No. 21-7896

FILED
MAY 02 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

ORAL ARGUMENT REQUESTED

ORIGINAL

IN THE
Supreme Court Of The United States

MARGIE E. ROBERTSON,
Petitioner

vs.

DISTRICT OF COLUMBIA, ET AL.,
Respondents

On Petition for a Writ of Certiorari to the
District of Columbia Court of Appeals

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Do Article III, Section 2, Clause 1 of the United States Constitution and the First, Fifth an Fourteenth Amendments to the United States Constitution foreclose the ability of Congress to summarily abridge the rights of certain United States citizens to due process and equal protection under the law (both state and federal) for redress of violations of their civil rights (guarantees of equal social opportunities and protection under the law, regardless of race, religion, etc.) because they accept employment with the District of Columbia Courts, or have the Courts erred in their interpretation?

2. Can the protections provided under Title VII of the Civil Rights Act of 1964 ("Title VII"; as codified in volume 42 of the United States Code, beginning at section 2000e), which prohibits employment discrimination and retaliation based on race, color, religion, sex and national origin, be usurped and/or nullified by an employment provision that provides for termination "for any reason" during a probationary period?

3. Was the Congressional intent of the 1970 District of Columbia Court Reorganization Act (the "Court Reorganization Act") and the 1973 District of Columbia Home Rule Act (the "Home Rule Act") to abridge, limit, usurp and/or nullify the authority of the District of Columbia Human Rights Act ("DCHRA") and its enforcers relative to employment discrimination covered by DCHRA, including those rights covered by Title VII, the Age Discrimination in Employment Act ("ADEA"), or any similar civil rights laws? If so, would that intent make the Court Reorganization Act and the Home Rule Act unconstitutional? If not, would rulings interpreting the Court Reorganization Act and the Home Rule Act as abridging, limiting, usurping and/or nullifying the authority of the DCHRA and its enforcers relative to the civil rights of D.C. Court personnel be erroneous?

PARTIES TO THE PROCEEDING

Petitioner/Appellant:	Margie E. Robertson, Petitioner Pro se
Respondents/Defendants:	District of Columbia District of Columbia Courts Daniel W. Cipullo Yvonne Martinez-Vega Belinda Carr Alicia Shepard Anne B. Wicks James D. McGinley Tiffany Adams-Moore
Counsel for Respondents:	Karl A. Racine, Attorney General for the District of Columbia; Loren L. AliKhan, Solicitor General; Carl J. Schifferle, Acting Deputy Solicitor General at the time of submission; and Jacqueline R. Bechara, Assistant Attorney General at the time of submission, were on the Court of Appeals brief for the Respondents

RELATED PROCEEDINGS

This case arises from the following proceedings:

1. *Robertson v. District of Columbia, et al.*, No. 2018-CA-005617-B, *Superior Court of the District of Columbia.* Judgment entered May 29, 2019.

2. *Robertson v. District of Columbia, et al.*, No. 19-CV-567, *District of Columbia Court of Appeals.* Judgment entered Feb. 17, 2022.

TABLE OF AUTHORITIES

INDEX TO APPENDICES

TABLE OF CONTENTS

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Margie E. Robertson, hereby, petitions the Court for a writ of certiorari to review the judgment of the District of Columbia Court of Appeals in this matter.

OPINIONS BELOW

The District of Columbia Court of Appeals' decision in Case No. 19-CV-567, decided February 17, 2022, is subject to formal revision before publication in the Atlantic and Maryland Reporters, and is

attached hereto as Appendix B. The District of Columbia Superior Court's Order, dated May 29, 2019 and filed under Civil Action No. 2018 CA 005617 B, granting Defendants' Motion to Dismiss, is attached hereto as Appendix A.

JURISDICTION

The District of Columbia Court of Appeals entered its decision on February 17, 2022. *See* Appendix A. This Petition is timely filed pursuant to Supreme Court Rule 13.1. This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL & STATUTORY PROVISIONS INVOLVED

Article III, Section 2, Clause 1, of the United States Constitution provides, in relevant part, that "the judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority..."

Amendment I of the United States Constitution provides, in relevant part, that, "Congress shall make no law...abridging the freedom...to petition the Government for a redress of grievances."

Amendment V of the United States Constitution provides, in relevant part, that, no person shall "be deprived of life, liberty, or property, without due process of law."

Amendment XIV, Section 1, Clause 2, of the United States Constitution provides that, "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."

28 U.S.C. § 1254 (1) provides, in relevant part, that Court of Appeals cases may be reviewed by the Supreme Court by the following methods: "(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree."

28 U.S.C. § 1915(a) provides, in relevant part, that a "court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees."

42 U.S.C. § 1983 provides, in relevant part, that, "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."

Civil Rights Act of 1964 § 7, 42 U.S.C. § 2000e et seq (1964) ("CRA") prohibits discrimination "because of...race, color, religion, sex, or national origin. The CRA also makes it unlawful to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. In addition, section 102 of the CRA amends the Revised Statutes by adding a new section following section 1977 (42 U.S.C. 1981), to provide for the recovery of compensatory and punitive damages in cases of intentional violations of Title VII.

Age Discrimination in Employment Act, 29 C.F.R Part 1625 ("ADEA") prohibits discrimination and/or retaliation against an individual in any aspect of employment because that individual is 40 years old or older.

The District of Columbia Human Rights Act, Title 4 of the District of Columbia Municipal Regulations, makes it unlawful to discriminate against an individual in housing, employment, public accommodations and educational institutions based on race, color, religion, national

origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, political affiliation, disability, etc.

D.C. Code § 2-1402.11(a)(1) provides that it is a violation of the District of Columbia Human Rights Act (DCHRA) for an employer to "...discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment."
D.C. Code § 2-1402.61(a) makes it unlawful under DCHRA "to coerce, threaten [bully], retaliate against, or interfere with any person in the exercise or enjoyment of any right granted or protected under the statute."

D.C. Code § 2-1403.04(a) provides that complaints of discrimination can be filed with DC OHR within one year of the occurrence of the unlawful discriminatory practice, or the discovery thereof.

D.C. Code § 2-1403.16(a) gives employees...the right to file a private cause of action.

D.C. Code § 11-921(a) provides that the Superior Court has jurisdiction over civil actions brought in the District of Columbia.

D.C. Code § 11-1725(b) addresses the appointment and removal of nonjudicial personnel of the Court with the approval of the chief judge of the court to which the personnel are or will be assigned.

STATEMENT OF THE CASE

Article III, Section 2, Clause 1, of the United States Constitution, Amendment I of the United States Constitution, Amendment V of the United States Constitution, and Amendment XIV, Section 1, Clause 2, of the United States Constitution all point to the unconstitutionality of any law abridging the privileges or immunities of the citizens of the

United States, which have been established under the Constitution or under federal law. However, in effect, that is precisely what the District of Columbia Superior Court ("DCSC") and the District of Columbia Court of Appeals ("DCCA") have done by their rulings in this matter. Title VII of the Civil Rights Act and the Age Discrimination in Employment Act both identify privileges that are held by individuals that protect them from various forms of discrimination in employment, and the lower courts referenced herein would have the U.S. Supreme Court rubber-stamp their contentions that these protections can lawfully be stripped from certain individuals with the stroke of a pen.

As mentioned above in the section entitled *Constitutional and Statutory Provisions Involved,* Article III, Section 2, Clause 1, of the United States Constitution provides, in relevant part, that "the judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority. Since the case at bar arises under the laws of the United States, it is precisely the type of case to which Article III refers. The Superior Court's and the DC Court of Appeals' references to *Mapp v. District of Columbia* in order to justify their position that the DCHR does not apply to cases affecting the

employees of the courts is not compelling, because Mapp was not a case addressing the civil rights granted by federal and state law, but instead it addressed general personnel policies. Whether the courts should be the arbiter of federal civil rights laws as applicable to all citizens is clearly a matter for the United States Supreme Court to definitively decide.

Neither the right to petition the government for redress of grievances, as provided under the Petitions Clause of the First Amendment of the Constitution of the United States, nor the right to equal protection under the law under the Fourteenth Amendment, nor the right to due process under the Fifth and Fourteenth Amendments should be abridged by either the District of Columbia's Court Reorganization Act, the Home Rule Act, or the D.C. Superior Court and D.C. Court of Appeals' interpretation thereof. Simply stated, "to abridge one citizens' private-law privilege or immunities is to limit those rights relative to those of other citizens. As was so aptly stated by the National Constitution Center on its website (constitutioncenter.org.), "As long as all citizens have the same rights, it does not matter what those rights are."

The Court Reorganization Act and the Home Rule Act address employment matters, and the case at bar is not merely an employment matter, but a Civil Rights matter. In *Mapp*, the issue was "personal appearance," which is not a protected class under Title VII, but race, age, and retaliation for participating in activities alleging racial and/or age discrimination are protected by the Civil Rights Act as well as the DCHRA. Further, the Court's position (see page 7, paragraph 1) the Court Reorganization Act established the Joint Committee on Judicial Administration and gave it the "responsibility within the District Court court system for...[g]eneral personnel policies, including those for recruitment, removal, compensation, and training" and for "other policies and practices of the District of Columbia court system" does not usurp the authority of federal protections of the Civil Rights Act of the Age Discrimination in Employment Act. Petitioner does not argue that it might be proper for the Joint Commission to have responsibility for "general personnel policies," but that is not what is being argued here. Petitioner posits that an employee cannot be stripped of and does not waive his/her Civil Rights just because he/she accepts employment with the D.C. Courts. The Appellate Court further erred in its interpretation that Congress' overall intent was to vest "final authority" over the

operations of the DC Courts in the Chief Judges and the Joint Committee. Again, Petitioner posits that the "final authority" is over operations only, and it is painting a picture with much too broad a stroke to state, or even imply, that DC Court employees somehow renounced their ability to challenge the violation of their federal and state civil rights with the same fervor as other citizens throughout the United States of America.

The Superior Court's view of Petitioner's claims as "an employment discrimination case" contributed to erroneous rulings in both courts. Although Petitioner filed the discrimination complaints against DCSC management in good faith, she made a conscious decision to not expend an exorbitant amount of time and energy attempting to prove something that the Defendants would rally together to explain away, but rather to pursue the egregious claim of retaliation, which should not have been so easy for the Court to ignore. Theoretically, all Petitioner needed to demonstrate was: 1) that she engaged in a protected activity (e.g., complaining about the discrimination); 2) her employer took action against her (e.g., after she added Martinez-Vega and Cipullo as Respondents to her complaint on 7/24/17 due to their actions, she was terminated three days later on 7/27/17); and 3) there

was a causal connection between the protected activity (the complaint) and the employer's adverse actions (the termination). A jury could have easily and reasonably concluded that Petitioner was terminated because of the amended complaint.

In its Order Granting Defendants' Motion to Dismiss Petitioner's Amended Complaint, the Court, in its Factual Summary, admits that on July 24, 2017, Petitioner amended her EEO complaint against the Court to include Defendants Daniel Cipullo, Director of the Criminal Division, Yvonne Martinez-Vega, Deputy Director of the Criminal Division, and Alicia Shepard, Branch Chief and three days later on July 27, 2017, Petitioner was terminated via email for allegedly "fail[ing] to meet satisfactory performance." Since there had been no indications that Petitioner was not performing satisfactorily prior to that; since Petitioner had actually received numerous accolades from staff and management alike regarding her performance prior to that; and since prior to that, management had discussed a performance plan with a 6-month projection, a jury could reasonably conclude that the termination was retaliatory for Petitioner adding Cipullo et al. to the EEO complaint.

The Superior Court erred in its determination that the DCHRA was not applicable to Petitioner's employment, even though she was a

non-judicial D.C. Superior Court employee. The law favors Petitioner relative to whether jurisdiction is proper with the D.C. Superior Court. The Court in *Monteilh* (*Monteilh v. AFSCME AFL CIO*, DCCA No. 06-CV-1155, September 17, 2009) posited that "the issue of subject matter jurisdiction is a question of law. Therefore, our standard of review is de novo." *Am. Univ. in Dubai v. D.C. Educ. Licensure Commission,* 930 A.2d 200, 207n. 17 (D.C. 2007). "Sometimes, however, a factual inquiry is necessary before the trial court may determine whether it has jurisdiction." *Matthews v. Automated Bus. Sys. & Servs.*, 558 A.2d 1175, 1179 (D.C. 1989). The Court in *Monteilh* decided to review the court's factual finding under the "clearly erroneous standard." *Davis v. United States*, 564 A.2d 31, 35 (D.C. 1989) (en banc).

Not only is it a violation of the District of Columbia Human Rights Act (DCHRA) for an employer to "...discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment...D.C. Code § 2-1402.11(a)(1), but it is also unlawful under DCHRA "to coerce, threaten [bully], retaliate against, or interfere with any person in the exercise or enjoyment of any right granted or protected under the

statute. Id. at § 2-1402.61(a). D.C. Code § 2-1403.16(a) also gives employees...the right to file a private cause of action...

In *Matthews v. Automated Bus. Sys. & Serv., Inc.*, 558 A.2d 1175 (D.C. 1989), the Court held that jurisdiction turns on "...where the events alleged to be discriminatory took place. The critical factual issue bearing on jurisdiction was where the discriminatory acts or events alleged had "occurred" in the District. Id. At least one other court has read it as teaching that "the most important factor in determining whether a court has subject matter jurisdiction over a claim filed pursuant to the DCHRA is the location of the discrimination." *Quarles v. Gen. Inv. & Dev. Co.*, 260 F.Supp.2d 1, 20 (D.D.C 2003).

The Court in *Monteilh* therefore held that, with *Matthews* as background, "recognizing jurisdiction under the DCHRA where actual discriminatory (and/or retaliatory) decisions by an employer are alleged to have taken place in the District is most faithful to the statutory language and purpose." The Court in *Monteilh* goes on to posit that "the DCHRA was passed to 'underscore the Council's intent that the elimination of discrimination within the District of Columbia should have the highest priority," *Executive Sandwich Shoppe, Inc. v. Carr Realty Corp.*, 749 A.2d 724, 732 (D.C. 2000) and that "the DCHRA, as a

remedial civil rights statute must be generously construed," *Executive Sandwich Shoppe, Inc.*, supra, 749 A.2d at 731. The Court in Monteilh held that, "Either the decision must be made, or its effects must be felt, or both must have occurred, in the District of Columbia." The case was remanded to the trial court.

It is unconscionable to imply that the Congressional intent of the 1970 District of Columbia Court Reorganization Act (the "Court Reorganization Act") and the 1973 District of Columbia Home Rule Act (the "Home Rule Act") was to abridge, limit, usurp and/or nullify the authority of the District of Columbia Human Rights Act ("DCHRA") and its enforcers relative to employment discrimination covered by DCHRA including those rights covered by Title VII, the Age Discrimination in Employment Act ("ADEA"), or any similar civil rights laws against any citizen of the United States. If that was the Congressional intent, then the Court Reorganization Act and the Home Rule Act would be unconstitutional.

In its literature, the DC Office of Human Rights describes itself as having been "established to eradicate discrimination, increase equal opportunity and protect human rights for persons who live, work, or visit in the District of Columbia. It further states that the OHR enforces the

District of Columbia Human Rights Act, the District of Columbia Family and Medical Leave Act..In addition to those local laws, being a Fair Employment Practice Agency (FEPA), and a Fair Housing Assistance Program agency (FHAP), the OHR investigates and adjudicates complaints of discrimination filed under Title VII of the Civil Rights Act of 1964 (Equal Employment Opportunity Act), Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), the American with Disabilities Act and the Age Discrimination in Employment Act." (See *https://ohr.dc.gov/page/human-rights-laws-regulations-and-policies.*)

"The right of petition...is no longer confined to demands for 'a redress of grievances'...but comprehends demands for an exercise by the government of its powers in furtherance of the interest and prosperity of the petitioners and of their views on politically contentious matters. The right extends to the "approach of citizens...to administrative agencies (which are both creatures of the legislature, and arms of the executive) and to courts, the third branch of Government. Certainly the right to petition extends to all departments of the Government. The right of access to the courts is indeed but one aspect of the right of petition." [Congressional Research Service. "*U.S. Constitution*

Annotated: Amendment I, Rights of Assembly and Petition". Legal Information Institute. Cornell Law School. Retrieved 1 May 2022.]

The D.C. Superior Court's and the D.C. Court of Appeals' rulings in this matter were contrary to the U.S. Constitution and federal law, and should therefore be reversed. The rulings in *Mapp* and now the case at bar that "expressly reserve management of personnel policies to the Joint Committee and explicitly exempts appointments and removals of court personnel from regulations generally applicable to District employees," are unconstitutional on their face as interpreted in the case at bar, because no ruling by a lower court can lawfully abridge the privileges and immunities or the due process rights, including access to the courts for matters involving federal regulations and civil rights, under the guise of streamlining government. The regulations under discussion in this case are far from regulations that are "generally applicable to District employees," but are instead federal privileges and immunities applicable to all U.S. citizens.

There is nothing at law or in equity that states that citizens, effectively or by operation of law, relinquish their right to equal protection under the law (both state and federal) for redress of violations of their civil rights (guarantees of equal social opportunities and

protection under the law, regardless of race, religion, etc.) simply by virtue of accepting employment with the District of Columbia Courts. However, that is precisely what the D.C. Court of Appeals ruling in the case at bar implies.

Further, the protections provided under Title VII of the Civil Rights Act of 1964 ("Title VII"; as codified in volume 42 of the United States Code, beginning at section 2000e; which prohibits employment discrimination based on race, color, religion, sex and national origin) cannot be usurped and/or nullified by an employment provision that provides for termination "for any reason" during a probationary period. There is absolutely no provision in Title VII which provides that these protections exist EXCEPT during probationary periods of employment, and there is no caselaw which states that probationary employees are exempt from these protections. While, theoretically, employees can be terminated during a probationary period "for any reason," common sense and federal law dictate that a termination for a discriminatory reason is unlawful under any circumstance of employment, including probationary periods. Therefore, Petitioner is entitled to seek relief under Title VII as well as the ADEA.

Petitioner posits that the passage referenced by the Court of Appeals in its decision in this matter *(see page 7, paragraph 1)* that, "The Court Reorganization Act also established the Joint Committee on Judicial Administration (the "Joint Committee"), conferring on it "responsibility within the District of Columbia court system for [g]eneral personnel] policies..." was incorrectly interpreted as encompassing civil rights matters, which are not "general personnel policies" but instead matters relative to protections guaranteed under federal and state law. Petitioner prays that the Court will enter a ruling on that interpretation which will not abridge the rights of any citizen of the District of Columbia or any employee of the District of Columbia courts.

Petitioner further posits that the passage referenced by the Court of Appeals in its decision in this matter (*see page 7, paragraph 1*) that, "The Reorganization Act further specified that "[a]ppointments and removals of court personnel shall not be subject to the laws, rules, and limitations applicable to District of Columbia employees" was incorrectly interpreted as meaning that because D.C. employees are covered by federal and state civil rights laws, that makes D.C. court personnel exempt from those protections, because such a law would have

to have been unconstitutional and made outside the scope of the lawmakers' authority.

Inasmuch as OHR is both a legitimate government agency as well as the enforcement arm in the District of Columbia for the DCHRA, Title VII, and the ADEA (among other civil rights laws), Petitioner posits that it was reasonable for her to rely on the decision from OHR, which states on page 2, without exception or caveat, under the heading *Private Cause of Action*, that:

> OHR has administratively dismissed the matter without making a determination on the merits. Accordingly, Complainant may file a private cause of action in the D.C. Superior Court. D.C. Code § 2-1403.16(a). The DC Human Rights Act allows claims to be filed within one (1) year from the incidents in question. D.C. Code § 2-1403.04(a).... The timely filing of a complaint with the office shall toll the running of the statute of limitations while the complaint is pending. D.C. Code § 2-1403.16(a)"

when she filed suit with the D.C. Superior Court. Petitioner was wrongfully terminated by email dated July 27, 2017. Petitioner filed a complaint with OHR, based on age and sex discrimination and retaliation on 8/22/2017. Said complaint was jointly filed with EEOC on 8/30/2017. A right to sue letter was issued by EEOC on 10/12/2017; complaint was dismissed by OHR on 3/20/2018 with language expressly providing for the right to sue (giving Petitioner 11 months after 3/20/18

to file with Court, or until 02/20/2019). Petitioner filed the case in D.C. Superior Court on 08/17/2018. A Notice of Appeal was filed on 6/25/2019. Since Petitioner followed the instructions provided to her by an agency of the government (OHR), she posits that it is both morally and ethically unjustifiable for the courts to effectively rule that written information from organizations (having the responsibility for investigating allegations of discrimination and enforcing discrimination, and which provide complainants with information regarding the complaint process and the courts), upon which citizens should reasonably be able to rely, was erroneous and inapplicable to said citizen, even though the information contained no caveats or exceptions related thereto. Therefore, the complaint filed by Petitioner after receiving the determination by OHR should have been declared "timely" for purposes of this matter. Petitioner posits that the court's ruling effectively determined that she relinquished her rights to redress for violations of her federal civil rights, which are also specifically covered by the OHR, by deciding to wait on a decision from OHR to determine the necessity of further action on her part, which would be unconscionably unfair as well as a violation of her rights to due process and equal protection.

Finally, the D.C. Court of Appeals implied that this was a case of first impression (page 6, paragraph 2) when it ruled that DCHRA does not apply to the DC Courts and stated that the DCHRA does not provide an employment discrimination remedy for DC Court employees. A similar matter was previously resolved by the D.C. Court of Appeals in favor of an accounting technician with the D.C. Courts. *See Martin v. District of Columbia Courts*, 753 A.2d 987 (D.C. 2000). Martin was also a D.C. courts employee, and in that case the Court stated, "We hold that the Superior Court has jurisdiction to review adverse actions against nonjudicial court employees who have exhausted their administrative remedies..." The Court of Appeals in *Martin* posited that

> "The Superior Court is a court of general jurisdiction with the power to adjudicate any civil action at law or in equity involving local law." *Powell v. Washington Land Co., Inc.*, 684 A.2d 769, 770 (D.C. 1996) (quoting *Andrade v. Jackson*, 401 A.2d 990, 992 (D.C. 1979)); see also *District of Columbia v. Group Ins. Admin.*, 633 A.2d 2, 13 (D.C. 1993); D.C. Code § 11-921 (a) (1995). The Superior Court's jurisdiction under this provision presumptively extends to claims, such as the one *Martin* presents, for equitable relief from allegedly unlawful actions by public officials. See *District of Columbia v. Sierra Club*, 670 A.2d 354, 357-59 (D.C. 1996). In numerous past cases, moreover, we have recognized explicitly that the general equitable jurisdiction of the Superior Court extends to challenges by public employees of official decisions affecting their tenure. See, e.g., *Davis v. University of the District of Columbia*, 603 A.2d 849, 853 (D.C. 1992); *Kegley v. District of Columbia*,

440 A.2d 1013 (D.C. 1982). A "strong presumption" exists in favor of judicial reviewability which may be rebutted only by clear and convincing evidence of a contrary legislative intent. *Sierra Club*, 670 A.2d at 358 (quoting *People's Counsel v. Public Serv. Comm'n of the District of Columbia*, 474 A.2d 1274, 1278 n. 2 (D.C. 1984) (concurring opinion), and citing *Abbott Labs. v. Gardner*, 387 U.S. 136, 141 (1967)). Such a contrary legislative intent may be found where the legislature committed the challenged action entirely to official discretion, or where the legislature precluded judicial review, explicitly or implicitly, by statute. See *Sierra Club*, 670 A.2d at 358 (citing *Heckler v. Chaney*, 470 U.S. 821, 828 (1985)). We discern no congressional intent to foreclose judicial review of a claim that the D.C. Courts violated the procedures for removal which the Joint Committee promulgated at Congress's direction...Nor do we perceive any such intent on the part of the Joint Committee in promulgating those procedures. It is telling that D.C. Code § 11-1725 (b) refers to the procedures governing removal as "regulations" — a term connoting that those procedures have the force of law. See *Teachey v. Carver*, 736 A.2d 998, 1005 (D.C. 1999). As this court has repeatedly said, an agency is bound to follow its own regulations, see, e.g., *Abdullah v. Roach*, 668 A.2d 801, 805 (D.C. 1995), and we see no reason to exempt the D.C. Courts from the reach of this principle. Congress's intent to vest "final authority" over court operations in the Joint Committee and the Chief Judges does not relieve the D.C. Courts of the burden of compliance with the regulations promulgated by the Joint Committee and set forth in the CPP...**CPP No. 1009 expressly stated that it is "the intent of the Personnel Policies to ensure fair treatment of employees and to provide procedural due process in the Adverse Action area."** (Emphasis added)... we remand to the Superior Court for reinstatement of Martin's petition and further proceedings thereon.

REASONS FOR GRANTING THE PETITION

I. This case involves the Petitioner's rights under the Constitution, namely Article III, Section 2, Clause 1; Amendment 1; Amendment 5, and Amendment 14, subject matter that should ultimately be decided by the United States Supreme Court.

II. The decisions below clearly abridge the aforementioned Constitutional rights of the Petitioner and would have unconscionable and far-reaching adverse effects on all D.C. court employees who might fall prey to unlawful discrimination in the workplace under federal and state law without equitable redress afforded to other U.S. citizens.

III. Either the 1970 District of Columbia Court Reorganization Act (the "Court Reorganization Act") and the 1973 District of Columbia Home Rule Act (the "Home Rule Act") are unconstitutional or the Courts' interpretation of same was erroneous. It is proper for the United States Supreme Court to make a determination on the issue.

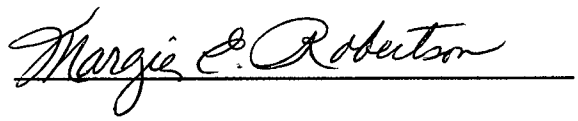
IV. It is neither logical nor reasonable for the citizens and/or the Supreme Court to expect the D.C. Superior Court and the District of Columbia Court of Appeals to police itself and make a fair and

unbiased ruling in a case in which a ruling in favor of the Petitioner would have profound (albeit, appropriate) oversight implications for their own legal entity (the Courts). Such decisions should not be left to the discretion of the proverbial "fox guarding the hen house," and it should not be assumed that objectivity could be maintained under such circumstances. Therefore, the United States Supreme Court should review the case de novo and issue a ruling consistent with the Constitution of the United States and federal law.

CONCLUSION

Petitioner respectfully submits that the Petition for a Writ of Certiorari should be granted, for the reasons listed above, which summarize the various interests of justice and are consistent with Supreme Court Rule 10(c). This case addresses whether Constitutional and federal rights of "the few" can be abridged in direct violation of the law of the land.

Respectfully submitted this 2nd day of May, 2022.



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