

No. 22-1023

Supreme Court, U.S.

FILED

APR 19 2023

OFFICE OF THE CLERK

In The
Supreme Court of the United States

—♦—
DORA L. ADKINS,

Petitioner,

v.

AMERICAN SERVICE CENTER ASSOCIATES, LLC.,

Respondent.

—♦—
**On Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The Fourth Circuit**

—♦—
PETITION FOR A WRIT OF CERTIORARI

—♦—
DORA L. ADKINS, *Pro Se*
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QUESTIONS PRESENTED

- 1) Whether the U.S. Court of Appeals for the Fourth Circuit (“Fourth Circuit”) properly AFFIRMED the district court’s closure pursuant to 28 U.S.C. § 1915(e)(2)(B), which requires a district court to dismiss those civil actions filed in *in forma pauperis* that are frivolous or fail to state a claim on which relief may be granted without first allowing Plaintiff/Appellant the free right to Amend and further Amendments, if required. (Dkt. No. 11, Pet. Appendix 1).
- 2) Whether the U.S. District Court for the Eastern District of Virginia (“District Court”) properly DENIED Plaintiff/Appellant Dora L. Adkins’ (“Adkins”) “Motion for Leave from the Court to File a Proposed Emergency Complaint” [Dkt. 1] and properly DENIED Plaintiff/Appellant’s Application to Proceed in *in forma pauperis* [Dkt. 2] in the case of *Adkins v. Am. Serv. Ctr. Assocs., LLC.*, No. 1:22-cv-00956-LMB-WEF (E.D. Va. Oct. 19, 2022). (Dkt. No. 3, Pet. Appendix 5).

PARTIES TO THE PROCEEDING

Petitioner Dora L. Adkins was the plaintiff in the district court proceedings and plaintiff/appellant in the court of appeals proceedings. American Service Center Associates, LLC was the defendant in the district court and defendant/appellee in the court of appeals.

RELATED CASES

CASES FILED WITH THE U.S. DISTRICT COURT, ALEXANDRIA DIVISION, COMBINED WITH PETI- TIONS TO FOURTH CIRCUIT COURT OF AP- PEALS:

Dora L. Adkins v. Fairfax County School Board, et al., Docket Number 1:09-mc-00027, Fourth Circuit Court of Appeals, Judgment entered 2009.

Dora L. Adkins v. Fairfax County School Board, et al., Docket Number 1:08-mc-00091, Fourth Circuit Court of Appeals, Judgment entered 2008.

Dora L. Adkins v. Fairfax County School Board, et al., Docket Number 1:08-mc-00050, Fourth Circuit Court of Appeals, Judgment entered 2008.

Dora L. Adkins v. Fairfax County School Board, et al., Docket Number 1:07-mc-00035, Fourth Circuit Court of Appeals, Judgment entered 2007.

RELATED CASES – Continued

Dora L. Adkins v. Fairfax County School Board, et al.,
Docket Number 1:05-mc-00005, Fourth Circuit Court
of Appeals, Judgment entered 2005.

Dora L. Adkins v. Fairfax County School Board, et al.,
Docket Number 1:03-mc-01177, Fourth Circuit Court
of Appeals, Judgment entered 2003.

Dora L. Adkins v. Fairfax County School Board, et al.,
Docket Number 1:04-mc-00048, Fourth Circuit Court
of Appeals, Judgment entered 2004.

Dora L. Adkins v. Fairfax County School Board, et al.,
Docket Number 1:04-mc-00053, Fourth Circuit Court
of Appeals; Judgment entered 2004.

Dora L. Adkins v. Fairfax County School Board, et al.,
Docket Number 1:98-mc-01071, Fourth Circuit Court
of Appeals, Judgment entered 1998.

Dora L. Adkins v. Fairfax County Board of Education;
Docket Number 1:97-mc-00835, Fourth Circuit Court
of Appeals, Judgment entered 1997.

Dora L. Adkins v. Bank of America, N.A.; Docket Num-
ber 1:14-cv-00563, Fourth Circuit Court of Appeals,
Judgment entered 2014.

Dora L. Adkins v. K. Jochem, et al., Docket Number
1:15-cv-00879, Fourth Circuit Court of Appeals, Judg-
ment entered 2015.

RELATED CASES – Continued

Dora L. Adkins v. Whole Foods Market Group, Inc., Docket Number 1:16-cv-00031, Fourth Circuit Court of Appeals, Judgment entered 2016.

Dora L. Adkins v. Public Storage, Docket Number 1:16-cv-01556-JCC, Fourth Circuit Court of Appeals, Judgment entered 2016.

Dora L. Adkins v. HBL, LLC., Docket Number 1:17-cv-0074, Fourth Circuit Court of Appeals, Judgment entered 2017.

Dora L. Adkins v. Whole Foods Market Group, Inc., Docket Number 1:17-cv-01023, Fourth Circuit Court of Appeals, Judgment entered 2017.

Dora L. Adkins v. Alexandria Towers, LLC., Docket Number 1:16-cv-0049, Fourth Circuit Court of Appeals, Judgment entered 2016.

Dora L. Adkins v. Dulles Hotel Corporation, Docket Number 1:20-cv-00361, Fourth Circuit Court of Appeals, Judgment entered 2020.

Dora L. Adkins v. Driftwood Special Servicing, LLC., Docket Number 1:22-cv-00109, Fourth Circuit Court of Appeals, Judgment entered 2022.

Dora L. Adkins v. Merrifield Hotel Associates, L.P., Docket Number 1:22-cv-1414, Fourth Circuit Court of Appeals, Judgment entered 2022.

RELATED CASES – Continued

Dora L. Adkins v. Tysons Lodging LLC., Docket Number 1:22-cv-00553, Fourth Circuit Court of Appeals, Judgment entered 2022.

Dora L. Adkins v. Hyatt Corp., Docket Number 1:20 cv 1410, Fourth Circuit Court of Appeals, Judgment entered 2020.

Dora L. Adkins v. Mercedes-Benz USA, LLC., Docket Number 22-1888 (4th Cir. 2022) 1:20-cv-1410; Fourth Circuit Court of Appeals, Judgment entered 2020.

Dora L. Adkins v. Mercedes-Benz USA, LLC., Docket Number 22-1888 (4th Cir. 2022), 1:20-cv-1410, Fourth Circuit Court of Appeals, Judgment entered 2022.

Dora L. Adkins v. Fitness International, LLC., Docket Number 22-2297, Fourth Circuit Court of Appeals, Judgment entered February 23, 2023.

Dora L. Adkins v. Fitness International, LLC., Docket Number 22-2245, Fourth Circuit Court of Appeals, Judgment entered February 23, 2023.

Dora L. Adkins v. American Service Center Associates, LLC., Docket Number 22-2105, Fourth Circuit Court of Appeals, Judgment entered January 19, 2023.

Dora L. Adkins v. American Service Center Associates of Alexandria, LLC., Docket Number 22-2126, Fourth Circuit Court of Appeals, Judgment entered March 23, 2023.

RELATED CASES – Continued

Dora L. Adkins v. Whole Foods Market Group, Inc., Docket Number 22-2141; Fourth Circuit Court of Appeals, Judgment entered January 19, 2023.

Dora L. Adkins v. Ashford TRS, Alexandria LLC., Docket Number 22-2298, Fourth Circuit Court of Appeals, Judgment entered March 23, 2023.

Dora L. Adkins v. American Express Related Services, LLC., Docket Number 23-1064, Fourth Circuit Court of Appeals, Judgment entered 2023.

TOTAL = 31

PETITIONS SUBMITTED TO THE U.S. SUPREME COURT:

Dora L. Adkins, Petitioner v. K. Jochem, et al., Docket for 16-5099, United States Supreme Court, Judgment entered November 14, 2016.

Dora L. Adkins, Petitioner v. Bank of America, N.A., Docket for 14-8190, United States Supreme Court, Judgment entered May 18, 2015.

Dora L. Adkins, Petitioner v. Tyson's Lodging, LLC, Docket for 22-5527, United States Supreme Court, Judgment entered November 14, 2016.

Dora L. Adkins, Petitioner v. Merrifield Hotel Associates, LP, Docket for 22-5317, United States Supreme Court, Judgment entered October 11, 2022.

RELATED CASES – Continued

Dora L. Adkins, Petitioner v. Driftwood Special Servicing, LLC., Docket for 21-8270, United States Supreme Court, Judgment entered May 18, 2015.

Dora L. Adkins, Petitioner v. Dulles Hotel Corporation, Docket for 20-6853; Judgment entered March 22, 2021.

Dora L. Adkins, Petitioner v. Whole Foods Market Group, Inc.; Docket for 19-8198; Judgment entered June 08, 2020.

Dora L. Adkins, Petitioner v. Whole Foods Market Group, Inc.; Docket for 18-6386; Judgment entered December 10, 2018.

Dora L. Adkins, Petitioner v. HBL, LLC; Docket for 17-7663; Judgment entered April 16, 2018.

Dora L. Adkins, Petitioner v. Driftwood Special Servicing, LLC.; Docket for 21-8270; Judgment entered October, 03, 2022.

TOTAL = 10

PETITIONS SUBMITTED TO THE VIRGINIA SUPREME COURT:

Dora L. Adkins v. County School Board, Record No. 092357; Virginia Supreme Court; Judgment entered 04-15-2010.

Dora L. Adkins v. Goldstein, Record No. 102358; Virginia Supreme Court; Judgment entered 04-25-2011.

RELATED CASES – Continued

Dora L. Adkins, Trustee v. Hallmark Condominium Unit Owners Association, Record No. 102297, Virginia Supreme Court; Judgment entered 04-15-2011.

Dora L. Adkins v. Kaiser Foundation Health Plan of Mid-Atlantic States, Inc., Record No. 102449; Virginia Supreme Court; Judgment entered 04-06-2011.

Dora L. Adkins v. HEI Tyson's Corner, LLC, Record No. 111454; Virginia Supreme Court; Judgment entered 12-16-2011.

Dora L. Adkins v. Hallmark Condominium Unit Owners Association, Record No. 112282; Virginia Supreme Court; Judgment entered 04-23-2012.

Dora L. Adkins v. O'Neil Virginia Holdings, LLC, Record No. 130383; Virginia Supreme Court; Judgment entered 10-28-2013.

Dora L. Adkins v. Ackerman and Associates, Record No. 131896; Virginia Supreme Court; Judgment entered 06-16-2014.

Dora L. Adkins v. Davidson Hotel Company, LLC, Record No. 131897; Virginia Supreme Court; Judgment entered 06-20-2014.

Dora L. Adkins v. High Velocity Hospitality, LLC, Record No. 140431; Virginia Supreme Court; Judgment entered 11-13-2014.

RELATED CASES – Continued

Dora L. Adkins v. American Service Center Associates, LLC, Record No. 140491; Virginia Supreme Court; Judgment entered 06-20-2014.

Dora L. Adkins v. Fair Oaks Inn, LLC, Record No. 140690; Virginia Supreme Court; Judgment entered 11-06-2014.

Dora L. Adkins v. King Street Station and Hotel Associates, LLC, Record No. 140872; Virginia Supreme Court; Judgment entered 12-08-2014.

Dora L. Adkins v. Hilton Worldwide, Inc., Record No. 140875; Virginia Supreme Court; Judgment entered 12-08-2014.

Dora L. Adkins v. Apple Federal Credit Union, Record No. 140882; Virginia Supreme Court; Judgment entered 03-04-2015.

Dora L. Adkins v. Alexandria Hotel Associates, LLC, Record No. 141334; Virginia Supreme Court; Judgment entered 03-04-2015.

Dora L. Adkins v. The Ritz-Carlton Hotel Company, LLC, Record No. 150574; Virginia Supreme Court; Judgment entered 09-17-2015.

Dora L. Adkins v. Renaissance Hotel Operating Company, Record No. 150623; Virginia Supreme Court; Judgment entered 09-17-2015.

RELATED CASES – Continued

Dora L. Adkins v. HEI Tyson's Corner, LLC, Record No. 151510; Virginia Supreme Court; Judgment entered 03-17-2016.

Dora L. Adkins v. American Service Center Associates, LLC, Record No. 151511; Virginia Supreme Court; Judgment entered 04-26-2016.

Dora L. Adkins v. W-LCP Alexandria VII, LLC, Record No. 160570; Virginia Supreme Court; Judgment entered 10-17-2016.

Dora L. Adkins v. Government Employees Insurance Company, Record No. 160578; Virginia Supreme Court; Judgment entered 05-11-2017.

Dora L. Adkins v. CP/IPERS Arlington Hotel, LLC, Record No. 160685; Virginia Supreme Court; Judgment entered 01-30-2017.

Dora L. Adkins v. JBG/Tysons Hotel, LLC, Record No. 161145; Virginia Supreme Court Judgment entered 05-09-2017.

Dora L. Adkins v. HBL, LLC, Record No. 161164; Virginia Supreme Court; Judgment entered 05-08-2017.

Dora L. Adkins v. Noodles & Company, Record No. 161238; Virginia Supreme Court; Judgment entered 05-08-2017.

Dora L. Adkins v. BB&T, Record No. 170112; Virginia Supreme Court; Judgment entered 09-15-2017.

RELATED CASES – Continued

Dora L. Adkins v. PAG Chantilly MI, LLC; Record No. 170764 Virginia Supreme Court; Judgment entered 07-28-2017.

Dora L. Adkins v. RH Hi-line, Inc., Virginia Supreme Court; Judgment entered 2019.

TOTAL = 29

70 x 2 = 140 Complaints and Petitions. Each of the Petitions were filed first with the Fairfax County Circuit Court; U.S. District Court Alexandria Division; Circuit Court for Arlington County; Circuit Court for City of Alexandria; Circuit Court for City of Manassa; Circuit Court for City of Fredericksburg.

Petitions for Rehearing and Rehearing *En Banc* were filed with the Fourth Circuit Court of Appeals; the Virginia Supreme Court; and United States Supreme Court to most of the Denied, Dismissed, and Affirmed decisions.

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No. _____

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**In The
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DORA L. ADKINS,

Petitioner,

v.

AMERICAN SERVICE CENTER ASSOCIATES, LLC.,

Respondent.

◆◆◆
**On Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The Fourth Circuit**
◆◆◆

Petitioner, Dora L. Adkins, respectfully asks that a writ of certiorari issue to review the judgment issued by the United States Court of Appeals for the Fourth Circuit that affirmed by unpublished per curiam opinion the following: On January 19, 2023, the Fourth Circuit “After review of the record, we conclude that the district court’s closure was pursuant to 28 U.S.C. § 1915(e)(2)(B), which requires a district court to dismiss those civil actions filed in *in forma pauperis* that are frivolous or fail to state a claim on which relief may be granted. A claim is frivolous when it lacks an

arguable basis in law or fact.” *Neitzke v. Williams*, 490 U.S. 319, 322-23 (1989). “Accordingly, we affirm the district court’s judgment.” *Adkins v. Am. Serv. Ctr. Assocs., LLC.*, No. 1:22-cv-00956-LMB-WEF (E.D. Va. Oct. 19, 2022). “We grant Adkins’ motion for leave to amend her informal brief and deny her motions to vacate and remand, to remand, for leave to withdraw, for leave to vacate and remand, and to withdraw.” (Dkt. No. 11, Dkt. No. 12. Pet. Appendix 1).

PER CURIAM BELOW

The Per Curiam of the United States Court of Appeals for the Fourth Circuit was filed on January 19, 2023, and is attached as Pet. Appendix 1. The United States Court of Appeals for the Fourth Circuit’s Per Curiam, Notice of Judgment, Judgment, Dated, January 19, 2023 are attached as Pet. Appendix 1. The U.S. District Court for the Eastern District of Virginia Order, Dated, October 19, 2022 is attached as Pet. Appendix 5.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). The decision of the United States Court of Appeals for the Fourth Circuit for which Petitioner seeks review was issued on January 19, 2023. The United States Court of Appeals for the Fourth Circuit affirmed the District Court’s decision to DENY

Plaintiff/Petitioner Dora L. Adkins' ("Adkins") "Motion for Leave from the Court to File a Proposed Emergency Complaint," and her Application against the Defendant/Respondent, American Service Center Associates, LLC, in the case of *Dora L. Adkins v. American Service Center Associates, LLC.*, Law Case No., 1:22-cv-01114 (LMB/IDD) that is not a Final Order and stated the following: "ORDERED that Plaintiff/Petitioner's Motion [Dkt. 1] and her Application [Dkt. 2] be DENIED are attached as Pet. Appendix 1. This petition is filed within 90-days of the United States Court of Appeals for the Fourth Circuit's affirmed decision.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

N/A.

STATEMENT OF CASE

A. Facts Giving Rise To This Case

"It is a fact that Premeditated Actions to Steal Plaintiff/Petitioner's Personal Information from Plaintiff/Petitioner's GLA-250 2021 Mercedes-Benz in for A-2 Service was set forth in scheduling Plaintiff/Petitioner appointment on a Saturday, August 20, 2022."

"It is a fact that Premeditated Actions to Steal Plaintiff/Petitioner's Personal Information from Plaintiff/Petitioner's GLA-250 2021 Mercedes-Benz in

for A-2 Service was a give-away when Aaron Ortiz, Service Advisor pretending to not know that a way for Plaintiff/Petitioner to monitor the A-2 Service on the TV-Monitoring System was intentionally not turned on because EVERY time Plaintiff/Petitioner had the C-240 2004 Mercedes-Benz in for Service Plaintiff/Petitioner could watch the Service Technicians working on Plaintiff/Petitioner C-240 2004 Mercedes-Benz.”

“It is a fact that Premeditated Actions to Steal Plaintiff/Petitioner’s Personal Information from Plaintiff/Petitioner’s GLA-250 2021 Mercedes-Benz in for A-2 Service is almost identical to the theft that occurred to Plaintiff/Petitioner’s C-240 Mercedes-Benz when an employee scanned the ID number of Plaintiff/Petitioner’s George Mason Public Library Card while Plaintiff/Petitioner’s vehicle was being washed at the Mercedes-Benz of Arlington’s Car Wash because at the Car Wash there is no TV-Monitoring System of the vehicle like when the vehicles are in for Service at the Mercedes-Benz of Arlington. Plaintiff/Petitioner have not seen the TV-Monitoring System at the other three Mercedes-Benz located in Northern Virginia.”

“In the Plaintiff/Petitioner’s claim for intentional infliction injury, the Plaintiff emotional distress in response to extreme and outrageous behavior reached a “severe” level. The Plaintiff/Petitioner can prove to a jury that the emotional distress Plaintiff/Petitioner experienced reached a sufficient level of severity which justifies an award for intentional infliction. The Plaintiff/Petitioner has to be extremely concerned

about what personal information was allegedly taken from the inside of Plaintiff/Petitioner's vehicle."

"It is a fact that Premeditated Actions to Steal Plaintiff's Personal Information from Plaintiff/Petitioner's GLA-250 2021 Mercedes-Benz in for A-2 Service is premeditated because the Service could not be performed during the week when management for the Mercedes-Benz of Arlington would be present; the TV-Monitoring System was not turned on making the theft easier to occur because no record was made on the 2nd floor where Aaron Ortiz reported to Plaintiff/Petitioner that Plaintiff/Petitioner's GLA-250 2021 Mercedes-Benz A-2 Service was being performed."

"The Defendant/Respondent, American Service Center Associates, LLC, allegedly acted with intent to allow employees not part of the Service Department into the area; whereby, Plaintiff/Petitioner's vehicle was being serviced on the second floor of Mercedes-Benz of Arlington and without a TV-Monitor System turned on of such actions."

"The Defendant/Respondent, American Service Center Associates, LLC, allegedly acted intentionally and maliciously because the behavior was and is outrageous. The behavior was and is outrageous, intentionally, and maliciously because the Plaintiff/Petitioner without GOD could not have information that other customers would NEVER even think would be possible by trusting the Mercedes-Benz of Arlington."

"The Defendant/Respondent, American Service Center Associates, LLC, allegedly willful acts were malicious,

violent, oppressive, fraudulent, wanton, or reckless because the Plaintiff/Petitioner reported to Ralph Mastantuono, GM and will have to wait for his response to Plaintiff/Petitioner's email, if one is provided."

"The Defendant/Respondent, American Service Center Associates, LLC, faced with this lawsuit will allegedly learn that allowing employees not servicing the vehicle into an area; whereby, customer's vehicles are being worked on is a **VERY BAD IDEA.**"

"The Defendant/Respondent, American Service Center Associates, LLC, faced with this lawsuit will be hit the hardest than ANY lawsuit filed by the Plaintiff/Petitioner as it relates to Plaintiff/Petitioner's vehicle because it makes no sense to continue to have incompetent employees not taking the best of care of customer's Mercedes-Benz vehicles. Plaintiff/Petitioner encounter similar actions over a timeframe of 12-Years with Plaintiff's C-240 2004 Mercedes-Benz and no changes have been made by the Mercedes-Benz Dealerships to ensure the necessary care of customer's Mercedes-Benz vehicles."

"The Motion for Leave to File a Proposed Emergency Complaint included the following Counts and *Claim*: *Count #1*: Intentional Infliction of Emotional Distress; *Count #2*: Gross Negligence under Virginia common law and a *Claim* for Punitive Damages as a *Prima Facie* Case Cause of Action. The Motion for Leave to File a Proposed Emergency Complaint amount seeks compensatory and punitive damages for the

same amount of \$3-Billion Dollars for a total of \$6-Billion Dollars.”

B. The District Court’s Proceedings

On August 22, 2022, Plaintiff filed a Motion for Leave to File a Proposed Emergency Complaint. (Dkt. No. 1). On August 22, 2022, Plaintiff Filed a Motion for Leave to Proceed in *in forma pauperis*. (Dkt. No. 2). On October 19, 2022, the District Court ORDERED that plaintiff’s Motion for Leave [Dkt. No. 1] is DENIED as is her Application [Dkt. No. 2] which is moot and it is further ORDERED that the Clerk not accept for filing any further motions for leave to file a complaint or other attempt to file a new civil action by plaintiff unless plaintiff first pays the required \$350 filing fee and \$52 administrative fee. (Dkt. No. 3. Pet. Appendix 5).

On October 24, 2022 Assembled INITIAL Electronic Record Transmitted to 4CCA re4 Notice of Appeal. (Dkt. No. 4). On October 24, 2022, NOTICE OF APPEAL as to Order on Motion for Leave to File. Order on Motion for Leave to Proceed in *in forma pauperis*. (Dkt. No. 4). On October 24, 2022, transmission of Notice of Appeal to US Court of Appeals re Notice of Appeal (All case opening forms, plus the transcript guidelines, may be obtained from the Fourth Circuit’s website at www.ca4.uscourts.gov. (Dkt. No. 5). On October 24, 2022, USCA Case Number 22-2105, case manager Kirsten Hancock, 4th Circuit for Notice of Appeal filed by Dora L. Adkins. (Dkt. No. 6). On October

24, 2022, Letter to the court from the USCA. Please transmit the record re Notice of Appeal. (Dkt. No. 7).

C. The Appellate Court's Proceedings

Plaintiff/Appellant filed an Informal Brief with the United States Court of Appeals for the Fourth Circuit. On October 24, 2022, the court granted Plaintiff/Appellant leave to proceed in *in forma pauperis*. (Dkt. No. 4). “On January 19, 2023, USCA JUDGMENT as to Notice of Appeal filed by Dora L. Adkins. In accordance with the decision of this court, the judgment of the district court is affirmed. (Dkt. No. 10). The judgment shall take effect upon issuance of this court’s mandate in accordance with Fed. R. App. P. 41. On February 10, 2023, USCA Mandate re Notice of Appeal. The judgment of this court, entered January 19, 2023, takes effect today. This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. (Dkt. No. 11). The instant Petition ensued. For the reasons discussed below, the Petition in all respects should be granted.

REASONS FOR GRANTING THE PETITION**I. EVIDENCE SHOWS AND PROVES THE FOURTH CIRCUIT COURT OF APPEALS ABUSED ITS DISCRETION WHEN IT AFFIRMED THE DISTRICT COURT'S ORDER, DATED, OCTOBER 19, 2022****ISSUES APPEALED BECAUSE OF ABUSE OF DISCRETION:**

- A. Whether the U.S. Court of Appeals for the Fourth Circuit (“Fourth Circuit”) properly AFFIRMED the district court’s closure pursuant to 28 U.S.C. § 1915(e)(2)(B), which requires a district court to dismiss those civil actions filed *in forma pauperis* that are frivolous or fail to state a claim on which relief may be granted without first allowing Plaintiff/Appellant the free right to Amend and further Amendments if needed. (Dkt. No. 11, Pet. Appendix 1).**

Based on Petitioner’s Facts, Proof, and Evidence, the District Court AND the Fourth Circuit Court of Appeals abused its discretion in its Order, Dated, October 19, 2022, and its Opinion, Dated, January 19, 2023, determining “After review of the record, we conclude that the district court’s closure was pursuant to 28 U.S.C. § 1915(e)(2)(B), which requires a district court to dismiss those civil actions filed *in forma pauperis* that are frivolous or fail to state a claim on which relief may

be granted. A claim is frivolous when it lacks an arguable basis in law or fact." Pet. Appendix 1.

The following Cases claiming the SAME and/or SIMILAR Claims were not frivolous and/or are not frivolous when the Services were not performed or poorly performed by Mercedes-Benz to Petitioner's C-240 2004 Mercedes-Benz and Petitioner's GLA-250 2021 Mercedes-Benz, by this Respondent in the Year 2014 and the Year 2016. Petitioner would not drive to Richmond, VA and Fredericksburg, VA for better Service to get more of the SAME and/or SIMILAR Service performed by alleged incompetent service technicians. Petitioner is in sound mind and body and would not have filed and paid the filing fees in the following EIGHT Complaints and Petitions for frivolous reasons, but instead it was to protect Petitioner's hard-earned personal property:

1. *Dora L. Adkins v. HBL, LLC*, Docket Number 17-0074, Fourth Circuit Court of Appeals, Judgment entered 2017.
2. *Dora L. Adkins v. Mercedes-Benz USA, LLC*, Docket Number 22-1888 (4th Cir. 2022) 1:20 cv 1410; Fourth Circuit Court of Appeals, Judgment entered 2020.
3. *Dora L. Adkins v. Mercedes-Benz USA, LLC*, Docket Number 22-1888 (4th Cir. 2022) 1:20 cv 1410, Fourth Circuit Court of Appeals, Judgment entered 2022.

4. *Dora L. Adkins v. HBL, LLC*; Docket for 17-7663; Virginia Supreme Court; Judgment entered April 16, 2018
5. *Adkins v. American Service Center Associates, LLC*, Record No. 140491; Virginia Supreme Court; Judgment entered 06-20-2014.
6. *Adkins v. American Service Center Associates, LLC*, Record No. 151511; Virginia Supreme Court; Judgment entered 04-26-2016.
7. *Adkins v. PAG Chantilly MI, LLC*; Record No. 170764 Virginia Supreme Court; Judgment entered 07-28-2017.
8. *Adkins v. RH Hi-line, Inc.*, Virginia Supreme Court; Judgment entered 2019.

B. Whether the U.S. District Court for the Eastern District of Virginia (“District Court”) properly DENIED Plaintiff/Appellant Dora L. Adkins’ (“Adkins”) “Motion for Leave from the Court to File a Proposed Emergency Complaint,” [Dkt. 1] and properly DENIED Plaintiff/Appellant’s Application to Proceed in *in forma pauperis* [Dkt. 2] in the case of *Dora L. Adkins v. Am. Serv. Ctr. Assocs., LLC.*, No. 1:22-cv-00956-LMB-WEF (E.D. Va. Oct. 19, 2022) (Dkt. No. 3, Pet. Appendix 5).

The Federal Rule 15: Amended and Supplemental Pleadings provide for one free amendment which in

most part have ALWAYS had to use by the Petitioner:

(1) *"Amending as a Matter of Course.* A party may amend its pleading once as a matter of course within:

(A) "21 days after serving it, or"

(B) "if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier."

(2) *"Other Amendments.* In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires."

II. APPELLATE REVIEW OF DISTRICT COURT'S CLOSURE

Petitioner was DENIED Justice because Petitioner was not allowed additional time to Perfect the Proposed Emergency Complaint filed on August 22, 2022, into a Complaint with a more defined arguable basis in law or fact. Petitioner can prove that the District Court and the Fourth Circuit Court of Appeals got it WRONG when Petitioner have since filed an alleged Emergency Complaint against Defendant, PAG Chantilly M1, LLC, alleging similar allegations as it relates to the service performed and/or not performed to

Petitioner's GLA-250 2021 Mercedes-Benz. Petitioner did not have an opportunity to file additional Emergency Complaints against 3 other Mercedes-Benz Dealerships who caused extensive damages to Petitioner's vehicle. Only GOD would have had Petitioner to file the Emergency Proposed Complaint against Mercedes-Benz of Chantilly for good cause and can show this Honorable Court that the Proposed Emergency Complaint against the dealership is more of the SAME poor and/or no Service performed when Petitioner took the GLA-250 2021 Mercedes-Benz in for its REQUIRED Service.

Petitioner was required to have 2-Vehicle Services performed since taking Petitioner's vehicle in for Service to the Respondent, American Service Center Associates, LLC., for Service and the Services were not performed which has caused Petitioner's and other motorists' life to be in danger.

ARGUMENT

The reason the District Court DENIED the Proposed Emergency Complaint and the Fourth Circuit Court of Appeals AFFIRMED the district court's closure was pursuant to 28 U.S.C. § 1915(e)(2)(B), which requires a district court to dismiss those civil actions filed in *in forma pauperis* that are frivolous or fail to state a claim on which relief may be granted. A claim is frivolous when it lacks an arguable basis in law or fact." It is just not possible for the claims that could be

proven with Solid Provable Facts and Evidence including photos submitted by the Petitioner with some of the combined 140-Complaints and Petitions to be frivolous or lacking any basis for filing.

Petitioner Has Asserted Valid Reasons for Review:
Petitioner MUST be among the First Petitioner before the United States Supreme Court to have a combined 140-Complaints and Petitions as References; ALL authored and/or filed by the Petitioner. The 140-Complaints and Petitions Combined shows the EXACT SAME physical and emotional injuries Petitioner suffered related to food and chemical poisoning; being falsely accused of defrauding a hotel; theft from Petitioner's vehicle and repeated damages to Petitioner's vehicle; dental injuries and other medical injuries which ALL relates to the Health and Life of the Petitioner. The Petitioner suffered 18-Deaths; and 100-Miracles performed by GOD's Devine Intervention from the physical and emotional injuries from the combined 140-Complaints and Petitions which is within itself Valid Reasons for Review.

Twelve-YEARS later Petitioner have the SAME and/or very SIMILAR problems with Petitioner's 2021 GLA-250 Mercedes-Benz when service to Petitioner's 2021 GLA-250 Mercedes-Benz is required, but not performed. Petitioner is presently driving a defective GLA-250 Mercedes-Benz because the five Mercedes-Benz dealerships have not corrected the problems presented in numerous lawsuits listed above and filed by the Petitioner. The alleged Defendants should be happy to have both GOD and the Petitioner informing

it dealerships on ways to improve while by costly law-suits none of which Petitioner have prevailed.

III. STANDARD OF APPELLATE REVIEW

Abuse of Discretion: The District Court Abused its Discretion when the District Court's closure was pursuant to 28 U.S.C. § 1915(e)(2)(B), which requires a district court to dismiss those civil actions filed in *in forma pauperis* that are frivolous or fail to state a claim on which relief may be granted. A claim is frivolous when it lacks an arguable basis in law or fact." The Proposed Emergency Complaint was "just that," a Proposal for a serious Complaint that Petitioner would have no problem in providing more detailed facts with an arguable basis in law is attached as Pet. Appendix 1.

IV. REVIEW IS WARRANTED FOR THE REASONS ARTICULATED IN I, II, III, AND IV OF THIS PETITION

Ms. Adkins has cited compelling reasons warranting this Court's review of the Fourth Circuit Court of Appeals' Opinion, Dated, January 21, 2023, affirming the District Court Order is attached as Pet. Appendix 1. Petitioner is asking this Honorable Court to Vacate and Remand the District Court's ORDER.

CONCLUSION

For the foregoing reasons, the court should grant Dora L. Adkins' Petition For A Writ Of Certiorari To Review The Judgment Of The United States Court of Appeals For The Fourth Circuit.

Dated: April 19, 2023

Respectfully submitted,
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