

ORIGINAL

No. 22-1086

IN THE SUPREME COURT OF THE UNITED STATES

FILED
OCT 22 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Tatyana Evgenievna Drevaleva

PETITIONER
vs.

Mr. Denis Richard McDonough as a Secretary of the U.S. Department of
Veterans Affairs

RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO THE U.S. COURT OF
APPEALS FOR THE 10TH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Tatyana Evgenievna Drevaleva
644 San Antonio Rd., Apt. 104,
Palo Alto, CA, 94306
628-688-6167; tdrevaleva@gmail.com

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Questions presented.

- 1) Did both the U.S. District Courts for the Northern District of California (Judge Alsup) and the U.S. District Court for the District of New Mexico (Chief District Judge William Johnson) have a right to issue any ruling in cases No. 3:18-cv-03748-WHA and No. 1:21-cv-00761-WJ-JFR if Defendant the United States of America (the former U.S. Attorney for the Northern District of California Mr. Tse, the Civil Process Clerk at the U.S. Attorney's Office, and the former Attorney General of the U.S.A. Mr. Sessions) had never been served with a Summons and with my June 25, 2018 Complaint No. 5:18-cv-03748-LHK in accordance with the F.R.C.P. Rule 4(i)(1)(A)(i) and (ii) and in accordance with the F.R.C.P. Rule 4(i)(1)(B)?
- 2) Did both the U.S. Court of Appeals for the 9th Circuit and the U.S. Court of Appeals for the 10th Circuit have any right to issue any ruling in my Appeal No. 19-16395 after case No. 3:18-cv-03748-WHA and in my Appeal No. 21-2139 after case No. 1:21-cv-00761-WJ-JFR if Defendant the United States of America (the former U.S. Attorney for the Northern District of California Mr. Tse, the Civil Process Clerk at the U.S. Attorney's Office, and the former Attorney General of the U.S.A. Mr. Sessions) had never been served with a Summons and with my June 25, 2018 Complaint No. 5:18-cv-03748-LHK in accordance with the F.R.C.P. Rule 4(i)(1)(A)(i) and (ii) and in accordance with the F.R.C.P. Rule 4(i)(1)(B)?
- 3) Did the U.S. District Court for the District of New Mexico have any right to dismiss my lawsuit No. 1:21-cv-00761-WJ-JFR as a sanction for my non-existing misconduct without giving me an opportunity to be heard if Assistant U.S. Attorney Ms. Kimberly Robinson criminally and maliciously appeared in this lawsuit as an Opposing Counsel using the name of Assistant U.S. Attorney Ms., Christine Lyman, and Ms. Robinson maliciously blocked the Meet and Confer session before filing a Joint Status Report and a Provisional Discovery Plan?
- 4) Did the U.S. Court of Appeals for the 10th Circuit have a right to deny my request for an Oral Argument when had I explicitly notified the 10th Circuit that Assistant U.S. Attorney Ms. Kimberly Robinson criminally and maliciously appeared in this lawsuit as an Opposing Counsel using the name of Assistant U.S. Attorney Ms., Christine Lyman?
- 5) Did the U.S. Court of Appeals for the 10th Circuit have a right to criminally, maliciously, and recklessly disregard a material fact of the case in its July 11, 2022 Opinion in Appeal No. 21-2139 that was my April 10, 2017 contact with my former Manager Ms. Dunkelberger when I notified her that, as of May 10, 2017 I had a medical emergency that was running out of my hormonal pills Jeanine that were prescribed by my Russian OB/GYN, that were in aid of the IVF procedure, that I brought from Russia in 2016, that I was taking non-

stop since probably July 2016, and that were not available in the United States because they were not FDA approved?

- 6) Did the U.S. Court of Appeals for the 10th Circuit have a right to criminally and maliciously deny my Petition for Rehearing when I had notified the 10th Circuit about a material fact of the case that was my April 10, 2017 contact with my former Manager Ms. Dunkelberger when I notified her that, as of May 10, 2017 I had a medical emergency that was running out of my hormonal pills Jeanine that were prescribed by my Russian OB/GYN, that were in aid of the IVF procedure, that I brought from Russia in 2016, that I was taking non-stop since probably July 2016, and that were not available in the United States because they were not FDA approved?
- 7) Did the U.S. District Court for the District of New Mexico (Chief District Judge William Johnson) have any right to refuse to accept into his consideration both the material facts of the case and the legal arguments, to dismiss my lawsuit No. 1:21-cv-00761-WJ-JFR as a sanction for non-existing misconduct, and to prohibit his Clerk to accept any filings from me?
- 8) Did the U.S. Court of Appeals for the 10th Circuit have any right to accuse me in filing 4500 pages of documents that I filed in support to my Motion for Injunction Pending Appeal, to rescind my ECF filing privileges in Appeal No., 21-2139, to intentionally, criminally, and maliciously dismiss my Appeal No. 21-2139, to deny my Petition for Rehearing when I informed the 10th Circuit about the material facts of the case and about the legal arguments, and to prohibit the Clerk to accept any filings from me?

List of Parties.

Plaintiff Pro Se Tatyana Evgenievna Drevaleva
644 San Antonio Rd., Apt. 104,
Palo Alto, CA, 94306
628-688-6167; tdrevaleva@gmail.com

The U.S. Attorney for the District of New Mexico
Mr. Alexander M.M. Uballez
c/o the Civil Process Clerk at the U.S. Attorney's Office
P.O. Box 607,
Albuquerque, NM 87103
(505) 346-7274
The email address is unknown

Related cases.

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4:19-cv-02665-HSG
4:19-cv-05927-HSG
4:20-cv-00820-HSG
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APPENDIX C – the November 18, 2020 Opinion of the U.S. Court of Appeals for the 9th Circuit in Appeal No. 19-16395.

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[x] For cases from federal courts:

The opinions of the United States court of appeals appears at Appendices A and C to the petition and are unpublished.

The opinions of the United States district court appear at Appendix D to the petition and are unpublished.

JURISDICTION

[x] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was July 11, 2022.

[x] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: August 15, 2022, and a copy of the order denying rehearing appears at Appendix B.

[x] An extension of time to file the petition for a writ of certiorari was granted to and including December 12, 2022 on October 13, 2022 by the Clerk.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

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STATEMENT OF THE CASE

Prior to April 02, 2017, I resided in California. On April 02, 2017, I was appointed to a full time job as a Medical Instrument Technician (MIT) Electrocardiograph (EKG) Excepted Service at the New Mexico VA Health Care System in Albuquerque, NM.

At the time of being appointed to a full time job as an MIR (EKG), I was 50 yo,. On April 03, 2017, I started my Orientation at the New Mexico VA Health Care System, and I was expecting to work as a Monitor Technician observing cardiac monitors at the 5D (Telemetry) Unit. The Manager of 5D was Ms. Carla Dunkelberger, RN, and the Assistant Manager was Mr. Phil Johnson, RN.

On April 18, 2017, I approached Ms. Dunkelberger the first time and told her that I was 50 yo, I didn't have children, I was married twice but my ex-husbands refused to give me children, that I dated other guys who also didn't want to give me children, that I underwent approximately eight In-Utero Inseminations with donor's sperm at Kaiser Permanente in California but unsuccessfully, that I spent 2.5 years in Russia from 2014 to 2016 for the purpose of undergoing a complete medical examination and undergoing In-Vitro Fertilization (IVF) procedures, that I was in the Registry of the patients of the Ministry of Health of the Novosibirsk Region of the Russian Federation who were eligible for free of charge IVF procedures, that I was waiting for approximately 8 months in order for me to be eligible to undergo another free of charge IVF procedure, that I didn't have a financial opportunity to perform an IVF attempt in the United States because of a very high price approximately 15 thousand U.S. dollars for 1 IVF attempt. that I just relocated from California, that I didn't have relatives in the United States, that I even didn't have a car, and that in the future I would possibly need to request a time off for my trip to Russia to perform another IVF procedure. I also told Ms. Dunkelberger that, as a citizen of the Russian Federation, I was eligible for multiple free of charge In-Vitro Fertilization attempts at the expense of the Russian Government. In order for me to obtain the next free of charge IVF attempt in Russia, I needed to wait in line for approximately 8-10 months.

I am a citizen of the United States of America and the Russian Federation. I was born in Russia and got naturalized in the United States in December 2013.

On April 18, 2017, I also told Ms. Dunkelberger that I was taking hormonal pills named Jeanine that were prescribed by Russian OB/GYN, that I brought from Russia, that were in aid of the IVF procedure, and that were not available in the United States. The goal of these pills is to prevent menstrual periods and stop ovulation. These pills were prescribed by my Russian OB/GYN. I was taking these pills non-stop starting July 2016. On April 18, 2017, I sincerely thought that I had a supply of my pills Jeanine for a few months. On April 18, 2017, I told Ms. Dunkelberger that I had a supply of my pills Jeanine for a few months.

In the beginning of May 2017, I incidentally discovered that I made a mistake, and that I had only approximately 10 (ten) pills left that were for ten calendar days. I couldn't refill these pills in the United States because they were not FDA approved. I couldn't afford to be without this medication because otherwise I would be heavily bleeding.

On approximately May 10, 2017, I approached Ms. Dunkelberger and I notified her that I had made a mistake, I thought that I had a supply of my hormonal pills for a few months, but in fact I had only ten pills left that was for 10 days, and I couldn't obtain these pills in the United States because they were not FDA approved.

Also, on approximately May 10, 2017, I called my Russian OB/GYN, and I found out that my turn in line to perform another free of charge IVF procedure in Russia had just come up, and that I urgently needed to go to Russia to perform an IVF procedure.

On May 10, 2017, I notified Ms. Dunkelberger that I urgently needed to take a leave of absence for approximately 6 weeks in order to go to Russia to refill a prescription of my hormonal pills Jeanine that I couldn't have obtained in the United States and to perform an IVF procedure.

During the conversation, I could observe that Ms. Dunkelberger was very dissatisfied by my story and explanations. She asked me whether I was planning to return to Russia to make another embryo. I answered that I was not sure because I didn't know if I still had my own eggs at that time.

On May 10, 2017, Ms. Dunkelberger said to me that she couldn't pay me salary and benefits when I am in Russia, and that I didn't qualify for the Leave Without Pay pursuant to the Family and Medical Leave Act (the F.M.L.A.) because I hadn't worked at the Hospital for 1 year. On May 10, 2017, Ms. Dunkelberger said to me that my only option was to request a Leave Without Pay that was not an F.M.L.A. leave. On May 10, 2017, Ms. Dunkelberger said that, in order for me to request the LWOP, I needed to provide the VAMC with my medical documentation on English language, and that Ms. Dunkelberger herself would not be able to approve or to deny my request for the LWOP. Ms. Dunkelberger said that she would submit my request for the LWOP to the Associate Director of Patient Care Services Dr. Tina Prince, RN, the PENTAD member, who would approve or deny my request for the LWOP. Ms. Dunkelberger also said that I needed to submit my medical documentation on English language and to obtain Dr. Prince's permission for a leave prior to actually taking the leave.

On May 10, 2017, Ms. Dunkelberger never notified me that, as a Title 38 Hybrid VA appointee, I was eligible for a Family and Medical Leave Act pursuant to the A.F.G.E. Master Agreement. On May 10, 2017, Ms. Dunkelberger also never notified me that, pursuant to the A.F.G.E. Master Agreement and to the Office of Personnel Management's (the OPM's) Handbook on Leave and Workplace Flexibilities for Childbirth, Adoption, and Foster Care, I was eligible for an Advanced Sick Leave, an Advanced Annual Leave, a Voluntary Leave Transfer Program, for a Leave Without Pay (independent from the F.M.L.A. leave) for the purpose of pregnancy, and for modifying the working schedules in order to accommodate my need to make medical appointments whether in Russia and/or in the United States for the purpose of pregnancy.

Not knowing that, as a Federal employee and a VA appointee, I was eligible for a wide variety of paid leave options for the purpose of pregnancy, on May 10, 2017 I said to Ms. Dunkelberger that I was not requesting a paid leave, and I erroneously agreed with Ms. Dunkelberger that my only option was to request a Leave Without Pay (a LWOP.) On May 10, 2017, I said to Ms. Dunkelberger that I would contact my Russian physician, and I would request my medical documentation but it would be on Russian language. On May 10, 2017, I also said to Ms. Dunkelberger that I would contact my Russian OB/GYN in order to request my medical documentation but I have no control about the actual processing time of my request, and I would not guarantee that my Russian doctor would issue the medical documentation soon.

On May 10, 2017, Ms. Dunkelberger said to me that I didn't have a right to translate my medical documentation from Russian into English myself, and she said that only a certified translator had a right to translate this medical documentation from Russian into English.

After my May 10, 2017 verbal conversation with Ms. Dunkelberger, I immediately contacted my Russian OB/GYN, and I requested to give me medical documentation that would confirm that I urgently needed to go to Russia to perform an In-Vitro Fertilization (IVF) procedure. It took seven days for my Russian doctor to process my request and to actually issue the medical documentation on Russian language. As of May 17, 2017, I had only three hormonal pills Jeanine left that were for three calendar days.

On May 15, 2017, I communicated again with Ms. Dunkelberger, and I reminded her that I was running out of my hormonal pills Jeanine that were not available in the United States, that I couldn't afford to miss a pill because I would be heavily bleeding, that I urgently needed to go to Russia to refill a prescription of my hormonal pills because they were not available in the United States, that I called my Russian OB/GYN and found out that my turn in line to perform a free of charge IVF attempt had just come up, that I already contacted my Russian OB/GYN and requested my medical documentation, and that I was waiting to receive this medical documentation within the next few days. On May 15, 2017, Ms. Dunkelberger reminded me that I needed to submit my medical documentation on English language prior to actually taking the leave, that I was not eligible to translate this medical documentation from Russian language into English myself, that only a certified translator was eligible to translate this medical documentation from Russian into English language, that Ms. Dunkelberger herself would not be able to approve my request for a LWOP, and that Ms. Dunkelberger would submit my request for a LWOP to Dr. Prince who would approve or deny this request. On May 15, 2017, Ms. Dunkelberger reminded me that I was not eligible for a Leave Without Pay pursuant to the Family and Medical Leave Act (the F.M.L.A.) because I hadn't worked at the VAMC for 1 year. On May 15, 2017, Ms. Dunkelberger failed again to notify me that, as a Federal employee and a VA appointee, I was eligible for the F.M.L.A. leave pursuant to the A.F.G.E. Master Agreement, that I was eligible for a paid Advanced Sick Leave, for a paid Advanced Annual Leave, and for a paid Voluntary Leave Transfer Program. On May 15, 2017, Ms. Dunkelberger also failed again to notify me that, pursuant to the A.F.G.E. Master Agreement and the OPM's Handbook on Leave and Workplace Flexibilities for Childbirth, Adoption, and Foster Care, I was eligible for a Leave Without Pay (independent from the F.M.L.A. leave) for the purpose of pregnancy, and that I was eligible for modified working schedules in order to accommodate my need to attend my medical appointments whether in Russia and/or in the United States for the purpose of pregnancy.

From May 10 to May 17, 2017, I communicated with my Russian speaking co-worker at the 5D (Telemetry) Unit Ms. Nadya Das. We worked for a few night shifts together with Ms. Das, and she was orienting me for the role of the MIT (EKG.) I informed Ms. Das about my previous IVF attempts in Russia, about running out of my medication Jeanine, and about my emergency need to go to Russia to refill a prescription of Jeanine and to perform an IVF attempt.

During my Orientation, I worked two night shifts with Registered Nurse Melanie (I don't know her last name) who primarily worked in the Intensive Care Unit (the ICU) and who frequently was invited by Ms. Dunkelberger to observe cardiac monitors at the 5D (Telemetry) Unit. I didn't disclose to Melanie my intention to go to Russia to refill a prescription of my hormonal pills and to perform an IVF procedure. Melanie told me that initially she had started to work at the VAMC as an MIT (EKG) observing cardiac monitors at the 5D, and that her Supervisor was Ms. Dunkelberger. Melanie told me that, while she was working as an MIT, she was simultaneously attending a nursing school, and she was studying

to become a Registered Nurse. Melanie told me that, while she was attending the nursing school, Ms. Dunkelberger allowed her to work once a month. At that time, Melanie was not pregnant.

During my Orientation, I got acquainted with another Registered Nurse Mrs. Chelsea Casey. She was hired by Ms. Dunkelberger at the same time when I was hired. At that time, Chelsea was already married, and she already had two little children. Chelsea told me that, when Ms. Dunkelberger wanted to hire her, Ms. Dunkelberger gave Chelsea five phone calls, and Ms. Dunkelberger was convincing Chelsea to apply for the job of a Registered Nurse at the 5D.

On May 17, 2017, Ms. Dunkelberger was out of office for two weeks. On May 17, 2017, I approached Assistant Manager Mr. Phil Johnson, and I explained to him that I was 50 yo, and I notified Mr. Johnson about my previous attempts to have a child (about my In-Utero Inseminations at Kaiser Permanente and about my IVF attempts in Russia.) On May 17, 2017, I notified Ms. Phil Johnson that I was running out of my hormonal pills Jeanine that were not available in the United States because they were not FDA approved, and I notified Mr. Johnson that, as of May 17, 2017, I'd had only three pills Jeanine left that were for three calendar days, and the only place where I could obtain these pills was Russia. I also notified Mr. Johnson that I had called my Russian OB/GYN and found out that my turn in line to perform another free of charge IVF procedure just come up, and therefore I urgently needed to go to Russia to refill a prescription of my hormonal pills Jeanine and to perform an IVF attempt.

On May 17, 2017, I notified Ms. Johnson that I had spoken to Ms. Dunkelberger about all these issues, and that she requested my medical documentation on English language, and she said that she would submit this medical documentation to Dr. Prince for an approval. On May 17, 2017, I also notified Mr. Johnson that I had contacted with my Russian OB/GYN, and that I would receive my medical documentation within the next few hours from May 17 to May 18, 2017, but the documentation would be on Russian language. On May 17, 2017, I also notified Mr. Johnson that I had only three hormonal pills left that were for three calendar days.

On May 17, 2017, I notified Ms. Johnson that I had spoken to my Russian co-worker, also an MIT at the 5D (Telemetry) Unit Ms. Nadya Das, that I notified her about my intention to go to Russia to refill a prescription of my hormonal pills and to perform an IVF attempt, that I notified her that I was waiting for my medical documentation on Russian language from my Russian physician, that I asked Ms. Das to informally translate this medical documentation for Ms. Dunkelberger and Mr. Johnson while I would be looking for a certified translator in Russia. I also notified Mr. Johnson that, because I had only three hormonal pills left that were for three calendar days, and because I couldn't afford to miss a pill, I didn't have time to be looking for a certified translator in the United States who would translate my document from Russian into English. I also notified Mr. Johnson that I would go to Russia on May 18, 2017 because I urgently needed to refill a prescription of my hormonal pills that were not available in the United States, and I would also perform an In-Vitro Fertilization procedure in Russia because my turn in line had just come up. I also notified Mr. Johnson that Ms. Das would unofficially translate my medical document from Russian into English until I find a certified translator in Russia. I also said to Mr. Johnson that I would find a certified translator in Russia who would officially translate my medical document from Russian into English, and I would email this translated document to both Ms. Dunkelberger and Mr. Johnson. I asked Mr. Johnson's permission for me to be absent from my job for six weeks in order to go to Russia to refill a prescription of my hormonal pills Jeanine that were

not available in the United States and to perform an In-Vitro Fertilization (IVF) procedure.

On May 17, 2017, Mr. Johnson seemed very understanding to my situation and he verbally allowed me to go to Russia to refill a prescription of my hormonal pills and to perform an IVF procedure. Mr. Johnson's exact words were, "If you need to go – go!"

On May 17, 2017, Mr. Johnson gave me an OPM 71 form and directed me to fill it out and to request a Leave Without Pay. He never notified me that I was eligible for a variety of paid leave options for the purpose of pregnancy such as an Advanced Sick Leave, an Advanced Annual Leave, and a Voluntary Leave Transfer Program. Mr. Johnson never notified me that, pursuant to the Article 35 of the Master Agreement between the American Federation of Government Employees (the A.F.G.E.) and the U.S. Department of Veterans Affairs, I had a right for a Leave Without Pay pursuant to the Family and Medical Leave Act (the F.M.L.A.) despite I didn't work at the VAMC for 1 year. On May 17, 2017, Mr. Johnson never notified me that, pursuant to both Article 35 of the A.F.G.E. Master Agreement and the OPM's Handbook on Leave and Workplace Flexibilities for Childbirth, Adoption, and Foster Care, I had a right for a Leave Without Pay (a LWOP) for the purpose of pregnancy that was independent from the LWOP pursuant to the F.M.L.A.

On May 17, 2017, Mr. Johnson gave me an OPM form and explicitly demanded me to submit a request for a Leave Without Pay (a LWOP.) He asked me to put the filled out OPM 71 form under the door of the Manager's office. He said that he would give my request for the LWOP to the Associate Director of Nursing Services Dr. Tina Prince. However, I am emphasizing that on May 17, 2017 Mr. Johnson very affirmatively and explicitly allowed me to be absent from my work in order to go to Russia to refill a prescription of my hormonal pills and to perform an IVF attempt, and Mr. Johnson's exact words were, "If you need to go – go!"

After my verbal conversation with Mr. Johnson, I returned back to the Telemetry room where we worked together with Ms. Das from May 17 from approximately 7.00 PM to May 18, 2017 to approximately 7.30 AM. On May 17, 2017, after my verbal conversation with Mr. Johnson, I said to Ms. Das that I had spoken to Mr. Johnson, and that he verbally allowed me to go to Russia to refill a prescription of my hormonal pills Jeanine and to perform an In-Vitro Fertilization (IVF) procedure.

On May 17, 2017 in the evening, I filed out the OPM form, and I requested a Leave Without Pay as Mr. Johnson had directed me, and I requested the LWOP from May 18 to July 07, 2017. At the time of filling out the form, I hadn't still received my medical documentation from my Russian OB/GYN on Russian language. Because I didn't know who would read the OPM 71 form, I wrote the reason for the leave as "To solve my health issues in Russia" because I wanted to protect my privacy. Ms. Das was observing how I was filling out the form. I put the filled out OPM form under the door of the Manager's office as Mr. Johnson had directed me. Because at the time of filling out the OPM 71 form I still hadn't had my medical documentation from my Russian doctor on Russian language, I didn't submit this documentation with the form. However, I notified Ms. Das that I would receive my medical documentation from my Russian doctor via email within the next few hours.

During my night shift from May 17 to May 18, 2017, I actually received my medical documentation from my Russian OB/GYN on Russian language via email to my private gmail account. Ms. Das is a witness of the fact that on May 18, 2017 at approximately 2.00 AM I actually received my medical documentation from my Russian physician on Russian language. After receiving this documentation, I

immediately attempted, at the presence of Ms. Das, to forward this documentation to both Ms. Dunkelberger and Mr. Johnson from my gmail account. However, because I was using the VA computer, the security system didn't allow me to forward this email from Russia to both Ms. Dunkelberger and Mr. Johnson. After several unsuccessful attempts to forward this email to both Ms. Dunkelberger and Mr. Johnson from my gmail account from the VA computer, I notified Ms. Das that I would go home after my night shift, and I would forward this email from my gmail account from my private laptop. I reminded Ms. Das that I was respectfully asking her to informally translate this document into English language for Ms. Dunkelberger and Mr. Johnson while I would be looking for a certified translator in Russia. Ms. Das agreed to informally translate this document into English for both Ms. Dunkelberger and Mr. Johnson.

On May 18, 2017 in the morning, after our night shift, Ms. Das gave me a ride from work. On May 18, 2017 at 9:02 AM, I emailed the document from my Russian OB/GYN on Russian language to both Ms. Dunkelberger and Mr. Johnson from my home laptop. On May 18, 2017 in the evening, I asked Ms. Casey to give me a ride to the airport. On May 18, 2017 in the evening, Ms. Casey gave me a ride to the airport in her car. On May 18, 2017 in the evening, I notified Ms. Casey that I was going to Russia to refill a prescription of my hormonal pills Jeanine that were not available in the United States and to perform an In-Vitro Fertilization (IVF) procedure. On May 18, 2017, I notified Ms. Casey that I had spoken to Assistant Manager Mr. Phil Johnson, I asked his permission to go to Russia to refill a prescription of my hormonal pills Jeanine that were not available in the United States and to perform an In-Vitro Fertilization (IVF) procedure. On May 18, 2017, I notified Ms. Casey that on May 17, 2017 Mr. Phil Johnson verbally allowed me to go to Russia to refill a prescription of my hormonal pills and to perform an IVF procedure.

After I arrived at Russia, I immediately started to be looking for a certified translator. I found a certified translating company that officially translated my document from Russian into English. On May 30, 2017, I emailed the translated version of my Russian document to both Ms. Dunkelberger and Mr. Johnson. I never got any response from both Ms. Dunkelberger and Mr. Johnson.

In Russia, I made multiple medical appointments to my OB/GYN and other physicians, and I started to undergo a complete medical examination in order to get prepared to an actual IVF procedure. Unpleasantly, the doctor found a cervical polyp and ordered a gynecological surgery to remove this polyp. In June 2017, I stayed overnight in a gynecological hospital in Novosibirsk, Russia, and I underwent a gynecological surgery (polypectomy.)

After the surgery, the doctor ordered me to wait for 10 days to obtain a pathological result. I waited for 10 days. Afterwards, another OB/GYN ordered me to get my hormonal tests done for the Folliclestimulating Hormone (the FSH) and for the Antimullerian Hormone (the AMH) on a definite day of the menstrual cycle. Therefore, I realized that I needed to stay in Russia for a longer time than I had initially expected. I also realized that I would not be able to return back to work at the VAMC by July 07, 2017 as I had initially planned.

On July 01, 2017, I emailed both Ms. Dunkelberger and Mr. Johnson, and I notified them that, because of the unexpected gynecological surgery, and because of the ordered hormonal blood tests for the FSH and the AMH, I would not be able to return back to work at the VAMC by July 07, 2017. I asked Ms. Dunkelberger and Mr. Johnson to allow me to stay in Russia for a longer time in order to comply with the doctor's orders. I asked both Ms. Dunkelberger and Mr. Johnson to send me another OPM 71 form, so I could fill it out and request another leave of absence. I

notified both Ms. Dunkelberger and Mr. Johnson that I had requested another medical documentation from my Russian physician, and that I would translate and immediately email this documentation as soon as I receive it.

On July 03, 2017, I received an email from Ms. Dunkelberger that notified me that my full time employment as a Medical Instrument Technician Electrocardiograph had been terminated on June 30, 2017 "for attendance issues." Prior to getting this Termination Letter, I didn't get a Notice, and I was not given an opportunity to be heard. Please, notice that I was fired on June 30, 2017 that was prior to July 07, 2017 – the date until which I requested a Leave Without Pay.

On July 03, 2017, I emailed Ms. Dunkelberger, and I asked her why she terminated my employment. I never heard back from Ms. Dunkelberger.

On July 14, 2017, I emailed to both Ms. Dunkelberger and Mr. Johnson my second medical documentation from my Russian physician. This medical documentation had been officially translated into English language by a certified translator. This second medical documentation stated that I needed to undergo an additional medical examination. Therefore, this second medical documentation clearly and undoubtedly put the VAMC on the notice that I needed to spend additional time in Russia for the purpose of undergoing an additional medical examination. I never heard back from both Ms. Dunkelberger and Mr. Johnson.

On July 20, 2017, I sent an email to both Ms. Dunkelberger and Mr. Johnson, and I notified them about my progress undergoing a complete medical examination and performing the IVF procedure. I never heard back from both Ms. Dunkelberger and Mr. Johnson.

On July 27, 2017, I sent another email to both Ms. Dunkelberger and Mr. Johnson, and I notified them about my progress undergoing a complete medical examination and performing the IVF procedure. I never heard back from both Ms. Dunkelberger and Mr. Johnson.

My IVF attempt in Russia was unsuccessful. On August 10, 2017, I sent another email to both Ms. Dunkelberger and Mr. Johnson, and I notified them that I would come back to the United States on August 17, 2017. I asked both Ms. Dunkelberger and Mr. Johnson to schedule a Mediation close to August 17, 2017, so I could convince both Ms. Dunkelberger and Mr. Johnson to reinstate me back to work at the VAMC. I never heard back from both Ms. Dunkelberger and Mr. Johnson.

On August 17, 2017, I returned back to the United States, and I called the New Mexico VA Health Care System from the JFK airport. I asked the VAMC whether the Mediation would occur close to August 17, 2017. I was told that the Mediation would occur in not earlier than in two weeks. On August 17, 2017, I flew to San Francisco, CA from the JFK because I'd had no longer had a job in Albuquerque, NM, and I couldn't afford to pay rent.

On September 07, 2017, I had a video Mediation with Ms. Dunkelberger and a Human Resources Officer Mr. Thomas Harris from one of the VA facilities in California. During the Mediation, Ms. Dunkelberger said to me that my May 18, 2017 Request for a Leave Without Pay had been submitted to Dr. Prince who denied this Request. Therefore, September 07, 2017 was the first day when I found out that my May 17, 2017 request for a LWOP had been denied by Dr. Prince.

During the Mediation, Ms. Dunkelberger said that on June 12, 2017 she mailed a letter with Dr. Prince's denial of my May 17, 2017 request for a LWOP to my home postal address in Albuquerque, NM. Ms. Dunkelberger said that, because I didn't respond to the letter and because I didn't return back to the VAMC, Ms. Dunkelberger fired me.

During the September 07, 2017 Mediation, I was very much surprised that Ms. Dunkelberger had mailed Dr. Prince's denial of my May 17, 2017 request for a LWOP to my home postal address in Albuquerque, NM because at that time I was in Russia, and Ms. Dunkelberger knew it. During the September 07, 2017 Mediation, I asked Ms. Dunkelberger why she mailed the letter to my home postal address in Albuquerque, NM and why Ms. Dunkelberger didn't email this letter to me despite she knew my email address.

During the September 07, 2017 Mediation, Ms. Dunkelberger responded that she had mailed the letter to my home postal address in Albuquerque, NM according to the Human Resource" policy that mandated the VAMC to mail letters to the last known home postal address that is on file.

During the September 07, 2017 Mediation, Ms. Dunkelberger also stated that she had been ineligible to email this letter to my email address because the letter was not encrypted. I was very surprised because on July 03, 2017 Ms. Dunkelberger emailed the Termination letter to my gmail address, and the Termination letter was not encrypted.

During the September 07, 2017 Mediation, I asked Ms. Dunkelberger to reinstate me back to work at the VAMC. I explained that I hadn't received the June 12, 2017 letter that had been mailed to my home postal address in Albuquerque, NM because at that time I was in Russia. I also said that I'd had no idea that Dr. Prince denied my May 17, 2017 request for a LWOP. I said to Ms. Dunkelberger that I had been in Russia undergoing a complete medical examination and performing an In-Vitro Fertilization (IVF) procedure.

During the September 07, 2017 Mediation, Ms. Dunkelberger refused to reinstate me back to work.

Around September 07, 2017, I called Ms. Nadya Das, and I found out that Ms. Dunkelberger had hired two young male employees to substitute my employment. One of the employees was 30 yo, and another one was 36 yo. I am reminding that my age was 50 yo. One of the new male employees already had children. Obviously, male employees will not have problems with a pregnancy.

I realized that I had been discriminated against my desire to have a child, against my sex/gender, against my age, and against my temporary disability that was related to taking a time off to go to Russia to refill a prescription of my hormonal pills Jeanine that were not available in the United States and to perform an In-Vitro Fertilization (IVF) procedure.

Because during the September 07, 2017 Mediation Ms. Dunkelberger refused to reinstate me back to work at the VAMC, I filed a formal EEO complaint where I listed sex discrimination, age discrimination, and disability discrimination. In this EEO complaint, I explicitly stated that Mr. Phil Johnson had verbally allowed me to go to Russia to refill a prescription of my hormonal pills that were not available in the United States and to perform an In-Vitro Fertilization (IVF) procedure. In this EEO claim, I also explicitly stated that Ms. Dunkelberger had never informed me that my May 17, 2017 Request for a LWOP had been denied.

In approximately May 2017, I received an EEO Investigative File but I never received a Determination of my formal EEO claim. In August 2021, I incidentally discovered that the entire EEO Investigative File had been fabricated, and that there was no any true and real EEO Investigation.

The Federal Defendants never responded to my Notice of Intention to File a lawsuit.

On June 25, 2018, I filed a lawsuit No. cv-03748-SVK *Drevaleva v. 1) The U.S. Department of Veterans Affairs, 2) Mr. Peter O'Rourke, Acting United States*

Secretary of Veterans Affairs at the U.S. District Court for the Northern District of California. In this Original Complaint, I listed the following Causes of Action:

- 1) Pregnancy Discrimination
- 2) Sex Discrimination
- 3) Age Discrimination
- 4) Disability Discrimination, Failure to Provide with Reasonable Accommodations
- 5) Libel
- 6) Intentional Infliction of Emotional Distress
- 7) Depriving me Liberty and Property without a Due Process.

With my June 25, 2018 Complaint No. cv-03748-SVK, I filed an Application to proceed *in forma pauperis* (Doc. No. 3.) On July 06, 2018, Magistrate Judge Ms. Susan van Keulen granted my Application to proceed IFP (Doc. No. 7), "Plaintiff has filed an Application to Proceed *In Forma Pauperis*. ECF 3. Having considered the application and complaint, the Court hereby GRANTS Plaintiff's application. The Clerk of Court shall issue the summons. Furthermore, the U.S. Marshal for the Northern District of California shall serve, without prepayment of fees, a copy of the complaint, any amendments or attachments, Plaintiff's affidavit and this order upon Defendants."

Notice that exactly here Judge van Keulen committed a felony because she directed the Clerk to issue the Summons to the Defendants, and the Judge didn't explain to the Clerk about who the right persons are to be named as Defendants, about the physical addresses of these right persons, and about how the U.S. Marshals Service should serve these right Defendants with Summons and with my Complaint.

Take a Judicial Notice that in her July 06, 2018 Order (Doc. No. 7) Judge van Keulen committer another felony because she directed the U.S. Marshals Service to serve "a copy of the complaint, any amendments or attachments, Plaintiff's affidavit and this order upon Defendants", and Judge van Keulen intentionally, criminally, and maliciously didn't direct the U.S. Marshals Service to deliver a Summons and my Complaint to the former U.S. Attorney for the Northern District of California Mr. Tse in accordance with the F.R.C.P. Rule 4(i)(1)(A)(i).

Alternatively, Judge van Keulen intentionally, criminally, and maliciously never ordered the U.S. Marshals Service to mail a Summons and my Complaint to the Civil Process Clerk at the U.S. Attorney's Office by the certified or registered mail in accordance with the F.R.C.P. Rule 4(i)(1)(A)(ii.)

Additionally, Judge van Keulen intentionally, criminally, and maliciously never ordered the U.S. Marshals Service to mail a Summons and my Complaint to the former Attorney General of the United States of America Mr. Sessions by the certified or registered mail in accordance with the F.R.C.P. Rule 4(i)(1)(B.)

Additionally, Judge van Keulen intentionally, criminally, and maliciously never ordered the U.S. Marshals Service to mail a Summons and my Complaint to Defendants the U.S. Department of Veterans Affairs and to the former Secretary of the U.S. Department of Veterans Affairs Mr. O'Rourke who was being sued in his official capacity by the certified or registered mail in accordance with the F.R.C.P. Rule 4(i)(2.)

Read the F.R.C.P. Rule 4. Summons,

"(i) Serving the United States and Its Agencies, Corporations, Officers, or Employees.

(1) *United States*. To serve the United States, a party must:

(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought—or to an

assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk—or
 (ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;
 (B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; ...
 (2) *Agency; Corporation; Officer or Employee Sued in an Official Capacity.* To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee."

On August 02, 2018, the U.S. Marshals Service acknowledged receipt of a Summons that was directed to the former U.S. Attorney Mr. Tse as follows (Doc. No. 16-6, page 1),

"SERVE AT
 Alex G. Tse U.S. Attorney for the Northern District of California,
 Heritage Bank Building, 150 Almaden Blvd., Suite 900, San Jose, California
 95113."

On August 13, 2018, the U.S. Marshals Service returned the Summons to the U.S. Attorney Mr. Alex Tse executed as follows (Doc. No. 22), "Name and title of the individual served

Mrs. Rose Toledo, Date: 8/8/18, Time: 11.35 AM."

Therefore, I can demonstrate by the preponderance of the evidence that (Doc. No. 22) on August 08, 2018 the U.S. Marshals Service delivered a Summons and my June 25, 2018 Complaint No. 18-cv-03748-LHK to Mrs. Rose Toledo who worked at the Office of the U.S. Attorney for the Northern District of California at the address Heritage Bank Building, 150 Almaden Blvd., Suite 900, San Jose, California 95113.

It is undisputable that Mrs. Rose Toledo is not the former U.S. Attorney for the Northern District of California Mr. Alex Tse. It is undisputable that the U.S. Marshals Service never delivered a Summons and a June 25, 2018 Complaint No. 18-cv-03748-LHK to the former U.S. Attorney for the Northern District of California Mr. Alex Tse in accordance with the F.R.C.P. Rule 4(i)(1)(A)(i).

It is also indisputable that the U.S. Marshals Service never "[sent] a copy of [a Summons and a June 25, 2018 Complaint No. 18-cv-03748-LHK] by registered or certified mail to the civil-process clerk at the United States attorney's office" within the meaning of the F.R.C.P. Rule 4(i)(1)(A)(ii).

On August 02, 2018, the U.S. Marshals Service acknowledged receipt of a Summons that was directed to the former Attorney General of the United States Ms. Sessions as follows (Doc. No. 16-7, page 1),

"SERVE AT Jeff Sessions, Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue, NW Washington, DC 20530."

Notice that on August 27, 2018 the U.S. Marshals Service returned the Summons that was directed to the former Attorney General of the United States Mr. Sessions executed as follows (Doc. No. 25), "Name and title of the individual served [empty]

Address [empty]; Service Fee \$65

REMARKS [empty]; Date: 8/24/18. Time [empty]."

Notice that in the U.S. Marshals Service's Proof of Service of the Summons and my June 25, 2018 Complaint on Defendant former Attorney General of the United States Mr. Sessions there was no indication that the U.S. Marshals Service

sent the Summons and the Complaint to Mr. Sessions to the address 950 Pennsylvania Avenue, NW Washington, DC 20530 by the certified or registered mail as was set forth at the F.R.C.P. Rule 4(i)(1)(B.)

Notice that, in contrast, the U.S. Marshals Service specifically indicated that on 8/20/18 at 12:00 PM they sent a Summons and a June 25, 2018 Complaint No. 5:18-cv-03748-LHK to former Secretary of the U.S. Department of Veterans Affairs Mr. O'Rourke by the certified mail (Doc. No. 26.)

Notice that on 08/20/18 at 12:00 PM the U.S. Marshals Service also sent a Summons and a June 25, 2018 Complaint No. 5:18-cv-03748-LHK to Defendant the U.S. Department of Veterans Affairs by the certified mail (Doc. No. 27.)

Therefore, Defendant the U.S.A. was never served with a Summons and with my June 25, 2018 Complaint No. 5:18-cv-03748-LHK because:

- 1) The U.S. Marshals Service never delivered a Summons and a June 25, 2018 Complaint No. 5:18-cv-03748-LHK to the former U.S. Attorney for the Northern District of California Mr. Tse in accordance with the F.R.C.P. Rule 4(i)(1)(A)(i)
- 2) The U.S. Marshals Service never sent "a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office" in accordance with the F.R.C.P. Rule 4(i)(1)(A)(ii)
- 3) The U.S. Marshals Service never sent "a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C." in accordance with the F.R.C.P. Rule 4(i)(1)(B.)

On October 05, 2018, my Complaint was transferred to the San Francisco division of the U.S. District Court for the Northern District of California, and it was, unfortunately, assigned to District Judge Alsup. The lawsuit got a number 3:18-cv-03748-WHA.

Despite Defendant the U.S.A. was not served with a Summons and with my June 25, 2018 Complaint No. 5:18-cv-03748-LHK in accordance with the F.R.C.P. Rule 4(i)(1)(A)(i), (ii) and Rule 4(i)(1)(B), on October 09, 2018 Assistant U.S. Attorney Ms. Cormier filed a document (Doc. No. 34) named "NOTICE OF MOTION AND MOTION TO DISMISS." Prior to filing the Motion to Dismiss, Ms. Cormier had never entered a Notice of Appearance in violation of the Civil Local Rules of the U.S. District Court for the Northern District of California. Rule 5-1(c)(2)(A), "(A) A Notice of Appearance must be e-filed whenever counsel joins a case."

On October 19, 2018, I filed a Motion for a Preliminary Injunction (Doc. No. 39) pursuant to the F.R.C.P. Rule 65 where I demanded Judge Alsup to IMMEDIATELY reinstate me back to work at any VAMC and to award me with a full amount of my lost salary and benefits as a result of the unlawful discrimination and unlawful termination of my full time appointment at the New Mexico VA Health care System.

On November 02, 2018, Assistant U.S. Attorney Ms. Robinson filed a Notice of Appearance (Doc. No. 48) where she appeared on behalf of Defendant the United States of America despite I had never named the U.S.A. as a Defendant in my June 25, 2018 Complaint No. cv-03748-SVK.

On November 02, 2018, Assistant U.S. Attorney Ms. Robinson filed another Notice of Appearance (Doc. No. 49) where she appeared on behalf of Defendants the U.S. Department of Veterans Affairs and its Secretary Mr. Wilkie.

On November 02, 2018, AUSA Ms. Robinson opposed (Doc. No. 50) my Motion for a Preliminary Injunction, and Ms. Robinson intentionally, criminally, and maliciously claimed that I had been fired for failure to follow the proper steps to obtain a Leave Without pay (a LWOP) and for Absence Without Leave (AWOL.)

On November 02, 2018, AUSA Ms. Robinson also filed a fabricated "Declaration of Carla Dunkelberger" that Ms. Robinson had fabricated herself. Along with this Declaration, Ms. Robinson also filed severely tampered Exhibits that Mr. Robinson had tampered herself, and Ms. Robinson totally removed all information regarding the scope of my disability. However, in the "Declaration of Carla Dunkelberger", Ms. Robinson wrote that Ms. Dunkelberger was the person who wrote this Declaration and who redacted the Exhibits to this Declaration.

Notice that Ms. Dunkelberger never wrote this Declaration herself and never redacted the Exhibits to this Declaration.

In the "Declaration of Carla Dunkelberger", Ms. Robinson intentionally, criminally, and maliciously wrote that I had been fired for failure to follow the proper steps to obtain a LWOP and for the AWOL. Also, in this "Declaration of Carla Dunkelberger", Ms. Robinson intentionally, criminally, and maliciously concealed a material fact of the case that was my May 10, 2018 contact with Ms. Dunkelberger when I informed her that, as of May 10, 2018, I'd had only ten hormonal pills Jeanine left that were for 10 calendar days, that I couldn't miss the pill, and that I couldn't obtain these pills in the United States because they were not FDA approved.

Despite Defendant the United States of America was never served with a Summons and with my June 25, 2018 Complaint No. 5:18-cv-03748-LHK in accordance with the F.R.C.P. Rule 4(i)(1)(A)(i) and (ii) and in accordance with the F.R.C.P. Rule 4(i)(1)(B), on December 03, 2018 Judge Alsup intentionally, criminally, maliciously, and fraudulently granted (Doc. No. 69) Ms. Cormier's Motion to Dismiss. On July 11, 2019, Judge Alsup denied (Doc. No. 154) my December 18, 2018 Motion for Leave to Amend a June 25, 2018 Complaint No. 3:18-cv-03748-WHA and entered a Judgment (Doc. No. 155) in favor of the "UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, and ROBERT WILKIE, Secretary, United States Department of Veterans Affairs."

In all his criminal Orders, Judge Alsup intentionally, criminally, and maliciously held that I had been fired for failure to follow the proper steps to obtain a LWOP and for the AWOL. Notice that in his criminal Orders Judge Alsup never addressed a material fact of the case that, as of May 17, 2017, I'd had a medical emergency that was running out of my hormonal pills Jeanine that were not available in the United States, and that, as of May 17, 2017, I'd had three hormonal pills Jeanine left that were for three calendar days, and I couldn't miss the pill.

Notice that Judge Alsup never conducted a Case Management Conference and never allowed Discovery because he knew that Defendant the United States of America had never been served with Summons and with my June 25, 2018 Complaint No. 5-c v-03748-LHK in accordance with the F.R.C.P. Rule 4. Judge Alsup never questioned Assistant Manager Mr. Phil Johnson about whether or not Mr. Johnson had verbally allowed me to go to Russia to refill a prescription of my hormonal pills Jeanine and to perform an IVF attempt. Additionally, Judge Alsup never ordered the VAMC to release the videotapes with all my verbal conversations with both Ms. Dunkelberger and Mr. Johnson in accordance with the A.F.G.E. Master Agreement, Article 50 – Surveillance.

After Judge Alsup's criminal July 11, 2019 Judgment, I filed a Notice of Appeal No. 19-16395 at the 9th Circuit. On November 20, 2020, the 9th Circuit held that I had left my job with a permission of my Supervisor, and the 9th Circuit remanded my Title VII claim and my Rehabilitation Act claim back to the District Court for a further proceeding. After remand, Judge Alsup cowardly recused himself from judging all my lawsuits. My lawsuits were assigned to Judge Spero who continued the crimes that had been committed by Judge Alsup. Specifically, Judge

Spero ordered the U.S. Marshals Service to deliver a Summons and my related Complaint No. 3:21-cv-00684-JCS to AUSA Ms. Robinson instead of serving Defendant the U.S.A. and other Federal Defendants with Summons and with my pleading No. 3:21-cv-00684-JCS in accordance with the F.R.C.P. Rule 4. As soon as I discovered the felonies that Judge Spero had committed, he immediately recused himself from judging all my lawsuits, and these lawsuits got to Judge Gilliam. Jr.

On August 12, 2021, Judge Gilliam. Jr. intentionally, criminally, and maliciously transferred my lawsuit No. 4:18-cv-03748-HSG to the U.S. District Court for the District of New Mexico, and this lawsuit got to Chief District Judge William Johnson and got a number 1:21-cv-00761-WJ-JFR.

Notice that, during the litigation of my post-remand lawsuit No. 3:18-cv-03748-JCS, AUSA Ms. Robinson intentionally, criminally, and maliciously appeared in this lawsuit using the name of AUSA Ms. Adrienne Zack. Also, during the litigation of my lawsuit No. 1:21-cv-00761-WJ-JFR, AUSA Ms. Robinson intentionally, criminally, and maliciously appeared in this lawsuit using the name of AUSA Ms. Christine Lyman.

Obviously, Judge Johnson knew that AUSA Ms. Robinson had appeared in the lawsuit No. 1:21-cv-00761-WJ-JFR using the name of AUSA Ms. Lyman, and Judge Johnson knew that Defendant the U.S.A. and other Federal Defendants had never been served with Summons and with my June 25, 2018 Complaint No. 5:18-cv-03748-LHK in accordance with the F.R.C.P. Rule 4. This is why Judge Johnson intentionally, baselessly, criminally, and maliciously accused me in communicating Ex Parte with the Court even though I had never communicated Ex Parte with the Court. Also, Judge Johnson intentionally, criminally, and maliciously never allowed me to file electronically in case No. 1:21-cv-00761-WJ-JFR and intentionally, criminally, and maliciously refused to appoint a Counsel in a Title VII case.

During the litigation of my lawsuit No. 1:21-cv-00761-WJ-JFR, on September 17, 2021 Magistrate Judge John Robbenhaar issued an Initial Scheduling Order (Doc. No. 497) that directed me and AUSA Ms. Lyman to meet and confer and to file a Joint Status Report (the JSR) and a Provisional Discovery Plan and to discuss the material facts of the case and the legal arguments by October 14, 2021.

By October 14, 2021, I presented to the attention of Ms. Lyman 247 material facts of the case and 39 legal arguments. Ms. Lyman (actually, it was Ms. Robinson) never agreed and never disagreed with all 247 facts and with all 39 legal standards. In her filings to the District Court, Ms. Lyman kept claiming that I had been fired for failure to follow the proper steps to obtain a LWOP and for the AWOL even though the 9th Circuit explicitly held that I had left my job with a permission of my Supervisor.

Because Judge Johnson never allowed me to file electronically in case No. 1:21-cv-00761-WJ-JFR, I mailed all 247 facts of the case and 39 legal standards to the District Court for the District of New Mexico by the U.S. mail. My 247 facts of the case and 39 legal standards were on over 1500 pages.

I suggest that Judge Johnson carefully read all 247 facts of the case and 39 legal standards, and he realized that he would not be able to grant Ms. Lyman's planned Motion for Summary Judgment. Therefore, Judge Johnson developed a criminal plan how to dismiss my lawsuit as a sanction for my non-existing misconduct.

On November 02, 2021, Judge Johnson, acting in furtherance of an intentional criminal conspiracy with AUSA Ms. Robinson who appeared in the lawsuit No. 1:21-cv-00761-WJ-JFR using the name of AUSA Ms. Lyman, accused me in non-existing misconduct and accused me in failing to properly submit a Joint Status Report and a Provisional Discovery Plan, and on November 02, 2021 Judge

Johnson intentionally, criminally, and maliciously dismissed my lawsuit No. 1:21-cv-00761-WJ-JFR as a sanction for mailing over 1500 pages of documents with my 247 facts of the case and with 39 legal standards to the U.S. District Court for the District of New Mexico. Subsequently, Judge Johnson denied my two Motions to Vacate his fraudulent Judgment and prohibited his Clerk to accept any filings from me. I filed a Notice of Appeal No. 21-2139 at the 10th Circuit. Initially, the 10th Circuit allowed me to file electronically in Appeal No. 21-2139.

During the litigation of my Appeal No. 21-2139, I filed a Motion for Injunction Pending Appeal, and I presented to the attention of the 10th Circuit 247 facts of the case, 39 legal standards, and the Excerpts of the Record in the underlying case No. 3:18-cv-03748-WHA that were on 4500 pages.

The 10th Circuit never ruled on the merits of my Motion for Injunction Pending Appeal and never evaluated 247 facts of the case and 39 legal arguments. Instead, the 10th Circuit, acting in furtherance of an intentional criminal conspiracy with Judge Johnson and with AUSA Ms. Robinson, revoked my ECF filing privileges and prohibited the Clerk to accept any filings from me excepting an Opening Brief, a Reply Brief, and a Petition for Rehearing.

On July 11, 2022, the 10th Circuit affirmed the criminal and fraudulent Judgment of Judge Johnson, and the 10th Circuit held that I had just one reason to go to Russia – to perform an IVF attempt.

I filed a Petition for Rehearing, and I informed the 10th Circuit that I had two reasons to go to Russia:

- 1) A medical emergency that was running out of my hormonal pills Jeanine that I was unable to obtain in the United States, and
- 2) To perform an IVF attempt.

On August 15, 2022, the 10th Circuit refused to evaluate a material fact of the case that I had two reasons to go to Russia:

- 1) A medical emergency that was running out of my hormonal pills Jeanine that I was unable to obtain in the United States, and
- 2) To perform an IVF attempt.

On August 15, 2022, the 10th Circuit denied my Petition for Rehearing.

Reasons for Granting the Writ.

Read *Direct Mail Specialists, Inc., v. Eclat Computerized Technologies, Inc., Dba Computerized technology*, 840 F.2d 685 (9th Cir. 1988), “A federal court does not have jurisdiction over a defendant unless the defendant has been served properly under Fed. R. Civ. P. 4. *Jackson v. Hayakawa*, 682 F.2d 1344, 1347 (9th Cir. 1982).”

All Courts didn’t have jurisdiction to issue any ruling in cases from No. 3:18-cv-03748-WHA through No. 1:21-cv-00761-WJ-JFR and in Appeals No. 19-16385 and 21-2139 because Defendant the U.S.A. and other Federal Defendants had never been served with Summons and with my June 25, 2018 Complaint No. 5:18-cv-03748-LHK in accordance with the F.R.C.P. Rule 4.

Also, no one Court ruled on the merits of my medical emergency that was running out of my hormonal pills Jeanine that were not available in the United States because they were not FDA approved.

All Courts intentionally, criminally, and maliciously conspired with AUSA Ms. Robinson who appeared in the lawsuit No. 3:18-cv-03748-JCS using the name of

AUSA Ms. Zack, and Ms. Robinson appeared in the lawsuit No. 1:21-cv-00761-WJ-JFR using the name of AUSA Ms. Lyman.

The U.S. District Court for the District of New Mexico intentionally, criminally, and maliciously dismissed my lawsuit No. 1:21-cv-00761-WJ-JFR without giving me an opportunity to be heard, and Judge Johnson prohibited his Clerk to accept any filings from me.

The 10th Circuit, acting in furtherance of an intentional criminal conspiracy with Judge Johnson and with Ms. Robinson, affirmed Judge Johnson's criminal Judgment, denied my Petition for Rehearing, criminally refused to evaluate 247 material facts of the case and 39 legal arguments, and prohibited the Clerk to accept any filings from me.

Therefore, the intervention of the U.S. Supreme Court is warranted.

Conclusion. The Petition for Writ of Certiorari shall be granted.

I declare under the penalty of perjury and under the Federal laws that the above is true and correct. Executed at Palo Alto, CA on December 12, 2022.

Respectfully submitted,


s/ Tatyana Drevaleva,
Petitioner Pro Se
644 San Antonio Rd., Apt. 104,
Palo Alto, CA, 94306
628-688-6167; tdrevaleva@gmail.com

Date: December 12, 2022.

Certificate of Service.

At the time of service, I am over 18 yo, and I am not a Party in the action.

On February 27, 2023, I mailed three copies of the Petition for Writ of Certiorari, ~~theo copies of the Appendix to the Petition for Writ of Certiorari~~, and thee copies of the Certificate of Compliance to the Civil Process Clerk at the Office of the U.S. Attorney for the District of New Mexico Mr. Alexander M.M. Uballez by the certified mail to the address:

The Civil Process Clerk at the Office of the U.S. Attorney for the District of New Mexico
P.O. Box 607,
Albuquerque, NM 87103

I declare under the penalty of perjury and under the Federal laws that the above is true and correct. Executed at Palo Alto, CA on February 27, 2023.

Respectfully submitted,

s/ Michail Bukhin
644 San Antonio Rd., Apt. 104,
Palo Alto, CA, 94306

Date: February 27, 2023.



No._____

IN THE SUPREME COURT OF THE UNITED STATES

Tatyana Evgenievna Drevaleva

PETITIONER
vs.

Mr. Denis Richard McDonough as a Secretary of the U.S. Department of
Veterans Affairs

RESPONDENT

**ON PETITION FOR A WRIT OF CERTIORARI TO THE U.S. COURT OF
APPEALS FOR THE 10TH CIRCUIT**

AFFIDAVIT OF PROCESS SERVER MR. MIKHAIL BUKHIN.

Mr. Mikhail Bukhin
644 San Antonio Rd., Apt. 104,
Palo Alto, CA, 94306
650-279-4960; mbukhin@hotmail.com

I, Mikhail Bukhin, am over 18 y.o, and I am not a Party to the action.

I served Defendants in accordance with Rule 29 of the Rules of the U.S. Supreme Court, Subdivision 4(a),

"4. (a) If the United States or any federal department, office, agency, officer, or employee is a party to be served, service shall be made on the Solicitor General of the United States, Room 5616, Department of Justice, 950 Pennsylvania Ave., N. W., Washington, DC 20530-0001. When an agency of the United States that is a party is authorized by law to appear before this Court on its own behalf, or when an officer or employee of the United States is a party, the agency, officer, or employee shall be served in addition to the Solicitor General."

I served Defendant the United States of America and other Federal Defendants in accordance with the F.R.C.P. Rule 4(i),

"(i) Serving the United States and Its Agencies, Corporations, Officers, or Employees.

(1) *United States*. To serve the United States, a party must:

(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought—or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk—or
(ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and

(C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

(2) *Agency; Corporation; Officer or Employee Sued in an Official Capacity*. To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.

(3) *Officer or Employee Sued Individually*. To serve a United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf (whether or not the officer or employee is also sued in an official capacity), a party must serve the United States and also serve the officer or employee under Rule 4(e), (f), or (g).

(4) *Extending Time*. The court must allow a party a reasonable time to cure its failure to:

(A) serve a person required to be served under Rule 4(i)(2), if the party has served either the United States attorney or the Attorney General of the United States; or

(B) serve the United States under Rule 4(i)(3), if the party has served the United States officer or employee."

February 27, 2023 M.B.

On December 12, 2022, I mailed a Petition for Writ of Certiorari and a Certificate of Compliance to the Solicitor General of the United States of America by the certified mail to the address

The Solicitor General of the United States of America
Room 5616
Department of Justice
950 Pennsylvania Avenue, N. W.
Washington, DC 20530-0001

On April 22, 2023, I mailed three copies of the Appendix to the Petition for Writ of Certiorari to the Solicitor General of the United States of America by the certified mail to the address

The Solicitor General of the United States of America
Room 5616
Department of Justice
950 Pennsylvania Avenue, N. W.
Washington, DC 20530-0001

February 27, 2023 *Mark*

On ~~December 12, 2022~~, I mailed a Petition for Writ of Certiorari and a Certificate of Compliance to the Civil Process Clerk at the Office of the U.S. Attorney for the District of New Mexico Mr. Alexander M.M. Uballez by the certified mail to the address:

The Civil Process Clerk at the Office of the U.S. Attorney for the District of New Mexico
P.O. Box 607,
Albuquerque, NM 87103

On April 22, 2023, I mailed three copies of the Appendix to the Petition for Writ of Certiorari to the Civil Process Clerk at the Office of the U.S. Attorney for the District of New Mexico Mr. Alexander M.M. Uballez by the certified mail to the address:

The Civil Process Clerk at the Office of the U.S. Attorney for the District of New Mexico
P.O. Box 607,
Albuquerque, NM 87103

On April 22, 2023, I mailed three copies of the Petition for Writ of Certiorari, thee copies of the Appendix to the Petition for Writ of Certiorari, and thee copies of the Certificate of Compliance to the Attorney General of the United States of America Mr. Merrick Garland by the certified mail to the address:

Mr. Merrick Garland,
Attorney General of the United States,