damages the total amount \$18.9 million dollars and attorney fees.

## CONCLUSION

Mr. Warfield respectfully requests that the United States Supreme Court issue this writ of certiorari in this Civil Rights Fair Labor Standards complaint

Pro se

Respectfully submitted, BRODERICK J. WARFIELD

P.O Box 3296

Fairfield, California, 94533

**CERIFICATRE OF COMPLIANCE WITH TYPE – VOLUME LIMIT,  
TYPEFACE REQUIREMENTS , AND TYPE-STYLE REQUIREMENTS**

**1. TYPE – VOLUME**

This document complies to the word limit Federal Rule 33  
excluding the parts of the document exempt, and this document contains  
2,354 words.

**2. TYPEFACE AND TYPE – STYLE**

This document complies to the Typeface requirement  
and Type-Style requirement Federal Rule 33

Pro se litigant  
Broderick Warfield

P.O. Box 3296

Fairfield, California, 94533

(707) 716 – 9851

secondcoming663@gmail.com

## **INDEX TO APPENDICES**

### **TABLE OF CONTENTS**

#### **ADMINISTRATIVE AGENCIES**

APPENDIX A (i)	DFEH Dept. Fair Employment Housing Right to Sue Notice
APPENDIX B (ii)	U.S.A.F. TRAVIS AFB, CA. PUBLIC AFFAIRS, 60 <sup>TH</sup> AMS COMMANDER HOTLINE COMPLAINT
APPENDIX C (iii)	TRUEBLUE HUMAN RESOURCES “ COMPLAINT”
APPENDIX D (iv)	U.S. DEPARTMENT OF LABOR OFFICE of FEDERAL CONTRACT and COMPLIANCE
APPENDIX E (v)	U.S. EQUAL EMPLOYMENT COMMISSION EEOC EEOC Right to Sue Notice / Report concerning FEDERAL BUREAU OF INVESTIGATIONS
APPENDIX F (vi)	FIRST ADVANTAGE CONSUMER REPORTS
APPENDIX G (vii)	FEDERAL TRADE COMMISSION

**INDEX TO APPENDICES**  
**U.S. JUDICIAL PRECEDENTIAL**

**APPENDIX H** (viii) U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**APPENDIX I:** (ix) U.S. APPELLATE COURT 9TH DISTRICT