

22-6817 ORIGINAL

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
FEB 13 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

CARLINE CURRY -----PRO SE PETITIONER

V.S.

CITY OF MANSFIELD, et, al --- RESPONDENTS(S)

ON PETITION FOR A WRIT OF CERTIORARI
SIXTH CIRCUIT COURT OF APPEALS (22-3624)

(NAME OF COURT THAT LAST RULED ON MERITS OF CASE)

PETITION FOR A WRIT OF CERTIORARI

Carline Curry (Pro Se)

606 Bowman Street

Mansfield, Ohio 44903

567-274-9130 or 567-560-3907

QUESTION PRESENTED

- 1. Why wasn't plaintiff Curry given an opportunity to become a plant Operator?**
- 2. Defendants submitted a bad faith affidavit under Perjury, Fraud, and Subornation of perjury / obstruction of justice. Plaintiff Curry should have been granted Summary Judgement under Federal Rule 56 (h). Entry Judgment not according to law.**
- 3. Why wasn't Preponderance / Circumstantial evidence granted**
- 4. The Court fee was paid and I was denied the right to a Jury Trial in violation of Federal Rules of Civil Procedure Rule 38**

Rule 5.1 Constitutional Challenge to a Statute, Notice, Certification and Intervention

Notice of Constitutional Question:

- 1. Right to a Jury Trial**
- 2. Summary Judgement**
- 3. Perjury, Fraud, Subornation of Perjury, and Obstruction of Justice**

Plaintiff Curry applied for a Waste water Operators Job in February of 2020. the City of Mansfield did not give me an opportunity, or an interview for the position due to retaliation, because I had filed litigation against them for discrimination which is a protected activity from discrimination in violation of O.R.C Chapter 4112 Civil Rights Commission, 4112.01 Civil Rights Commission definitions.4112.02 unlawful Employment Practices and 42 U.S.C 2000 (e) 2 Unlawful employer practices and 42 U.S.C. 2000 (e) 3 other unlawful . Title VII of the Civil Rights Act of 1964, 42 U.S.C Chapter 21 Public Health and Welfare / Civil Rights, 42 U.S.C 1983 Deprivation of Civil Rights, 42 U.S.C 1981 Equal Rights under the law, 42 U.S.C. 1981 A, Right of Recovery in intentional discrimination. The jobs minimum acceptable experience and training stated “” you must obtain an Ohio EPA Class I Waste Water Treatment Operator Certification or OIT status within 18 months of hire and maintain certification for the duration of employment.

I am a Class III Waste Water Operator with 33 years of experience at the Plant and a Class II Laboratory Analyst.

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 the parties to the proceeding in the court whose judgement is the subject of this petition is as follows:

Elizabeth Prelogar, Solicitor General of the United States, Room 5616, Department of Justice,
950 Pennsylvania Ave., N.W., Washington, DC 20530-0001

Attorney General Dave Yost, 30 E. Broad Street; 14 th floor; Columbus, Ohio 43215
28 U.S.C. 451 may apply. No Certification has been granted on the fact that a Constitutionality of an Act of Congress has been questioned.

Other Parties: Mayor Timothy Theaker, Dave Remy, Bob Coker, Mr. Kuntz or (Sharon May),
30 N. Diamond Street, Mansfield, Ohio 44903, Merrick Garland, Attorney General U.S.
Department of Justice, 950 Pennsylvania Ave. N.W. Washington DC 20530-0001, Dana Hutter,
Deputy District Director EEOC, AJC Federal Bldg. 1240 E. 9th Street, Suite 3001, Cleveland,
Ohio 44199 & Vera Bogg Regional Director Ohio Civil Right Commission, Lausche State
Office Building, 615 W. Superior Avenue, Suite 885 Cleveland, Ohio 44113

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TABLE OF AUTHORITIES CITED

CASES

Anderson V. Liberty Lobby Inc. 477 U.S. 242,250 (1986)

Boretti V. Wiscomb, 930 F.2d 1150, 1156 (6th cir. 1991)

Celotex Corp V. Catrett 477 U.S. 242,250 (1986)

Haines v. Kerner, 404 U.S. 519,520 (1972)

Jones vs. City of Boston 752 F. ed 38 (2014)

McDonnell Douglas Corp vs. Green 411 U.S. 792, 93 S. Ct 1817

New York Time Co v. Sullivan

Vance V. Ball State University

STATUTES AND RULES

28 U.S.C 2403(a) may apply

O.R.C Chapter 4112

42 U.S.C. 1981 & 42 U.S.C. 1981(a)

42 U.S.C. 1983

42 U.S.C. 2000(e)

42 U.S.C. 2000e-2 & 3

18 USC 79

18 U.S.C. 1621, 1622 & 1623

42 USC 1988(b) & Federal Rule of Civil Procedure Rule 5.1

O. R.C. 2307.382

28 USC 1254

28 U.S.C. 1331 and 1343

5 USC 706 & O.R.C. Rule 12 and O.R.C. Rule 4

28 USC 1361

28 USC 1331 and 1343

Ohio Rule of Civil Procedures Rules 60 b

28 USC 1251, 1253, 1254

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED STATUTES AND RULES

BILL OF RIGHTS AMENDMENT 16 & 5

Redress for injury; Due process. §16 all courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay. Suits may be brought against the state, in such courts and in such manner, as may be provided by law.
(1912)

Trial by jury. §5

The right of trial by jury shall be inviolate, except that, in civil cases, laws may be passed to authorize the rendering of a verdict by the concurrence of not less than three-fourths of the jury.
(1912)

The constitutionality of a statue of a state was drawn into questioning under Supreme Court Rule number 29. (Jurisdiction of the court, right to redress, default Judgement/Summary Judgement & jury by trial) 28 U.S.C. 2403(a) may apply and the complaint is being served on The Solicitor General of the United States, Room 5616, Department of Justice, 950 Pennsylvania

Ave., N. W. Washington, DC 20530-0001 and Mr. Dave Yost, The Attorney General of Ohio, 150 East Gay Street, Columbus, Ohio 43215.

Rule 56 Summary Judgement

RULE 56. Summary Judgment (A) for party seeking affirmative relief. A party seeking to recover upon a claim, counterclaim, or cross-claim or to obtain a declaratory judgment may move with or without supporting affidavits for a summary judgment in the party's favor as to all or any part of the claim,

Counterclaim, cross-claim, or declaratory judgment action. A party may move for summary judgment at any time after the expiration of the time permitted under these rules for a responsive motion or pleading by the adverse party, or after service of a motion for summary judgment by the adverse party. If the action has been set for pretrial or trial, a motion for summary judgment may be made only with leave of court. (B) For defending party. A party against whom a claim, counterclaim, or cross claim is asserted or a declaratory judgment is sought may, at any time, move with or without supporting affidavits for a summary judgment in the party's favor as to all or any part of the claim, counterclaim, cross-claim, or declaratory judgment action. If the action has been set for pretrial or trial, a motion for summary judgment may be made only with leave of court. (C) Motion and proceedings. The motion shall be served in accordance with Civ.R. 5.

Unless otherwise provided by local rule or by order of the court, the adverse party may serve responsive arguments and opposing affidavits within twenty-eight days after service of the motion, and the movant may serve reply arguments within fourteen days after service of the adverse party's response.

Summary judgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence, and written

stipulations of fact, if any, timely filed in the action, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.

No evidence or stipulation may be considered except as stated in this rule. **A summary judgment shall not be rendered unless it appears from the evidence or stipulation, and only from the evidence or stipulation, that reasonable minds can come to but one conclusion and that conclusion is adverse to the party against whom the motion for summary judgment is made, that party being entitled to have the evidence or stipulation construed most strongly in the party's favor. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.** (D)

Case not fully adjudicated upon motion. If on motion under this rule summary judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the court in deciding the motion, shall examine the evidence or stipulation properly before it, and shall if practicable, ascertain what material facts exist without controversy and what material facts are actually and in good faith controverted.

The court shall thereupon make an order on its journal specifying the facts that are without controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as

are just. Upon the trial of the action the facts so specified shall be deemed established, and the trial shall be conducted accordingly. (E) Form of affidavits; further testimony; defense required.

Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated in the affidavit. Sworn or certified copies of all papers or parts of papers referred to in an affidavit shall be attached to or served with the affidavit. The

court may permit affidavits to be supplemented or opposed by depositions or by further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of the party's pleadings, but the party's response, by affidavit or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. **If the party does not so respond, summary judgment, if appropriate, shall be entered against the party.** (F) When affidavits unavailable. Should it appear from the affidavits of a party opposing the motion for summary judgment that the party cannot for sufficient reasons stated present by affidavit facts essential to justify the party's opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or discovery to be had or may make such other order as is just. (G) **Affidavits made in bad faith.** Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused the other party to incur, including reasonable attorney's fees, and any offending party, or attorney may be adjudged guilty of contempt.

Default Judgement

Rule 55 Default (A) Entry of judgment. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules, the party entitled to a judgment by default shall apply in writing or orally to the court

§ 1621. Perjury generally

Whoever— (1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify,

declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which

he does not believe to be true; or (2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years or both.

(18 U.S.C CHAPTER 79 1621)

§ 1622. Subornation of perjury Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined under this title or imprisoned not more than five years, or both

§ 1623. False declarations before grand jury or court (a) Whoever under oath (or in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information, including any book, paper, document, record, recording, or other material, knowing the same to contain any false material declaration, shall be fined under this title or imprisoned not more than five years, or both. (b) This section is applicable whether the conduct occurred within or without the United States.

RULE 58. Entry of Judgment (A) Preparation; entry; effect; approval. (1) Subject to

the provisions of Rule 54(B), upon a general verdict of a jury, upon a decision announced, or upon the determination of a periodic payment plan, the court shall promptly cause the judgment to be prepared and, the court having signed it, the clerk shall thereupon enter it upon the journal. A judgment is effective only when entered by the clerk upon the journal.

(2) Approval of a judgment entry by counsel or a party indicates that the entry correctly sets forth the verdict, decision, or determination of the court and does not waive any objection or assignment of error for appeal.

§1981. Equal rights under the law (42 U.S.C.)

(a) Statement of equal rights

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exaction's of every kind, and to no other.

(b) "Make and enforce contracts" defined

For purposes of this section, the term "make and enforce contracts" includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

(c) Protection against impairment

The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.

1. 42 U.S.C. 1981 a

A) Right of recovery

(1) Civil rights

In an action brought by a complaining party under section 706 or 717 of the Civil Rights Act of 1964 [42 U.S.C.A. § 2000e-5 or 2000e-16] against a respondent who engaged in unlawful intentional discrimination (not an employment practice that is unlawful because of its disparate impact) prohibited under section 703, 704, or 717 of the Act [42 U.S.C.A. §§ 2000e-2, 2000e-3, or 2000e-16], and provided that the complaining party cannot recover under section 1981 of this title, the complaining party may recover compensatory and punitive damages as allowed in subsection (b) of this section, in addition to any relief authorized by section 706(g) of the Civil Rights Act of 1964, from the respondent

42 U.S.C. § 1983 - U.S. Code - Unannotated Title 42. The Public Health and Welfare § 1983. Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

§2000e-2. Unlawful employment practices (42 U.S.C)

(a) Employer practices (Retaliation)

(b) It shall be an unlawful employment practice for an employer-

- (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or
- (2) To limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

§2000e-3. Other unlawful employment practices (42 U.S.C)

(a) Discrimination for making charges, testifying, assisting, or participating in enforcement proceedings

It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this sub chapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this sub chapter.

28 USC

The Supreme Court shall have Jurisdiction under the following statutess

CHAPTER 81—SUPREME COURT Sec. 1251. Original jurisdiction.

1253. Direct appeals from decisions of three-judge courts.

1254. Courts of appeals; Certiorari; certified questions.

1257. State courts; Certiorari.

1258. Supreme Court of Puerto Rico; Certiorari.

1259. Court of Appeals for the Armed Forces; Certiorari.

§2000b-1. Liability of United States for costs and attorney's fee

In any action or proceeding under this subchapter the United States shall be liable for costs, including a reasonable attorney's fee, the same as a private person.

(Pub. L. 88-352, title III, §302, July 2, 1964, 78 Stat. 246 .) 42 U.S.C. 2000 b-1

§ 2000d-7. Civil rights remedies equalization (a) General provision (1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance. (2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State. (b) Effective date The provisions of subsection (a) shall take effect with respect to violations that occur in whole or in part after October 21, 1986. (Pub. L. 99-506, title X, §1003, Oct. 21, 1986, 100 Stat. 1845.)

Ex Harte Young :: 209 U.S. 123 (1908) & 28 U.S.C 1491 Tucker Act

I.05 Trial by jury (1851, amended 1912)

The right of trial by jury shall be inviolate, except that, in civil cases, laws may be passed to authorize the rendering of a verdict by the concurrence of not less than three-fourths of the jury.

“Ohio Constitution Bill of Rights”

(As amended September 3, 1912.)

Ohio Rules of Federal Procedures Rule 38

I.16 Redress in courts (1851, amended 1912) Ohio Constitution

All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay. [Suits against the state.] Suits may be brought against the state, in such courts and in such manner, as may be provided by law. "Ohio Constitution bill of Rights Organizations and Jurisdiction of the Supreme Court section IV of the Ohio Constitution.

(As amended September 3, 1912.)

Title IV of the Civil Rights Act, 2000 e2 & e3, 1981 & 1981a, 1983 & O.R.C. 4112.02.

42 U.S.C. 1986

§ 1986. Action for neglect to prevent Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case;

preponderance standard, **the burden of proof is met when the party with the burden convinces the fact finder that there is a greater than 50% chance that the claim is true.**

Summary Judgement Bad Faith Affadavit Rule 56 (H) Federal Rules of Civil Procedure

14 th Amendment of the United States Constitution

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 judgement below.

OPINIONS BELOW

This case was not heard in courts or the United States district court

[X] For cases from state courts;

The opinion of the highest state court to review the merits appears at

Appendix A to the petition and is

[] reported at _____; or,

[] has been designated for publication but is not yet reported; or

[X] is unpublished.

JURISDICTION

[X] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was on

[] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States court of Appeals on the
following date: 11-15-2022 -

_____, and a copy of the order denying rehearing appears at Appendix
 A .

[X] An extension of time to file the petition for a writ of Certiorari was granted to and
including was not requested (date) in Application No.

The jurisdiction of this Court is invoked under 28 USC 1254 (1), or 28 USC 1253

1251 Original Jurisdiction

[] for cases from state courts

[] The date on which the highest state court decided my case not heard by state court.

Ohio Supreme Court: This case was not heard by the Ohio Supreme Court

A copy of that decision appears at Appendix N/A.

[] A timely petition for rehearing was denied by the Court of Appeals on the following date;

N/A and a copy of the order denying rehearing appears at Appendix
N/A. The United States Supreme Court.

[] An extension of time to file the petition for a writ of Certiorari was granted to and including
N/A (date) on N/A (date) in Application
No. N/A.

[] The jurisdiction of this Court is invoked under 28 U.S.C. 1257(a) Not heard by the State.

STATEMENT OF THE CASE

In February of 2020, an operator's job was posted at the City of Mansfield Ohio Waste water Treatment Plant. Plaintiff Curry filled out an application for the job and was not even given an interview. I am a Class III Waste water Operator and I worked at the plant for 33 years. This was intentional and retaliatory discrimination in violation of 42 USC 1981 (a), 42 U.S.C 2000 (e) and 42 U.S.C. 2000 (e) 3 due to the fact that I had previously filed litigation against them in vindication of civil rights. Three of the Thirty Three years were as an operator, and the other 30 years I was the Industrial Pretreatment Coordinator / Supervisor I. I walked through the plant daily so I had 33 years of experience.

I had called the plant manager to ask him why I did not get an interview and if they had hired a person for the job. He told me, I should or did not expect the City to give me a job

after all the problems I caused and he had to set through court in Cleveland because the employees sued the City and me (1:04 cv 1127). The City employees were incompetent, insubordinate, and disrespectful, and performed their jobs unsatisfactory. The City and I won the lawsuit because I had documentation to show they were not doing their jobs. I had a lawsuit going on at the same time because I filed mine after they filed theirs. I did not win or get to go to court. If I won with the City, that should have meant I also won in my case, because I was performing my job satisfactory.

The plant manager told me they hired a young guy without a license that had a Degree. That is all the plant manager would tell me. He said, "I acted as if I was an angel". There was issues with employees saying other minorities in supervisory positions were not qualified and the only reasons they got their jobs was because the NAACP and ministerial Alliance stepped in: Therefore, I expected employee to do their jobs correctly so that when the Ohio Environmental Protection Agency came in for inspections, they would not say I was not doing my job: because if they said I wasn't doing my job, then I was not qualified. We had mandated tasks that had to be completed.

Due to the Retaliation of the City not giving me an opportunity at the Waste water Operator job. I filed a Complaint with the EEOC and OCRC. I don't have documentation that said the City discriminated against me so they failed to enforce

Civil Rights under 42 USC 2000 (e)5 and 42 USC 2000 (e) 16 & , 29 U.S.C § 1635.10 Enforcement and remedies, 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C.211, 42 U.S.C.12117 and 42 U.S.C. 2000 ff-6 (

The only question I asked the City was: why wasn't plaintiff Curry offered an opportunity to be an operator? Received by the Law Directors office on August 16, 2021. They did not

answer the question and denied all allegations in their answer, which was perjury, fraud, subornation of perjury and obstruction of justice.

Rule 8. General Rules of Pleading

(6) Effect of Failing to Deny. An allegation—other than one relating to the amount of damages—is admitted if a responsive pleading is required and the allegation is not denied. If a responsive pleading is not required, an allegation is considered denied or avoided.

The Judge closed my case under Glenn vs. Apple,

The Court fees were paid in both courts and I was denied a right to a Jury Trial:

Violation of the Constitution.

Right to a Jury Trial Federal Rule 38

Rule 38. Right to a Jury Trial; Demand (a) RIGHT PRESERVED. The right of trial by jury as declared by the Seventh Amendment to the Constitution—or as provided by a federal statute—is preserved to the parties inviolate.

42 USC 1983§ . Civil action for deprivation of rights Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia

shall be considered to be a statute of the District of Columbia. (R.S. §1979; Pub. L. 96–170, §1, Dec. 29, 1979, 93 Stat. 1284; Pub. L. 104–317, title III, §309(c), Oct. 19, 1996, 110 Stat. 3853.)

Deprivation of Civil Rights under the Color of Law 18 U.S.C.

§ 242. Deprivation of rights under color of law Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death. (June 25, 1948, ch. 645, 62 Stat. 696; Pub. L. 90–284, title I, §103(b), Apr. 11, 1968, 82 Stat. 75; Pub. L. 100–690, title VII, §7019, Nov. 18, 1988, 102 Stat. 4396; Pub. L. 103–322, title VI, §60006(b), title XXXII, §§320103(b), 320201(b), title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 1970, 2109, 2113, 2147; Pub. L. 104–294, title VI, §§604(b)(14)(B), 607(a), Oct. 11, 1996, 110 Stat. 3507, 3511.)

14 th Amendment of the Constitution of the United States

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States: nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

REASON FOR GRANTING THE PETITION

The Judges erred in not providing Plaintiff Curry Summary Judgement

(Retaliation, Perjury, Subornation of Perjury, Fraud, Intentional Discrimination, Obstruction of Justice, and Deprivation of Civil Rights.

Rule 5.1. Constitutional Challenge to a Statute—Notice, Certification, and Intervention (a) NOTICE BY A PARTY. A party that files a pleading, written motion, or other paper drawing into question the constitutionality of a federal or state statute must promptly: (1) file a notice of constitutional question stating the question and identifying the paper that raises it, (2) serve the notice and paper on the Attorney General of the United States if a federal statute is questioned—or on the state attorney general if a state statute is questioned—either by certified or registered mail or by sending it to an electronic address designated by the attorney general for this purpose. (b) CERTIFICATION BY THE COURT. The court must, under 28 U.S.C. § 2403, certify to the appropriate attorney general that a statute has been questioned. (c) INTERVENTION; FINAL DECISION ON THE MERITS. Unless the court sets a later time, the attorney general may intervene within 60 days after the notice is filed or after the court certifies the challenge, whichever is earlier. Before the time to intervene expires, the court may reject the constitutional challenge, but may not enter a final judgment holding the statute unconstitutional. (d) NO FORFEITURE. A party’s failure to file and serve the notice, or

the court's failure to certify, does not forfeit a constitutional claim or defense that is otherwise timely asserted.

CONCLUSIONS

The Petition for a Writ of Certiorari should be granted: officers of the Court failed to enter Summary Judgement in error: the City submitted a Bad Faith Affidavit, I had Preponderance, and circumstantial evidence. Only non-reasoning minds can come to an conclusion that an individual can perform a job for three years and go through a plant daily for 33 years and not be qualified to perform well as an operator. The Judge closed my cases under Apple vs. Glenn:

which says my case was implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion. Implausible failing to convince. (it is plain to see I was qualified for the operators job it required a class I Operators License, and I am a Class III Waste Water Operator and should be a Class IV Operator: if the City would not have retaliated against me for filing litigation against them, which is a protected activity under 42 U.S.C. 2000 (e)2 unlawful employment practices, and they would not signed my application for the second submittal of my Waste Water Thesis to include information the Ohio Environmental Protection Agency wanted included, I was attenuated, a Class Three Operator / Supervisor who can't get a Class I Operator Job (lessened) financial loses, unsubstantial: lacking strength, it took study hours to pass the Class III Waste Water Exam. You cannot just walk thru the plant and operate a Plant and pass it. (I am a Class III Operator with a Class II Lab Analyst License, and a Class B CDL License. Frivolous, the Law suit was frivolous on the City's defense: Perjury, Fraud, subornation of perjury, and obstruction of justice/ Felony in the Third Degree, with malice and reckless wanton, they intended to delay, destroy, and embarrass me. The case had merit, the job required a Class I Operator and I am a Class III Operator with 33 years' experience at the plant.

The new Operator had a degree, and he had to be trained on everything: he did not pass the test within 18 months (4 years of schooling or more) and they transferred him out of the department (according to him. I don't know who he is. but I called the street department one night to report water issues and I started a discussion with him about me being an Ex-City Employee. The City management team did not provide me most of the information I requested, and the court did not make them answer any questions I presented to them.

There are no genuine issue as to any material fact and Plaintiff Curry is entitled to judgment as a matter of law. The City did not answer or have reliable, probative, substantial evidence that I was not qualified for the job, and should have not been awarded Summary Judgement or the Judge Closing my Case with Preponderance of Evidence.

Federal Rules of Civil Procedure Rule 56 Bad Faith Affidavits

(h) Affidavits made in bad faith. **Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused the other party to incur, including reasonable attorney's fees,** and any offending party or attorney may be adjudged guilty of contempt.

Plaintiff Curry should be a Class IV Waste Water Operator making between 42,000 to 87,000 as Mr. Coker, or more than Mr. Coker.

As a matter of Law, according to statutes: due to Retaliation, Perjury, Fraud, intentional Discrimination, obstruction of justice, deprivation of civil rights and the right to a jury trial: Plaintiff Curry is entitled to Relief as requested in the initial complaint of 400,000 dollars and two years of back pay according to laws enforced by the EEOC and OCRC.

Respectfully submitted

Carline Curry

Date: 2-12-2023

Carline Curry Pro Se
606 Bowman Street
Mansfield, Ohio 44903

Phone Number 567-274-9130

SAMPLE CERTIFICATE OF COMPLIANCE WITH WORD COUNT

CERTIFICATE OF COMPLIANCE

No...

Carline Curry Petitioner

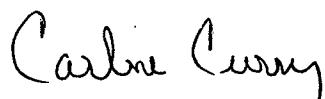
vs.

CITY OF MANSFIELD ET AL

As Required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of Certiorari contains 6000 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

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

Executed on February 12, 2023



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