

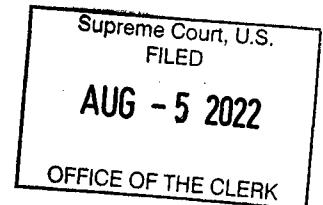
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IN THE  
Supreme Court of the United States

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DORA L. ADKINS,

*Petitioner,*

v.

MERRIFIELD HOTEL ASSOCIATES, L.P.

*Respondent.*

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

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PETITION FOR A WRIT OF CERTIORARI

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## QUESTIONS PRESENTED

- 1) **Whether the United States Court of Appeals for the Fourth Circuit Erred in the Order, Dated, July 28, 2022, when it “reviewed the record and found no reversible error and affirmed by unpublished per curiam opinion.”** “Accordingly, we affirm for the reasons stated by the district court. *Dora L. Adkins v. Merrifield Hotel Associates, L.P.*, No 1:22-cv-399-AJT-IDD (E.D. Va. April 12, 2022 & April 13, 2022),” (Dkt. No. 11., Dkt. No. 12)). Pet. Appendix A, pg. 12.
- 2) **Whether the District Court Erred in its “Orders,” Dated, April 12, 2022 and April 13, 2022, when it Ordered the Denial of the Plaintiff/Appellant’s Motion for Leave from the Court to File an Emergency Complaint and the Emergency Complaint; and Plaintiff/Appellant’s Motion for Leave from the Court to File an Amended Emergency Complaint and the Amended Emergency Complaint as Final Orders.”** “The Court has reviewed the Complaint and Motion and finds Ms. Adkins’ Complaint does not plausibly allege a cognizable claim and that Leave of the Court is not warranted. For that reason, it is ORDERED that Plaintiff’s Motion for Leave from the Court to File an Amended Emergency Complaint be and the same hereby is, DENIED.” (Dkt. No. 3, Dkt. No. 4). Pet. Appendix B, pg. 13.

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## **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. Respondent Merrifield Hotel Associates, L.P., was the defendant in the district court and defendant/appellee in the court of appeals.

## TABLE OF AUTHORITIES

### Cases:

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PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES  
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FOR THE FOURTH CIRCUIT

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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 July 28, 2022, the Fourth Circuit “reviewed the record and found no reversible error.” “Accordingly, we affirm for the reasons stated by the district court. *Dora L. Adkins*

*v. Merrifield Hotel Associates, L.P.*, No.: 1:22-cv-399-AJT-IDD (E.D. Va. Apr. 12 &13, 2022).” (Dkt. No. 11, Dkt. No. 12)).

**PER CURIAM BELOW**

The Per Curiam of the United States Court of Appeals for the Fourth Circuit was filed on July 28, 2022, and is attached as Pet. Appendix A, pg. 12. The United States Court of Appeals for the Fourth Circuit’s Per Curiam, Notice of Judgment, Judgment, Dated, July 28, 2022; are attached as Pet. Appendix A, pg. 12. The U. S. District Court for the Eastern District of Virginia Orders, Dated, April 12, 2022 & April 13, 2022 are attached as Pet. Appendix B, pg. 13.

**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 July 28, 2022. The United States Court of Appeals for the Fourth Circuit found no reversible error and affirmed the District Court’s ORDER that DENIED Plaintiff/Appellant’s Motion for Leave from the Court to file an Emergency Complaint and the Emergency Complaint; and Motion for Leave from the Court to file an Amended Emergency Complaint and the Amended Emergency Complaint are attached as Pet. Appendix A, pg. 12. 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**

Petitioner filed a Motion for Leave from the Court to File to an Emergency Complaint and the Emergency Complaint; Motion for Leave from the Court to File to file an Amended Emergency Complaint and the Amended Emergency Complaint on April 12, 2022 & April 13, 2022. (Dkt. No. 1). Plaintiff entered into a Contract with the Defendant, Merrifield Hotel Associates, L.P., owner, and operator for Archer Hotel Falls Church, located at 8296 Glass Alley, Fairfax, VA 22031; telephone number: 571-327-2277; fax number: 571-327-2281 from April 1, 2022, through April 7, 2022; and **AFTER** living outdoors for 75-days and nights and/or to the point the Plaintiff can no longer live outdoors. Plaintiff is suffering from a **STATE OF SHOCK.** (A-1).

The Emergency Complaint and the Amended Emergency Complaint purports to set forth claims that the Plaintiff/Appellant suffered the following physical and emotional injuries while staying at the Archer Hotel Falls Church from April 1, 2022, through April 7, 2022: 1) Plaintiff had severe and debilitating migraine headaches from inhaling MOLD from the Shower Floor; 2) Plaintiff had a nosebleed from inhaling MOLD from the Shower Floor; 3) Plaintiff coughed-up blood from inhaling MOLD from the Shower Floor; 4) Plaintiff had rectal bleeding from getting

rid of the severe and debilitating migraine headaches with Excedrin for Migraines; 5) severe migraine headaches from inhaling an unknown substance; 6) fear of staying inside a Guest Room while the door was not properly opening and closing. (A-9).

The Emergency Complaint and the Amended 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 Emergency Complaint and the Amended Emergency Complaint seeks compensatory and punitive damages for the same amount of \$1.2 Billion Dollars.

## **B. The District Court Proceedings**

On April 7, 2022, Plaintiff/Appellant filed a Motion for Leave to file an Amended Emergency Complaint. (Dkt. No. 1). On April 12, 2022, Plaintiff/Appellant filed a Motion for Leave to file an Amended Emergency Complaint. (Dkt. No. 2). On April 12, 2022, the District Court DENIED Plaintiff/Appellant's Motion for Leave from the Court to file an Emergency Complaint. (Dkt. No. 3). On April 13, 2022, the District Court DENIED Plaintiff/Appellant's Motion for Leave from the Court to file an Amended Emergency Complaint. (Dkt. No. 4).

On April 14, 2022, Plaintiff/Appellant filed a MOTION for Leave to Proceed *in forma pauperis*. (Dkt. No. 7). On April 14, 2022, Petitioner filed a NOTICE OF APPEAL as to the Order denying the Motion for Leave to File an and Amended

Emergency Complaint. (Dkt. No. 5). On April 15, 2022, Transmission of Notice of Appeal to US Court of Appeals for a Notice of Appeal. (Dkt. No. 6).

**C. The Appellate Court Proceedings**

On May 2, 2022, Plaintiff/Appellant filed an Informal Brief with the United States Court of Appeals for the Fourth Circuit. On May 2, 2022, the court granted Plaintiff/Appellant leave to proceed *in forma pauperis*. (Dkt. No. 9). “On July 28, 2022., an Unpublished Opinion of USCA, decided on 7/28/2022 to Notice of Appeal attached copy of judgment will not take effect until issuance of the mandate – AFFIRMED. USCA JUDGMENT as to Notice of Appeal filed by Dora L. Adkins. In accordance with the decision of the court, the judgment of the district court is affirmed. This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.” (Dkt. No. 11, 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 ERRED WHEN IT AFFIRMED NON-FINAL ORDERS**

**ISSUES APPEALED AND/OR ERRORS:**

- A. THE DISTRICT COURT ERRED IN ITS ORDERS, DATED, April 12, 2022 & April 13, 2022, BECAUSE THE ORDERS DENIED PETITIONER'S MOTION FOR LEAVE FROM THE COURT TO FILE**

AN EMERGENCY COMPLAINT AND THE EMERGENCY COMPLAINT; AND PETITIONER'S MOTION FOR LEAVE FROM THE COURT TO FILE AN AMENDED EMERGENCY COMPLAINT AND THE AMENDED EMERGENCY COMPLAINT ((Dkt. No. 3, Dkt. No. 4). Pet. Appendix B, pg. 13.

Based on Petitioner's Facts, Proof, and Evidence, the District Court erred in its Orders of April 12, 2022 and April 13, 2022, when it DENIED Petitioner's Motion to file an Emergency Complaint and an Amended Emergency Complaint alleging "MOLD INHALATION while staying at the Respondent, Merrifield Hotel Associates, L.P., The Defendant, Merrifield Hotel Associates, L.P's., Archer Hotel Falls Church extreme and outrageous conduct began when Petitioner was SOLD Guest Room #301 knowing that Guest Room #301 was without an outside door to Guest Room #301 that would properly open and close; MOLD on the shower floor; needed "cloaking around the floor of the shower floor and the outside of the baseboard to the shower needed repair because it was missing wood and/or paint almost appearing as some sort of infestation that ate away the wood."

B. THE FOURTH CIRCUIT COURT OF APPEALS ERRED WHEN IT AFFIRMED A NON-FINAL ORDER (Dkt. No. 11, Dkt. No. 12). Pet. Appendix A, pg. 12.

Based on Petitioner's Facts, Proof, and Evidence, the Fourth Circuit Court of Appeals Erred when it "reviewed the record and found no reversible error and affirmed by unpublished per curiam opinion." "Accordingly, we affirm for the reasons stated by the district court."

### **C. APPELLATE REVIEW OF FINAL AND NON-FINAL ORDERS**

Two Examples, one non-related: 1) “The rule in Florida, as in most other jurisdictions, is that generally, an appeal will lie only from a final judgment or order.” R. STERN, APPELLATE PRACTICE IN THE UNITED STATES § 3.1, at 52 (1981). 2) “In general, appeal may be taken only from a final judgment or order disposing of all claims against all parties and leaving nothing for the district court to do but execute the judgment. 28 U.S.C. § 1291. The following exceptions exist to the final judgment rule:”

#### **NON-FINAL ORDERS**

“Petitioner appealed the “Pre-Filing Order,” Dated, April 12, 2022, and the “Order,” Dated, April 13, 2022, in the case of *Dora L. Adkins v. Merrifield Hotel Associates, L.P.*, No 1:22-cv-399-AJT-IDD (E.D. Va. April 13, 2022),” (Dkt. No. 11), (Dkt. No. 12)), “Accordingly, we affirm for the reasons stated by the district court that DENIED Petitioner’s Motion for Leave from the Court to File an Emergency Complaint and the Emergency Complaint; and Petitioner’s Motion for Leave from the Court to File an Amended Emergency Complaint and the Amended Emergency Complaint.”

“On July 28, 2022, the United States Court of Appeals for the Fourth Circuit “reviewed the record and found no reversible error.” “Accordingly, we affirm for the reasons stated by the district court. “Accordingly, we affirm for the reasons stated by the district court. *Dora L. Adkins v. Merrifield Hotel Associates, L.P.*, No 1:22-cv-

399-AJT-IDD (E.D. Va. April 13, 2022)," (Dkt. No. 11., Dkt. No. 12). (E.D. Va. July 28, 2022).””

## ARGUMENT

### **A. The Fourth Circuit Court Of Appeals Panel Decision Is In Direct Conflict With Its Own FAQs – Appellate Procedure And Definition Of A Final Judgment**

“By the Fourth Circuit Court of Appeals FAQ’s - Appellate Procedure and Definition of a Final Judgment provided below; this Honorable Court need to ONLY review the District Court’s Orders, Dated, April 12, 2022 and April 13, 2022, to determine that the Denial of Petitioner’s Motion for Leave from the Court to File an Petitioner’s Motion for Leave from the Court to File an Emergency Complaint and the Emergency Complaint; and an Petitioner’s Motion for Leave from the Court to File an Amended Emergency Complaint and the Amended Emergency Complaint were not Final Orders. Nor are the exceptions listed below in the Fourth Circuit Court of Appeals FAQs Appellate Procedure applicable to the case of *Dora L. Adkins v. Merrifield Hotel Associates, L.P.*, No 1:22-cv-399-AJT-IDD (E.D. Va. April 12, 2022 and April 13, 2022). (Dkt. No. 11, Dkt. No. 12). “Accordingly, we affirm for the reasons stated by the district court.

## FAQs – Appellate Procedure

### **A. What orders can be appealed?**

“In general, appeal may be taken only from a final judgment or order disposing of all claims against all parties and leaving nothing for the

district court to do but execute the judgment. 28 U.S.C. § 1291. The following exceptions exist to the final judgment rule:

- “Collateral order doctrine under Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541, 546 (1949) (order determining important collateral rights that cannot be protected on appeal from final judgment).”
- “Rule 54(b) order directing entry of final judgment as to fewer than all claims or parties and finding no just reason for delay.”
- “Orders granting, denying, or modifying injunctions under 28 U.S.C. § 1292(a).”
- “Orders that may be appealed if the court of appeals grants permission under 28 U.S.C. § 1292(b), 1453(c), or 158(d), or under Fed R. Civ. P. 23(f).”

Final Judgment: “The last decision from a court that resolves all issues in dispute and settles the parties' rights with respect to those issues. A final judgment leaves nothing except decisions on how to enforce the judgment, whether to award costs, and whether to file an appeal.”

## II. STANDARD OF APPELLATE REVIEW

Clear Error. Generally, a district court of appeal does not have jurisdiction over, and cannot review, any non-final orders. Clearly Erroneous. “Review under the clearly erroneous standard is significantly deferential.” *Concrete Pipe and Prods. v. Construction Laborers Pension Trust*, 508 U.S. 602, 623 (1993). The appellate court must accept the trial court's findings unless it's left with the “definite and firm conviction that a mistake has been committed.” *Inwood Laboratories, Inc. v. Ives Laboratories, Inc.*, 456 U.S. 844, 855 (1982).

This Court ONLY need to look at the Orders, Dated, April 12, 2022, and April 13, 2022, to see a Clear Error made by the Fourth Circuit Court of Appeals when the District Court's Non-Final Orders were AFFIRMED on July 28, 2022 are attached as Pet. Appendix A, pg. 12.

**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' Order, Dated, July 28, 2022, affirming Non-Final Orders are attached as Pet. Appendix A, pg. 12.

**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: August 5, 2022

Respectfully submitted,



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