

No. **22-5419**

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

AUG 16 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ERIKA JACOBS

(Your Name)

— PETITIONER

vs.

**GEISINGER WYOMING
MEDICAL CENTER**

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Third Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Erika Jacobs

(Your Name)

P O Box 2964

(Address)

Chicago, IL 60604

(City, State, Zip Code)

602-434-3107

(Phone Number)

RECEIVED

AUG 22 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

The Questions Presented are as follows:

- (a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;
- (1) The plaintiff should not be taxed for standing for her constitutional rights as a poverty affidavit claimant.
- (2) A badge from the company clearly is valid evidence that the Appellant, Enka Jacobs was hired by Geisinger Wyoming Medical Center.
- (c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

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

N/A

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APPENDIX A Entry of Judgment and Opinion on May 18, 2002
from 3rd circuit United States Courts of Appeals received
by the Appellant in June of 2022.

APPENDIX B

Exhibit A written Contract / acceptance of
employment with Ceresinger Wyoming Medical Center

APPENDIX C

Exhibit B Employee Badge

APPENDIX D

APPENDIX E

APPENDIX F

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 _____ to the petition and is

☐ reported at _____; 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 May 18, 2022

☒ No petition for rehearing was timely filed in my case. *No petition for rehearing was filed due to unethical behavior of the presiding justices. Yet, a timely request to rehearable behavior was timely filed with no response.*

☐ 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Amendment VII
2. 28 U.S. Code § 1332: Diversity of Citizenship
3. Title 28 U.S.C. 4101 Statute
4. 41 U.S.C. 7101 # 8(c)
5. 29 USCS 102, Public policy in labor matters declared
6. 29 USCS 104 (a)
7. 29 USCS 218(c) a-b
8. 28 USCS § 1331 Federal Question
9. 8 USCS § 1357. Injuries under Federal Law
8. 42 U.S.C. § 1985
9. 28 USCS § 1343
10. 46 CFR § 52, 233-4. Applicable law for breach of contract.
Claim. United States law will apply to resolve any claim of breach of this contract.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

1. EGOC v. Glenn O. Hawbaker, Inc Civil Action
4:09-CV-1261 9-10
2. Ralph Bailets v. Pennsylvania Turnpike Commission
Bailets v. Pa. Turnpike Comm'n, 123 A.3d 300, 309-10 9-10
(Pa. 2015)
3. George Moore v. Pennsylvania Attorney General's Office
No. 126 N/A P 2016 Appeal from the Order of the Commonwealth
Court at No. 265 M D 2009 dated December 1, 2016, 9-10

STATUTES AND RULES

9-10

1. Title 42 Pa C.S.A. Judiciary & Judicial § 8343
- (2) Title P.S. State Government 776.2(4) Have an Adverse Interest
- (3) Title 42 C.S.A. Judiciary & Judicial Procedure 7534. Before
Breach of Contract
- (4) Title 43 P.S. Labor 213.11. Finding & Decisions
- (5) Title 68 Pa C.S.A. Personal Property
- (6) 4311 Tort & Contract (Liability)
- (7) Title 42 Pa C.S.A. Judiciary & Judicial § 8343 Burden of Proof
- (8) Pa Title 7 P.S. State Government § 776.2 Definitions (2) & etc
- (9) Pa Title 43 P.S. Labor 213.11 Finding & decisions

OTHER

- (10) Title 42 Pa. C.S.A. Judiciary and Judicial Procedure 7534

STATEMENT OF THE CASE

Erika Jacobs was hired by Geisinger Wyoming Medical Center under implied contract (as well as written contract; attached as exhibits A) on 3-16-22. Erika Jacobs was hired without references. Pursuant to the Contract (oral) and written on 3-16-22 the Plaintiff only had to complete background, clearances and health screenings (if applicable). Jennifer, Lab supervisor, hired me on 3-16-22 without references (I advised Jennifer on 3-16-22 that I had no references). Erika Jacobs completed her background, FBI clearance and health screening successfully for employment. Erika Jacobs provided a copy of her driver license and social security card for the I-9 upon conclusion of the employment process. Erika Jacobs was issued a Hospital Badge (Proof of employment). See Exhibit B, Employment Badge. A physical copy of the actual badge is in the appellant's custody. Erika Jacobs, appellant, came to Wilkes-Barre PA to live and work; only because she had been hired by Geisinger Wyoming Medical Center. Geisinger Wyoming Medical Center is in breach of contract when they terminated Erika Jacobs for filing/making a complaint with Human Resources as it concerns references in the hiring process. A wrongful termination lawsuit can be brought to court in 3 ways: Contractual, tort or discrimination. I, appellant brought my wrongful termination under contractual, defamation and diversity. 151

REASONS FOR GRANTING THE PETITION

Please see attachment

REASONS FOR GRANTING THE PETITION

Erika, Jacobs filed a lawful meriful claim under the jurisdiction of the federal court in May of 2021. Erika Jacobs was hired by Geisinger Wyoming Medical Center. Erika Jacobs has an employee badge to prove she was employed by Geisinger Wyoming Medical Center. Please see Exhibit B. The Appellate judges erred in their opinion and judgment in being biased toward the Magistrate Judge's ruling because of a prior occurrence which is stated in the next sentence. The opinion and judgment rendered by the appellate judges was unethical and in retaliation against the appellant for filing a judicial review against the Magistrate judge. The appellate judges are in violation of Judicial ethics canons 1-3. Thus, a higher court is need to rule over this matter and move this case to Wilkes Barre Federal Court (at the time the Plaintiff filed her federal case the federal Judge for Wilkes Barre was on leave) or to the federal court in which the Plaintiff now lives for trial.

The Appellate judge's erred in not accepting a copy of the issued badge as proof that the Appellant was hired. The Appellate judge's erred in stating the assumption as to why the Plaintiff was in Wilkes-Barre, PA and thus using this assumption to discredit the monies lost by the Appellant for relocation expenses. The Appellate Judge's insinuated that the Plaintiff may not have been in Wilkes-Barre, PA for the Medical Technologist position but for some undetermined stay in Wilkes-Barre, PA. The Appellant, Erika Jacobs, only came to Wilkes-Barre, PA because she was hired as a Medical Technologist.

The Appellate Judges erred in stating that the federal court did not have jurisdiction over a wrongful termination case brought under contractual, defamation and diversity. There are 3 ways to file a wrongful termination lawsuit and that is contractual, tort or Discrimination. The Appellate judge's erred in not properly reviewing reason for termination of the appellant, in exerting her rights and filing a complaint against human resources to upper management as it pertains to references, defamation and the conduction of her hiring process.

Each state has different laws regulating the relationship between employers and employees, but most states, including Pennsylvania, have laws in place that prohibit wrongful termination, or the unlawful discharge of an employee for reasons that violate company policy or the employee's rights. For example, it is a violation of PA employment law for an employer to fire an employee because of his or her race, age or religion, or retaliate against an employee for asserting his or her rights, i.e. filing a discrimination complaint with human resources.

However, under Pennsylvania law, if an employer fires an employee for discriminatory reasons, in retaliation for exercising his or her employee rights, or in violation of an employment contract, the employee may have a legal claim against the employer for wrongful termination. Furthermore, if you have a written or implied employment contract, and your employer fires you without good cause, you may have grounds to file a breach of contract claim. Contact a knowledgeable employment law attorney in

Pennsylvania today, to ensure that your rights as an employee are protected, and to discuss your options for legal recourse.

The Appellate Judges erred in trying to depict and or fortune tell the award of damages to be given by a jury. To include, the appellate judges erred in stating the itemized list of relevant damages were the only damages being sought by the Appellant. The appellant clearly asked for damages as thus: pain and suffering, compensatory, nominal, and etc. The Appellate Judges erred in stating this is not a case of diversity. The Appellate Judges erred in not allowing this case to proceed to trial in-order for factual determinations to be made and alleviate their opinionated untruths. The 7th Amendment guarantees the appellant the right to a trial by jury:

Seventh Amendment

The Seventh Amendment continues a practice from English of distinguishing which must be tried before a (absent by the parties) from claims and issues that may be heard by a alone. It only governs and has no application to civil courts when those courts are hearing only disputes of state law.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

The Appellate judge erred in stating the Appellant wrote she was offered a position and speculating she was not hired. The Appellant throughout her brief stated she was hired by Geisinger Wyoming Medical Center. The Appellant relocated to Wilkes-Barre, PA because she was hired as a Medical Technologist at Geisinger Wyoming Medical Center. The Appellant request that all complaints and brief be forwarded to the supreme court for review of such a landmark case of wrongful termination.

The Cases stated below all are to demonstrate employees exercising their rights (no matter what it may be in relation to) and being terminated for exercising their rights . As well as, employee hired and later terminated for a protected right.:

1. EEOC v. Glenn O. Hawbaker, Inc. Civil Action 4:09-CV-1261

WILLIAMSPORT, Pa. – A large Pennsylvania construction company violated federal civil rights law when it rescinded a conditional job offer to an applicant because it learned that he has diabetes, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it announced today.

2. Ralph Bailets v. Pennsylvania Turnpike Commission

Bailets v. Pa. Turnpike Comm'n, 123 A.3d 300, 309-10 (Pa. 2015). A four-day non-jury trial in the Commonwealth Court ensued in May 2016 at which Bailets presented evidence in support of his claim he was fired by PTC due to his reports of waste and wrongdoing.

3. George Moore v. Pennsylvania Attorney General's Office

No. 126 MAP 2016 Appeal from the Order of the Commonwealth Court at No. 265 MD 2009 dated December 1, 2016. ARGUED: November 29, 2017 OPINION JUSTICE DOUGHERTY Decided: March 27, 2018

The Pennsylvania Turnpike Commission (PTC) appealed directly to the Pennsylvania Supreme Court a decision by the Commonwealth Court entering a \$3.2 million verdict in favor of plaintiff-appellee Ralph Bailets after a bench trial of his claims arising under the Pennsylvania Whistleblower Law. PTC presented a question of first impression in Pennsylvania: whether non-economic damages for items such as embarrassment, humiliation, loss of reputation and mental anguish were available to plaintiffs in actions brought under the Law. Additionally, if non-economic damages are authorized under the Law, PTC asked the Supreme Court to determine whether the verdict amount was excessive in this case. After review, the Court concluded non-economic damages were available to successful plaintiffs under the Law and the trial court did not err or abuse its discretion in entering a verdict amount of \$1.6 million for non-economic damages. Accordingly, the judgment was affirmed.

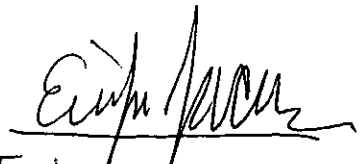
The following statutes and rules are applicable to the case:

1. Title 42 Pa C.S.A. Judiciary & Judicial { 8343
2. Title P.S. State Government 776.2 (4) Have an Adverse Interest
3. Title 42 C.S.A. Judiciary and Judicial Procedure 7534. Before Breach of Contract
4. Title 43 P.S. Labor 213.11. Finding and Decisions
5. Title 68 Pa C.S.A. Personal Property
6. 4311 Tort and Contract (Liability)
7. Title 42 Pa C.S.A. Judiciary Judicial { 8343 Burden of Proof
8. Pa Title 7 P.S. State Government { 776.2 Definitions (2) and etc.
9. Pa Title 43 P.S. Labor 213.11 Finding and decisions
10. Title 42 Pa. C.S.A. Judiciary and Judicial Procedure 7534

Constitution and Statutory Provisions Involved:

1. Amendment VII
2. 28 U.S. Code { 1332 : Diversity of Citizenship
3. Title 28 U.S.C. 4101 Statute

4. 41 U.S.C. 7101 #8 ©
5. 29 USCS 102. Public Policy in Labor Matters declared
6. 29 USCS 104 ©
7. 29 USCS 218 © a-b
8. 28 USCS { 1331 Federal Question
9. 8 USCS { 1357. Injuries under Federal Law
10. 42 U.S.C { 1985
11. 28 USCS { 1343
12. 48 CFR { 52.233-4. Applicable law for Breach of Contract Claim. United States law will apply to resolve any claim of breach of this Contract.


Erika Jacobs

The appellant judge's erred in taxing the appellant for filing a valid and meriful complaint that violated her rights.

CONCLUSION

The writ of certiorari should be granted based on law and factual truths documented for proper justice to be served.

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 8-15-22 (8-15-22)