

Supreme Court, U.S.  
FILED  
JUN 16 2022  
OFFICE OF THE CLERK

No. **22-5250**

IN THE  
SUPREME COURT OF THE UNITED STATES

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ELLA WEE HORN

PETITIONER,

VS.

EXPERIS US. INC., a Manpower Brand Company.

RESPONDENT(S)

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ON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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PETITION FOR WRIT OF CERTIORARI

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**ORIGINAL**

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### **QUESTIONS(S) PRESENTED**

1. Did the Ninth Circuit and the District Court violate my civil and constitutional rights to ignore Federal precedence and refusal to hear and or address or rule on my requests for an appeal, as the Ninth Circuit Mandate filed April 14, 2022 and in their Memorandum of March 23, 2022, both attached, which Memorandum states "We do not consider Horn's contentions regarding her prior appeal, No. 19-17396. AFFRIMED."

## LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

### RELATED CASES:

U.S. District Court for Eastern California, Sacramento: 2:20-cv-00212-JAM-CKD

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#### 9<sup>TH</sup> Circuit Decisions

- 9<sup>th</sup> Circuit Decision MANDATE, Dkt. Entry 18 FILED 4-18-2022, pages 1 of 1
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### APPENDIX-B

#### U.S. District Court – Petitioner Responses

- Appellant-Plaintiff's Opening Brief, Dkt. Entry 9 FILED 2-8-2021, pages 1 of 38
- Appellant-Plaintiff's Reply Brief, Dkt. Entry 15 FILED 4-2-2021, pages 1 of 24

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
28 U.S.C. 1332(a) and 1441(b) Diversity of Citizenship and lack of Jurisdiction	
28 U.S.C. 1441 and 1332	
<i>Gaus v. Miles, Inc.</i> , 980 F.2d 564, 566 (9th Cir. 1992).	
California Civil Code 2984.4	
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28 U.S.C. 1446(b)(1)(B)))	
<i>Murphy Bros. v. Michelti Pipe Stringing, Inc.</i> , 526 U.S. 344, 354 (1999	
Northern Dist. of CA, Class Action-Roundup Products Liability Litigation MDL No. 2741, Case No. 16-md-02741-VC and Case No. 3:19-cv-02001 Dkt.18, pg5	
28 U.S.C. § 1447(c).	
<i>Schmitt v. Ins. Co. of North America</i> , 845 F.2d 1546 (9th Cir. 1988)	
<i>Fristoe v. Reynolds Metals Co.</i> , 615 F.2d 1209, 1212 (9th Cir. 1980)	
28 U.S. C. § 1291; <i>In re San Vicente Med Partners Ltd.</i> , 865 F.2d 1128, 1131 (9th Cir. 1989) (order) (magistrate judge order not final or appealable)	
East Dist. TN at Chattanooga, 1:08-cv-105, <i>Hester v United Healthcare-Memorial Health</i> , at 7, (2009)	
No. E011158, <i>Dill v. Berquist Construction co.</i> , 24 Cal. App. 4th 1426-Cal: 2nd Div., 29 Cal. Rptr.2d 746 (1994)	
752 F.2d 35 (198 -4) 2nd Cir., <i>Agnes L. Morse v. Elmira Country Club</i> , No. 269, Docket 84-7547	
9th Cir., <i>danell Howard v City of Coos Bay</i> , No. 14-35506 (2017)	

No. 99-1551, *Semtek Internt'l v. Lockheed Martin Corp.*, Supreme Court of the United States, (2001)

*4th Cir., at 4, F.E. V, a Minor, etc., et al., v City of Anaheim, G052460 (2017)*

*Lucky Brand Dungarees, Inc., et al. v. Marcel Fashions Group, Inc.* U.S. Supreme Court, No. 18-1086, (5-14-2020)

*91h Cir., Subir Gupta v Thai Ahivays Intl, No. 04-56389, at 6456 (5-2007)*

*91h Cir., Subir Gupta v Thai Airways Intl, No. 04-56389, at 6457 (5-2007)*

*4th Cir., at 4, F.E. V, a Minor, etc., et al., v City of Anaheim, G052460 (2017)*

*9th Cir., danell Howard v City of Coos Bay, No. 14-35506 (2017)*

*4th Cir., at 4, F.E. V., a Minor, etc., et al., v City of Anaheim, G052460 (2017)*

*91h Cir., No. 14-17498 at 7, Daewoo Electronics v Opta Corp., a Delaware corporation registered to do business in California (2017)*

*61h Cir., No. 97-3877, 97-4122, LS.IInvestment Co. v. O.L.D., Friedman, Fell, 167 F 3d 320 (1999)*

*No. B130842, Haji Jef'i Bolkih v. Bijan Fragrances, 88 Cal. Rptr.2d 540 (1999) 74 Cal.App. 4th 984, 4th Appl. (1999)*

*Robertson, 679 F.3d at 292*

## **STATUES AND RULES**

Rule 4(a)(5)(a)(i)(ii)

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**

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☒ reported at Don't know if case opinion is published or to be published; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 14, 2022.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

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

☐ For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

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## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

Civil and Constitutional Rights violations that protect the right to due process under law. I was denied this right to have my case heard and ruled on for my right to an appeal. Both the District Court and the 9th Circuit denied me this right pursuant to Rule 4.

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## STATEMENT OF THE CASE

This case involves violations of my legal, civil and constitutional rights by both the District Court and the Ninth Circuit Court of Appeals.

Both courts have denied me the right to hear and rule on my motion for an extension of time to file my appeal submitted in Dkt. Entry 53 for case: 2:17-cv-0084, -JAM-DB, Doc. 53, filed 1/30/2020, page 1-38.

After numerous attempts of my efforts through both courts, it appears my motion has been ignored

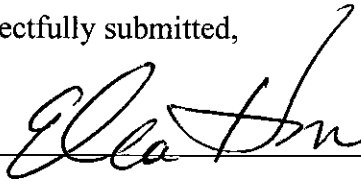
### **REASONS FOR GRANTING THE PETITION**

The reason for the U.S. Supreme Court to grant my petition is to grant me due process under the law. To prevent my civil and constitutional rights from being denied by not having the right as any other citizen to file an appeal pursuant to Rule 4.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

\_\_\_\_\_

Date: July 20, 2022