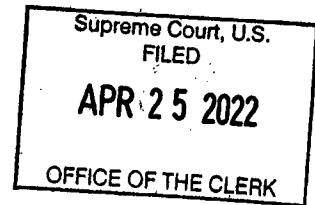


21-7877 **ORIGINAL**
Docket: 21-7877

IN THE
SUPREME COURT OF THE UNITED STATES



JAMES ADEYEMI

Petitioner

vs.

STATE OF MARYLAND et al.,

(Department of Public Safety and Correctional Services)

Respondent(s)

ON PETITION FOR A WRIT OF CERTIORARI

TO

IN THE UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

James Adeyemi (deaf)

P. O. Box 1671

Sykesville, MD 21784

(443) 221-2244

(With aid of interpreter on phone)

IV. QUESTION(S) Presented

1. Does the ELEVETH amendment of the US Constitution *bars* the claim of retaliation or discrimination under the title of the Americans with Disabilities Act?
2. Respondents argued as follows: “NO exception to the ELEVENTH amendment applies to all claims of the Americans with Disability Acts” Was the District Court agreed with it corrected?
3. Does the Eleventh amendment barring **Americans with Disabilities Act** being upheld against the employees of an agency or the departments of the State (of Maryland) both discriminating deliberately and retaliating against the persons with disabilities (deaf) for high jobs?
4. Do the employees of the Maryland State: Department of Public Safety and Correctional Services (an agency) entitle to the state’s sovereign immunity, for the governor of state is given an immunity?
5. If the employees of the state do not entitle to the immunity, are the employees then being responsible for a relief? Or will the state be responsible for a relief on the behalf of the employees or well known as the *repeated* violators of Americans with Disabilities Act law?
6. Does the Court of Appeal for 4th Circuit have right to add a new defendant to the petitioner’s motion as a governor and the governor’s name without the petitioner’s agreement?

Petitioner is James Adeyemi, a citizen of Maryland State so is the respondent. The Eleventh amendment does not prohibit the petitioner from filing a suit against his state.

V. LIST OF PARTIES AND RELATED CASES

- *James Adeyemi vs. State of Maryland vis Department of Public Safety and Correctional Services, Civil No. ELH-19-3207*, In United State of District Court for the district of Maryland
- *James Adeyemi vs. State of Maryland vis Department of Public Safety and Correctional Services, No. 21-2076*, In the United States Court of Appeals for the Fourth Circuit.

By the US Court of Appeals, they added new defendants to the informal brief Response before the order was issued not published as follows:

- State of Maryland, and
- The governor Larry Holmes

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US Rules 11th Amendment

Americans with disabilities Acts

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.

IX. OPINIONS BELOW

The opinion of the US Court of Appeals for the Fourth Circuit in the docket number: 21-2076 first affirmed the US District Court for the district of Maryland's unpublished order dated September 21, 2021 on December 22, 2021 without my response due to the mail delivered problematically by USPS for the basic reason of lack of jurisdiction because of Eleventh Amendment for the governor of MD has a sovereign immunity. This opinion appeared at **Appendix A** to the petition and is unpublished.

Secondly, after I filed the petition for rehearing en banc, the mandate was suspended on December 29, 2021 until the court failed to request for a vote on Feb 22, 2022, and the petition was denied thereafter. Finally, the mandate was restored on March 3, 2022

The opinion of the United States district court in the docket number: 1:19-cv-03207-ELH appears at **Appendix B** to the petition and is reported at Baltimore, MD on May 5, 2021 and is unpublished. Secondly, Motion for Reconsideration denied on September 22, 2021 and is not published.

X. JURISDICTION

March 3, 2022, the US Court of Appeals for the Fourth Circuit denied the petitioner's petition for rehearing en banc on February 22, 2022 and the mandate, that has been suspended on December 22, 2021, was restored on March 3, 2022 as a mandate entered on. The petitioner has 90 days to file this petition.

XI. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- **Eleventh Amendment** (Eleventh Amendment Annotated)

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

- 1990, by President George H.W. Bush. The ADA is one of America's most comprehensive pieces of civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life -- to enjoy employment opportunities, to purchase goods and services, and to participate in State and local government programs and services. Modeled after the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, sex, or national origin – and Section 504 of the Rehabilitation Act of 1973 -- the ADA is an "equal opportunity" law for The Americans with Disabilities Act (ADA) was signed into law on July 26, people with disabilities.
- To be protected by the ADA, one must have a disability, which is defined by the ADA as a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.

XII. STATEMENT OF THE CASE

Background of Discrimination

The respondent is the Maryland State's Department of Public Safety and Correctional Services (DPSCS). The department has more than 10 employees. Human Resource Service Division (HRSD) of the department deliberately revenged the petitioner willingly by lying to the prospect employers that the deaf petitioner did not work for the department. Prior to this, the HRSD discriminated against the petitioner, for the petitioner is deaf and is classified by ADA, for a high position job with a different agency of the department by offering the job to a hearing employee who is less qualified for the position. Secondly, the different agency within the department discriminated against the petitioner by cutting off a full-time hour in order to lower my pay salary from the salary level when the deaf petitioner was on an employee contract with the DPSCS for the position of IT Programmer Analyst Advance. In addition to this, the petitioner could be allowed to be supervised by the lower position holder, who is a hearing employee.

This is not an incidence first time. There are several incidences including open discriminating against the deaf applicants for a high position by arguing with pretexts to crush the law of ADA. This is delighted by the respondents supporting the theory of the Eleventh amendment barring any claim under the Americans with Disabilities Act.

In addition to this, other departments of the state also practice the declination of the upholding of ADA law by rejecting the deaf applicants for a high position employment by either readvertisement of the job or cancellation of employment for future use.

The department's attorney argued that Eleventh amendment *bars* the claims about discrimination and retaliations under ADA, for the department argued that the department entitles to the protection with a sovereign immunity because the department is self as a state government.

US District Court of Maryland for the district of Maryland- judge concurred with the counsel for the department that the eleventh amendment *bars* the claims under ADA. The court failed to answer the question about whether the eleventh amendment allowing the employees of the department to deliberately violate the all law of ADA by discriminating and retaliating against the deaf prospects.

The US Court of Appeals for the Fourth Circuit instantly affirmed the lower court without my informal response to the department's response to the Informal Brief with in addition to this, the governor of the state became as a defendant though the governor is not responsible for the department, for it is not within the government's responsibility but a secretary of the department reports to him.

Secondly, the petitioner filed a petition with rehearing en banc and they failed to raise a vote for the rehearing.

Finally, Can the governor of the state be allowed to be a defendant even though he was not the defendant originally? With the governor himself, the suit against the department of Public Safety and Commission Services or DPSCS becomes worthless because of Eleventh Amendment but the Eleventh Amendment allows the people of the state to sue against its government for violation of law in federal level. In addition to this, the petitioner is much protected by EEOC because he reported DPSCS's illegal action against the Americans with Disabilities Act.

XIII. REASAON FOR GRANTING THE PETITION

It is very essential for the law of the Americans with Disabilities Acts to be enforced and affirmed along with the US Constitution otherwise all the people with disability might suffer not given equal rights, for there is a claim that the Eleventh Amendment is definitely for their right to discriminate against deaf people being protected under the Americans with Disabilities Act.

With all the departments in the state of Maryland, they enjoy the freedom of deliberately discriminating against deaf applicants by rejecting them for the high position job and even not allow the disable employees with deafness to get a better position despite the fact of that they are capable of providing all the type of accommodations. I got invited for an interview in most of departments from the Comptroller of Maryland to Department of Natural Resources, they rejected me for the IT PROGRAMMING ANALYST ADVANCE (a manager) and readvertised the job without notifying me of declining my job opportunity as to hide deaf-discrimination against.

The main reason for granting this petition is to help securing and safe-guarding the law of Americans with Disabilities Acts otherwise the Americans with Disabilities Act might become a failure, for the violators are considered as deaf-haters or known as haters-crime.

XIV. CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted. I pray for sparing the ADA from getting into decay. In addition to this, I pray that the case should remain back to the United State District Court of Maryland for the District of Maryland for a hearing.

Respectfully Submitted,



James Adeyemi
P. O. Box 1671
Sykesville, MD 21784
Jadeyemi60@hotmail.com