

No. 22-6366

SUPREME COURT OF THE UNITED STATES

Brala Beverly,

Petitioner

V.

Orange County Sheriff Does 1-1000

Respondents

On Petition for Writ of Certiorari to

United States Court of Appeals, Ninth Circuit

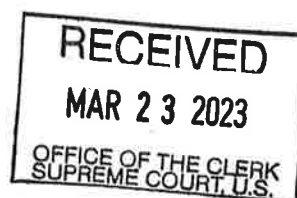
PETITION FOR REHEARING

Brala Beverly

9663 Santa Monica Blvd. #1115

Beverly Hills, Ca. 90210

(949)-560-2560



I . TABLE OF CONTENTS

II . TABLE OF AUTHORITIES	iii.
III . PETITION FOR REHEARING	1
IV . REASONS FOR GRANTING REHEARING	1
V . CONCLUSION	2
VI . CERTIFICATE OF PARTY	4
VII . APPENDIX	5
Appendix A Executive Order 13988	

II . TABLE OF AUTHORITIES

Statutes

Act of Congress	2
U.S.C. 3601 (Fair Housing Act)	2
Title IX Education Amendments (1972)	2
42 U.S.C. 2000 (Title VII 1964 Civil Rights Act)	2
U.S. Supreme Court Rule 44.2	4

Executive Orders

Executive Order 13988	1
-----------------------	---

United States Constitution

Article Two	2
Fourteenth Amendment	2

Cases

<i>Bostock v. Clayton County</i> 590 U.S. (2020)	2
--	---

III. PETITION FOR REHEARING

Brala Beverly petitions this court for a rehearing of this court's order denying Writ of Certiorari dated February 21, 2023. Brala is providing legal citations not referenced in the Writ of Certiorari which are substantial and which Brala believes directly contradict the findings of the underlying courts in this matter. These citations include President Joe Biden's first day in office executive order 13988 and the arguments made therein. This Petition also seeks to clarify further that this case pertains primarily and specifically to a legally female transgender woman based on state and federal identification who expects police to thereby respect that legally codified gender upon arrest.

IV . REASONS FOR GRANTING REHEARING

This case regards the treatment of Brala Beverly, a legally female under state and federal ID transgender woman by police who reassigned her gender upon arrest and thereby subjected her to significant gender related violence in jail by inmates and gender slurring police. Brala asserts that the conduct of defendant in pretending transgender people do not exist was purely discriminatory and denied all sociological realities and consequences of this unrealistic belief. While the Writ of Certiorari raised significant concerns how this treatment contradicts established laws in the protections of transgender people, one of those laws it did not address is the presidential act of Executive Order 13988. This order laws out the rights of transgender people to not be discriminated against by any federal agency. Whether state county governments are viewed as needing to comply with the standards of federal agencies by virtue of receiving federal funds and being subjected to federal laws is a discussion for this case in particular as the defendant is a county agency. This executive order subjects federal agencies to

respect the constitutional rights of transgender people by not discriminating against them, citing the fourteenth amendment and equal protection under the law. It also refers to Title VII of the 1964 Civil Rights Act 42 U.S.C. 2000, Title IX of the Education Amendments of 1972, U.S.C. 1681, the Fair Housing Act 42 U.S.C. 3601 and *Bostock v. Clayton County* 590 U.S. (2020). This order was never directly challenged by congress or the Supreme Court and complied with the Act of Congress and Article Two of the U.S. Constitution. As this lawsuit has made federal rights claims throughout and has been in the federal court system throughout, I believe federal rights codified to transgender people by this executive order should be also applied to this case regardless that the defendant is a county agency.

I would further like to clarify that this case regards a transgender petitioner who has state and federal ID matching her gender identity, so in this case, police has no legal argument to be confused about her gender, and they purposefully ignored her gender in this instance. This may not be the case for non binary people, people who do not explicitly state they are transgender upon arrest or people who have not identified as transgender until after they are in jail. Those types of circumstances do not apply to the request for relief in this case.

I would alternatively ask that this court, if not granting this petition for rehearing at this time consider placing the denial of this Writ of Certiorari on hold in the event that pending lawsuits of this nature regarding police reassigning the gender of transgender people are to be pending before this Supreme Court which would impact this rulings in this case.

V . CONCLUSION

I believe that Joe Biden, having signed a transgender bill of rights in his first day as president, saw the seriousness of rights violations towards transgender people and ordered that be fixed within the government. It is clearly discriminatory for any police department in the United States to reassign the gender of a legally female transgender woman or man in contrast

with their matching identification with their gender identity. It is clear Joe Biden's executive order 13988 precludes this type of treatment on principle. While the order was made two years ago while this case has been pending, it is also true that the order cites the fourteenth amendment of the US Constitution which has existed long before the incident of this lawsuit. The Writ of Certiorari in this case discusses Supreme Court rulings where laws are clarified or changed while cases are pending and how courts have handled those instances in the past. Ultimately, the defendant in this case knew transgender people have constitutional rights not to be discriminated against and did so anyway in reassigning the legal gender of female of Brala Beverly upon arrest in 2019.

Again, I would alternatively ask that this court, if not granting this petition for rehearing at this time consider placing the denial of this Writ of Certiorari on hold in the event that pending lawsuits of this nature regarding police reassigning the gender of transgender people are to be pending before this Supreme Court which would impact this rulings in this case.

Dated this 19th Day of March, 2023

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Brala Beverly', written over a horizontal line.

Brala Beverly

9663 Santa Monica Blvd. #1115

Beverly Hills, Ca. 90210

(949)-560-2560

VI . CERTIFICATE OF PARTY

I hereby certify that this petition is presented in good faith and not for delay and that it is restricted to the grounds specified in Supreme Court Rule 44.2 This petition further complies with the word count limitations of Supreme Court Rule 33 (g) in that it contains 1,095 words based on the word count of this Microsoft Word Office 365 including footnotes and excluding material not required to be counted by Supreme Court rule 33 (d).

A handwritten signature in black ink, appearing to read 'Brala Beverly', is written over a horizontal line.

Brala Beverly

APPENDIX A (5 Pages)
EXECUTIVE ORDER 13988

JANUARY 20, 2021

Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. Every person should be treated with respect and dignity and should be able to live without fear, no matter who they are or whom they love. Children should be able to learn without worrying about whether they will be denied access to the restroom, the locker room, or school sports. Adults should be able to earn a living and pursue a vocation knowing that they will not be fired, demoted, or mistreated because of whom they go home to or because how they dress does not conform to sex-based stereotypes. People should be able to access healthcare and secure a roof over their heads without being subjected to sex discrimination. All persons should receive equal treatment under the law, no matter their gender identity or sexual orientation.

These principles are reflected in the Constitution, which promises equal protection of the laws. These principles are also enshrined in our Nation's anti-

discrimination laws, among them Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e *et seq.*). In *Bostock v. Clayton County*, 590 U.S. — (2020), the Supreme Court held that Title VII’s prohibition on discrimination “because of . . . sex” covers discrimination on the basis of gender identity and sexual orientation. Under *Bostock*’s reasoning, laws that prohibit sex discrimination — including Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 *et seq.*), the Fair Housing Act, as amended (42 U.S.C. 3601 *et seq.*), and section 412 of the Immigration and Nationality Act, as amended (8 U.S.C. 1522), along with their respective implementing regulations — prohibit discrimination on the basis of gender identity or sexual orientation, so long as the laws do not contain sufficient indications to the contrary.

Discrimination on the basis of gender identity or sexual orientation manifests differently for different individuals, and it often overlaps with other forms of prohibited discrimination, including discrimination on the basis of race or disability. For example, transgender Black Americans face unconscionably high levels of workplace discrimination, homelessness, and violence, including fatal violence.

It is the policy of my Administration to prevent and combat discrimination on the basis of gender identity or sexual orientation, and to fully enforce Title VII and other laws that prohibit discrimination on the basis of gender identity or sexual

orientation. It is also the policy of my Administration to address overlapping forms of

discrimination.

Sec. 2. Enforcing Prohibitions on Sex

Discrimination on the Basis of Gender Identity or

Sexual Orientation. (a) The head of each agency shall, as soon as practicable and in consultation with the Attorney General, as appropriate, review all existing orders, regulations, guidance documents, policies, programs, or other agency actions (“agency actions”) that:

(i) were promulgated or are administered by the agency under Title VII or any other statute or regulation that prohibits sex discrimination, including any that relate to the agency’s own compliance with such statutes or regulations; and

(ii) are or may be inconsistent with the policy set forth in section 1 of this order.

(b) The head of each agency shall, as soon as practicable and as appropriate and consistent with applicable law, including the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), consider whether to revise, suspend, or rescind such agency actions, or promulgate new agency actions, as necessary to fully implement statutes that prohibit sex discrimination and the policy set forth in section 1 of this order.

(c) The head of each agency shall, as soon as practicable, also consider whether there are additional actions that the agency should take to ensure that it is fully implementing the policy set forth in section 1 of this order. If an agency takes an action described in this subsection or subsection (b)

of this section, it shall seek to ensure that it is accounting for, and taking appropriate steps to combat, overlapping forms of discrimination, such as discrimination on the basis of race or disability.

(d) Within 100 days of the date of this order, the head of each agency shall develop, in consultation with the Attorney General, as appropriate, a plan to carry out actions that the agency has identified pursuant to subsections (b) and (c) of this section, as appropriate and consistent with applicable law.

Sec. 3. Definition. “Agency” means any authority of the United States that is an “agency” under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

Sec. 4. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not,

create any right or benefit, substantive or procedural, enforceable at law or in equity by any

party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.

THE WHITE HOUSE,
January 20, 2021.

No.

22-6366

IN THE

SUPREME COURT OF THE UNITED STATES

Braia Beverly

— PETITIONER

(Your Name)

VS.

ORANGE COUNTY Sheriff Doe 51-1000

— RESPONDENT(S)

PROOF OF SERVICE

I, Braia Beverly

MARCH 20, 2023

, do swear or declare that on this date, as required by Supreme Court Rule 29 I have served the enclosed ~~MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS~~ and ~~PETITION FOR A WRIT OF CERTIORARI~~ on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Central District Court of California 3470 12th St.

Revere, DE, CA. 40 Judge Jesus BERNAL, ORANGE COUNTY Sheriff et al Roberta Kraw 555 Anton Blvd. Suite 1200

North Circuit Court of Appeals 957th St, SE, CA 94163

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 20, 2023

(Signature)