

No. 22-1024

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.

WHOLE FOODS MARKET GROUP, INC.,

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*
P.O. Box 3825
Merrifield, VA 22116
DoraAdkins7@aol.com

RECEIVED

APR 21 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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 one 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's/Appellant's Application to Proceed in *in forma pauperis* [Dkt. 2] in the case of *Dora L. Adkins v. Whole Foods Market Group, Inc.*, Law, Case No. 1:22-cv-01114 (LMB/IDD). (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. Whole Foods Market Group, Inc., 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 PETITIONS TO THE FOURTH CIRCUIT COURT OF APPEALS:

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.

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

RELATED CASES – Continued

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.

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

RELATED CASES – Continued

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 17-0074, 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 1:22-1414, Fourth Circuit Court of Appeals, Judgment entered 2022.

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

RELATED CASES – Continued

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.

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

RELATED CASES – Continued

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. Adkin, 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.

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

RELATED CASES – Continued

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.

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

RELATED CASES – Continued

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.

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

RELATED CASES – Continued

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.

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

RELATED CASES – Continued

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/Tyson's 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.

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

RELATED CASES – Continued

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.

TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED	i
PARTIES TO THE PROCEEDING.....	ii
RELATED CASES	ii
TABLE OF AUTHORITIES.....	xv
PER CURIAM BELOW.....	2
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVI- SIONS INVOLVED.....	3
STATEMENT OF CASE	3
A. FACTS GIVING RISE TO THIS CASE	3
B. THE DISTRICT COURT'S PROCEED- INGS	6
C. THE APPELLATE COURT'S PROCEED- INGS	7
REASONS FOR GRANTING THE PETITION.....	8
I. EVIDENCE SHOWS AND PROVES THE FOURTH CIRCUIT COURT OF APPEALS ABUSED ITS DISCRETION WHEN IT AFFIRMED THE DISTRICT COURT'S ORDER	8

TABLE OF CONTENTS – Continued

	Page
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 <i>in forma pauperis</i> 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)	8
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’s/Appellant’s Application to Proceed in <i>in forma pauperis</i> [Dkt. 2] in the case of <i>Dora L. Adkins v. Whole Foods Market Group, Inc.</i> , Law Case No., 1:22-cv-0114 (LMB/IDD). (Dkt. No. 3, Pet. Appendix 5)	9
II. APPELLATE REVIEW OF DISTRICT COURT’S CLOSURE	10
ARGUMENT	12
III. STANDARD OF APPELLATE REVIEW	14

TABLE OF CONTENTS – Continued

	Page
IV. REVIEW IS WARRANTED FOR THE REASONS ARTICULATED IN I, II, III, AND IV OF THIS PETITION.....	15
CONCLUSION.....	15

APPENDICES:

Per Curiam of the United States Court of Ap- peals for the Fourth Circuit Unpublished Opinion; Notice of Judgment; and Judgment; Mandate	App. 1
District Court's "Order"	App. 5

TABLE OF AUTHORITIES

	Page
CASE:	
<i>Neitzke v. Williams</i> , 490 U.S. 319 (1989)	2
STATUTES AND FEDERAL COURT RULES:	
28 U.S.C. § 1254(1)	2
28 U.S.C. § 1915(e)(2)(B)	1, 9, 12, 14
Fed. R. Civ. P. 15	9

No. _____

**In The
Supreme Court of the United States**

DORA L. ADKINS,

Petitioner,

v.

WHOLE FOODS MARKET GROUP, INC.,

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 wrote the following: "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. Whole Foods Mkt. Grp., Inc.*, No. 1:22-cv-01114-LMB-IDD (E.D. Va. Oct. 25, 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 vacate and remand, for leave to withdraw, 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 25, 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, Whole Foods Market Group, Inc., in the case of *Dora L. Adkins v. Whole Foods Market Group, Inc.*, Law Case No., 1:22-cv-01114 (LMB/IDD) that is not a Final Order and stated the following: "ORDERED that Plaintiff's/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

"On October 1, 2022, Plaintiff suffered a severe and debilitating Emotional Injury from a **Premeditated** attempt of a second attempt to accuse the Plaintiff of taking something unpaid for when in fact the items of two-free sauces were from a vendor station being provided to its customers free of charge. The actions by the tortfeasors were malicious to the degree of being that Plaintiff was targeted to bring about severe and emotional harm."

"The Defendant, Whole Foods Market Group, Inc., misconduct or actual malice or recklessness or negligence evinced a conscious disregard of the rights of the Plaintiff when it had been premeditated to falsely accuse the Plaintiff. It is just unlikely for the person working at the vendor table to disappear at the exact time Plaintiff was about to check-out and leave the Whole Foods Market vendor table unattended. The person working at the vendor table was not allegedly genuinely when she pretended to be appalled, when in fact the person working at the vendor table was allegedly in on the plan to falsely accuse the Plaintiff." "The Defendant, Whole Foods Market Group, Inc., alleged behavior constitutes extreme and outrageous conduct when it allegedly intentionally and recklessly caused the Plaintiff to suffer a severe and debilitating emotional injury of being allegedly set-up to be accused of taking something from the Whole Foods Market without paying for it."

"Defendant, Whole Foods Market Group, Inc., as owner and operator MUST inform its employees that cell photos of its customers are not allowed unless permitted by the customer. As reported to Mango, Team Manager, it was the second time that employees for Whole Foods Market took cell telephone photos of the Plaintiff. The first time to Plaintiff's knowledge, Plaintiff stated, "to the two employees you can go ahead in front of Plaintiff," because Plaintiff explained Plaintiff is tired of unwanted cell photos being taken of Plaintiff. All the self-check-out register that were available, the two-employees had to use the

self-check-out Plaintiff was headed to use while the two employees were pretending to take a photo of a canned drink, one employee was about to purchase; it was allegedly instead a cell photo of Plaintiff held in Plaintiff direction as its allegedly Proof that Plaintiff allegedly stole the two sauces.”

“In the Plaintiff’s claim for Intentional Infliction, the Plaintiff’s Emotional Distress in response to extreme and outrageous behavior reached a “severe” level. Plaintiff can prove an injury that the Emotional Distress she experienced reached a sufficient level of severity, which justifies an award for Intentional Infliction. Plaintiff has shown proof of an Emotional Injury from October 1, 2022, and wanton or willful conduct by the Defendant, Whole Foods Market Group, Inc.”

“Plaintiff returned to the Customer’s Service Desk for the Whole Food Market based on GOD’s notification to the Plaintiff and explained that taking the Free Samples out of the Customers’ Cart to the Shopping Bag could appear as though the customer is taking something without paying for it because No scanning is involved. The person claiming to be management stated and assured the Plaintiff that it would NEVER occur. Plaintiff stated to the Manager that Plaintiff did not want to be falsely accused of anything and/or any wrong doing. Plaintiff used the term claiming to be a Manager because when Plaintiff’s Credit Card previously declined a Meal already taken from the Hot Bar by the Plaintiff and after shopping EVERYDAY from the Hot Bar the Manager stated she could not provide the Meal from the Hot Bar that

would require being thrown out because Plaintiff already handled the food from the Hot Bar to the container. That Manager is No Longer at the Whole Foods Market, McLean, VA. Plaintiff recently reported the incident to the Store Manager when Plaintiff reported the same Hot Bar being set-up later than the time for set-up provided to its customers.”

“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 \$100-Million Dollars for a total of \$200-Million Dollars.”

B. The District Court’s Proceedings

On October 3, 2022, Plaintiff filed a Motion for Leave to file a Proposed Emergency Complaint. (Dkt. No. 1). On October 7, 2022, Plaintiff filed a Motion for Leave to Proceed in *in forma pauperis*. (Dkt. No. 2). On October 25, 2022, the District Court’s ORDER DENIED Plaintiff’s Motion for Leave from the Court to File a Complaint; ORDER DENYING Motion for Leave to Proceed in *in forma pauperis*. (Dkt. No. 3). On October 31, 2022, Plaintiff Filed a Notice of Appeal with the District Court. (Dkt. No. 4).

On November 3, 2022, Transmission of Notice of Appeal to US Court of Appeals re Notice of Appeal. (Dkt. No. 5). On November 4, 2022, Assembled INITIAL Electronic Record Transmitted to 4CCA re4 Notice of Appeal (Dkt. No. 6). On November 4, 2022, Transmission of Notice of Appeal to US Court of Appeals for a Notice of Appeal. (Dkt. No. 6). On November 4, 2022, Letter from the 4th Circuit requesting the transmittal of record re Notice of Appeal. (Dkt. No. 8). November 18, 2022, Assembled INITIAL Electronic Record Retransmitted to 4CCA re Notice of Appeal. November 18, 2022 Letter from 4th Circuit of Record Follow-up re Notice of Appeal. (Dkt. No. 8).

C. The Appellate Court's Proceedings

Plaintiff/Appellant filed an Informal Brief with the United States Court of Appeals for the Fourth Circuit. On November 21, 2022, the court granted Plaintiff/Appellant leave to proceed in *in forma pauperis*. (Dkt. No. 9). "On January 19, 2023, a JUDGMENT of USCA as to Dora Adkins re Notice of Appeal. (Dkt. No. 10). In accordance with the decision of this court, the judgment of the district court is affirmed." (Dkt. No. 11). This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41. (Dkt. No. 11). On February 10, 2023 USCA Mandate re4 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. 12).

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 25, 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 *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 25, 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 *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 did not lack an arguable basic in law or fact because GOD was present to prevent the Plaintiff from suffering another 4 ½ Years either more or less of suffering from being falsely accused. While Plaintiff can prove Plaintiff did not take anything not paid for, why even go through the pain and suffering that goes with a theft allegation.

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's/Appellant's Application to Proceed in *in forma pauperis* [Dkt. 2] in the case of *Dora L. Adkins v. Whole Foods Market Group, Inc.*, Law Case No., 1:22-cv-0114 (LMB/IDD). (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 be use by the Plaintiff:

(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

Plaintiff/Appellant was DENIED Justice because Plaintiff/Appellant was not allowed time to Perfect the Proposed Emergency Complaint filed on October 3, 2022, into a Complaint with an expanded arguable basis in law or fact. Plaintiff/Appellant can prove that the District Court and the Fourth Circuit Court of Appeals got it WRONG when Plaintiff/Appellant have since filed an Emergency Complaint against Wegmans Food Market, Inc., that copied the **EXACT** same actions against the Plaintiff/Appellant when Wegmans Food Market set Plaintiff/Appellant up to be falsely accused of STEALING from its Wegmans Food Market store down to the taking of unwanted cell photos of

Plaintiff/Appellant at the Self-Checkout as its Proof. (*Dora L. Adkins v. Wegmans Food Market, Inc.*, 1:2023-cv-00093, this case was terminated because it was filed after not been allowed to file any more civil cases). Only GOD would have had Plaintiff/Appellant to file the Emergency Proposed Complaint against Wegmans Food Market, Inc., 1:2023-cv-00093, for good cause and can show this Honorable Court that the Proposed Emergency Complaint against Wegmans Food Market, Inc., was just another attempt to falsely accuse the Plaintiff/Appellant.

Being FALSELY ACCUSED OR DEFRAUDING AND/OR STEALING is a very painful and serious accusation against ANY person. And this Plaintiff/Appellant take the accusation whether claimed through a set-up or a verbal accusation, theft is theft and carry serious consequences for the accused; whereby, the Defendant, Wegmans Food Market, Inc., clearly Premeditated the exact same actions against the Plaintiff/Appellant not once but twice in Wegmans Food Market.

Plaintiff/Appellant PREVIOUSLY SUFFERED 4 ½ years of Intentional Infliction of Emotional Distress after being falsely accused of Defrauding the Hampton Inn & Suites Hotel, located in Alexandria, VA in the Year 2010. (*Adkins v. Alexandria Hotel Associates, LLC.*, Record No. 141334; Virginia Supreme Court; Judgment entered 03-04-2015).

Plaintiff/Appellant would be considered not very intelligent if all of the SAME indicators to be set-up to

be Falsely Accused not to take action against the alleged Defendant, Wegmans Food Market, Inc. Plaintiff/Appellant intervened on Plaintiff's/Appellant's behalf when the EXACT same indicators presented itself 10-Times since the Year 2010 in other Hotels.

PROBLEM: Employees for Hotels are still not trained to know that Guests cannot check-out of a Guest Room at a Hotel Owing a Balance; unless, of course arrangement for payment are and/or were made with the hotel's management.

PROBLEM: Employees and/or Management for Whole Foods Market and Wegman Food Market are not trained to know that some items such as Free Samples Do Not have a Bar Code which presents a huge problem and thief could be claimed against the customer.

◆

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. It is just not possible for the Claims that could be proven with Solid Provable Facts and Evidence including photos submitted by the Plaintiff/Petitioner with some of the combined 140-Complaints and Petitions to be frivolous or lacking any basis for filing. Pet. Appendix 1.

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 show 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; dental injuries; and other medical injuries; all which relates to the Health and Life of the Petitioner. *The Petitioner suffered 18-Deaths; and 100-Miracles that were performed by and through 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. (See ii, List of Petitioner's Related Cases).

Thirteen-YEARS later Plaintiff/Appellant have yet to pay the fee to expunge the Record from Plaintiff's/Appellant's Permanent Record held at the State Court, in Fairfax, VA as it relates to the False Accusations of defrauding the Hampton Inn and Suites, Alexandria, VA. Plaintiff/Appellant is emotionally pained from remembering the experience to include in this Petition and to show how it closely relates to the facts of the Proposed Emergency Complaint against the Defendant/Respondent, Whole Foods Market Group, Inc.

This is Plaintiff/Appellant's third lawsuit filed against the Defendant, Whole Foods Market Group, Inc., none of which were filed for frivolous reasons.

1. *Dora L. Adkins v. Whole Foods Market Group, Inc.*, Docket Number 1:16-CV-00031, Fourth Circuit Court of Appeals, Judgment entered 2016.
2. *Dora L. Adkins v. Whole Foods Market Group, Inc.*, Docket Number 1:17-cv-01023, Fourth Circuit Court of Appeals, Judgment entered 2017.
3. *Dora L. Adkins, Petitioner v. Whole Foods Market Group, Inc.*; Docket for 19-8198, Judgment entered June 08, 2020.
4. *Dora L. Adkins, Petitioner v. Whole Foods Market Group, Inc.*; Docket for 18-6386; Judgment entered December 10, 2018.

Plaintiff/Appellant did not prevail in any of the lawsuits filed against the Defendant/Appellee, Whole Foods Market Group, Inc; and perhaps the Defendant/Appellee did not take the Plaintiff/Appellant serious but certainly the Facts, Proof ad Evidence were not and/or are not frivolous. (See ii, List of Petitioner's Related Cases).

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 Plaintiff/Petitioner would have no problem in providing more detailed facts with more arguable basis in law is attached as Pet. Appendix 1-4.

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 1-8. Plaintiff/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,
DORA L. ADKINS, *Pro Se*
P.O. Box 3825
Merrifield, Virginia 22116
DoraAdkins7@aol.com

APPENDIX TABLE OF CONTENTS

	Page
Per Curiam of the United States Court of Appeals for the Fourth Circuit Unpublished Opinion; Notice of Judgment; and Judgment; Mandate	App. 1
District Court's "Order"	App. 5