

No. 21 **22-6931**

Supreme Court, U.S.  
FILED

JAN 26 2023

OFFICE OF THE CLERK

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**In The  
Supreme Court of the United States**

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IN RE My unemployment benefits Coronavirus Aid, Relief, and Economic  
Security, The **Families First Coronavirus Response Act (FFCRA or Act)**  
("PUA"), Pandemic Unemployment Employment  
Compensation ("PEUC") and the \$300 Federal Pandemic Unemployment  
Compensation ("FPUC") payments for eligible individuals in the State of Indiana.  
FPUC provided an extra \$600 weekly benefit for all weeks of unemployment, Families  
Civil Right, Constitutional Rights, Due Process, Tampering and Delaying the Mail  
Under color of State law abuse of government authority

PETITIONERS

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*ON PETITION FOR A WRIT OF MANDAMUS  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT AND  
NORTHERN INDIANA FEDERAL DISTRICT COURT*

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**PETITION FOR A WRIT OF MANDAMUS**

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**ORIGINAL**

DeAnn Graham Plaintiff-Appellant pro se litigant

1624 Windsong Dr. Apt. #2

Elkhart, In.

January 19, 2023

## QUESTION PRESENTED

This case is before the Court on a Writ of Mandamus, the Court of Appeals” and the Northern Indiana District Court’s order their motions to dismiss for Jurisdiction. The question presented is whether a writ of mandamus should be issued directing the court of appeals and or the district court without delay to change the dismissal. The court are fully aware of the tampering and delaying of my mail by United States Postal Service, Delays from the Northern Indiana District Courts, Clerical Errors from Appeals 7<sup>th</sup> Circuit Court, and wrong addresses being put on my mail from the Office of the attorney General. Furthermore, the Federal law protected families Under the FFCRA. My youngest daughter could not go to school, or therapist. No help from The Elkhart police department, Vicki Becker the prosecuting attorney, and City of Elkhart who refused to do an investigation. I was left to deal with all of this with no help and no income. The unemployment office I allege discriminated against me. Why was I not paid in 2020, 2021, or 2022? There was a letter, from our health provider, for COVID-19.

### **The Families First Coronavirus Response Act (FFCRA or Act)**

1. First Coronavirus Response Act (FFCRA), Under the FFCRA,
2. Due to caring for a child whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19
3. Under the FFCRA, an employee qualifies for expanded family leave if the employee is caring for a child whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19.

## PARTIES TO THE PROCEEDING

Petitioners in this Court (plaintiffs-appellees in the court of appeals) are DeAnn Graham. Judge and other officials The District Court's Judge Jon E. DeGuilio, District judge Damon Leichty, Magistrate Michael G. Gotsch Sr, Court of Appeals Judge" Diane Sykes, Amy Eve, Thomas Kirsch II, Candace Jackson- Akiwumi, (Tampering and Delaying mail USPS), (Leave from work because of COVID USPS). The Respondents- Appellees in this Court is Frederick Payne in his official capacity as COMMISSIONER of INDIANA DEPARTMENT OF WORKFORCE DEVELOPMENT Attorney Mr. Rowlett, Erica S. Sullivan, and Lydia A. Golton, office of the attorney general in their official capacity.

## STATEMENT OF RELATED PROCEEDINGS

The following proceedings are related to the case in this Court within the meaning of Rule 14.1(b)(iii): U.S. District Court for Northern Indiana and the cases in appeals for the 7th Circuit, case # 3:21-CV-488-DRL MGG, 3:21-CV-00495-JD-MGG, 3:21-CV-888-JD-MGG and 3:22-CV-631-DRL-MGG. The Writ of mandamus is an order from a court to an inferior government official ordering the government official to properly fulfill their official duties. I allege that these government offices and officials are not using the law as they are intended to be used.

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#### TABLE OF AUTHORITIES

The Court of Appeals Judge” Diane Sykes and “the District Court’s Judge Jon E. DeGuilio, District judge Damon Leichty, Magistrate Michael G. Gotsch Sr, Court of Appeals Judge” Diane Sykes, Amy Eve, Thomas Kirsch II, Candace Jackson- Akiwumi, (Tampering and Delaying mail USPS), (Leave from work because of COVID USPS). The Respondents- Appellees in this Court is Frederick Payne in his official capacity as COMMISSIONER of INDIANA DEPARTMENT OF WORKFORCE DEVELOPMENT Attorney Mr. Rowlett, Erica S. Sullivan, and Lydia A. Golton, office of the attorney general in their official capacity.

#### APPENDIX

##### Appendix A: 7<sup>th</sup> Circuit’s Order

Statutes, Constitutional Provisions, and Rules 28 U.S.C. § 1651(a)

Stephen M. Shapiro et al., Supreme Court Practice (10th ed. 2013)

## PETITION FOR A WRIT OF MANDAMUS

Petitioners respectfully petition for a writ of mandamus to the United States Court of Appeals for the Seventh Circuit, and Northern Indiana District Court requesting that they be directed to properly fulfill their official duties or correct an abuse of discretion. By commanding the performance of a specified official act or duty.

## OPINIONS BELOW

The 7<sup>th</sup> Circuit Appeal courts and Northern Indiana District Court were clear errors in my case.

## JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1651.

## RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The All-Writs Act, 28 U.S.C. § 1651(a), provides: "The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

## STATEMENT OF THE CASE

The many violations of my Civil rights, due process, and constitutional rights that are being overlooked by Federal Courts, and by other government officials. The Federal law protected families Under the FFCRA provided families financial help for families who could not work because of COVID-19. I have brought the issue of tampering and delaying of the mail. In 2 separate times in my court case, they used the mail being delayed saying not filed in a timely matter. I requested assistance; to please do an investigation me and family for criminal charges, for over 2 years against Angie Crowel, Scott Babcock, Jason Scholten, Angela Moore, Lisa Steele, Cathy Brown, Ft. Wayne management, and Indianapolis management and the courts. I have a good mail carrier and he makes sure that if I have mail it is delivered to me in a timely manner. All my mail comes late or not at all. The courts blocked me in all my cases but two, that's only because the Honorable Judge Hamilton in 7<sup>th</sup> Circuit of Appeal granted me in CCC and UMH to electronically filing. But all the rest of my cases this delaying and tampering of the mail they all

made sure that the problem persisted. This is how they got my case dismissed three times. My unemployment and Vicki Becker, The Elkhart police against me. I have lost in finances in the years 2020,2021,2022 over 70 thousand dollars that there was money from unemployment, that I have worked for. I allege "violations "Under Color of State of Law", Violation of my civil rights, Due Process. There are Federal rules in place, I should have been protected by the law, me and my family have not been protected at all, in any of my cases. How could the court keep allowing this to happen in ALL my court cases the law is being excluded, in Northern Indiana In all my cases. How is there no accountability for the discrimination in Northern Indiana? I allege the court has well as many others are willingly and willfully overlooking my Civil Rights

So, it can only be one of two things: an "Intentional Gross Dereliction of Duty" or racial bias. The unethical decisions that have changed my life for the worst they ALL had knowledge of the cases. I allege my cases, and decisions on my case have been in direct contradiction of the law. Not just in one of my cases but in all my cases. The tampering and delaying is against the law of, my rights are being violated with Federal Law in place to protect my civil rights, but I allege Under color of State law abuse of government authority misuse of power. Petitioners respectfully request that this Court issue a writ of mandamus.

#### PETITIONERS' RIGHT TO ISSUANCE OF A WRIT IS CLEAR

Petitioners are entitled to a writ directing them to relinquish jurisdiction over this case and the district court and Appeal for further proceedings consistent with this Court's opinion, because the appeals before the Seventh Circuit have been fully resolved by this Court. That the errors from the 7<sup>th</sup> Circuit and District be correct. The appeal and district court clearly are in violation of my Civil rights, due process, and constitutional rights.

#### REASONS FOR GRANTING THE PETITION

First Coronavirus Response Act (FFCRA), Under the FFCRA, not receiving the Federal help that should have been giving to me for C-19. Pandemic Unemployment Employment Compensation ("PEUC") and the \$300 Federal Pandemic Unemployment Compensation ("FPUC") payments for eligible individuals in the State Of Indiana. FPUC provided an extra \$600 weekly benefit for all weeks of unemployment, Families Civil Right, Constitutional Rights, Due Process, Tampering and Delaying the Mail 18 U.S. Code § 1703 – Delay or destruction of mail or newspapers, whoever, being a Postal Service officer or employee, unlawfully secretes, destroys, detains, delays, or opens any letter, postal card, package, bag, or mail entrusted to him or which shall come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any carrier or other employee of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General or the Postal The Court may "issue all writs necessary or appropriate in the aid of their respective jurisdictions and agreeable to

the usages and principles of law.” 28 U.S.C. § 1651(a). A writ of mandamus is warranted where “(1) no other adequate means exist to attain the relief [the party] desires, (2) the party’s right to issuance of the writ is clear and indisputable, and (3) the writ is appropriate under the circumstances.” *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (quoting *Cheney v. United States Dist. Ct.*, 542 U.S. 367, 380–81 (2004)) (internal quotation marks and alterations omitted). Mandamus is reserved for “exceptional circumstances amounting to a judicial ‘usurpation of power.’” *Cheney*, 542 U.S. at 380 (citation omitted).

### III.

#### NO OTHER ADEQUATE MEANS TO OBTAIN RELIEF EXIST

No other adequate means exists to obtain Petitioners’ requested relief. “[T]he Court has indicated that mandamus is the only proper remedy available. *United States v. Fossatt*, 62 U.S. (21 How.) 445, 446 (1858), ‘does not proceed to execute the mandate, or disobeys and mistakes its meaning.’” *Stephen M. Shapiro, et al., Supreme Court Practice* 665 (10th ed. 2013). The petitioners have been denied by the courts do not order setting oral argument and for the case and remanded to the district court. I am asking for the courts to use the evidence in the case that is clear of tampering and delaying the and many other Discrimination against me being allowed.

#### Conclusion

I allege that the government has violated my Civil Rights and constitutional rights Under the color of State. They are not allowing the laws to be used for what they are intended to. The laws in all my cases are being excluded from what it is intended for.

#### 14th Amendment

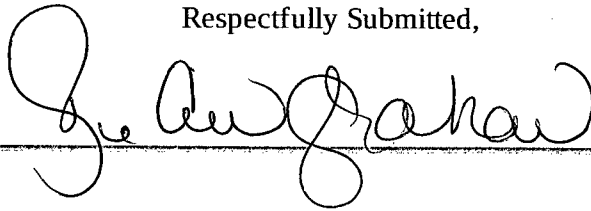
No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; **nor shall any State deprive any person of life, liberty, or property, without due process of law**; nor deny to any person within its jurisdiction the equal protection of the laws.

#### **The Declaration of Independence “Pursuit of Happiness”**

We have inalienable right to “life, liberty, and the pursuit of happiness”

I and my daughters have rights too, that the government and The State of Indiana has taken away that we were born with. We are not even allowed to live in peace to occupy and enjoy the premises.

Respectfully Submitted,

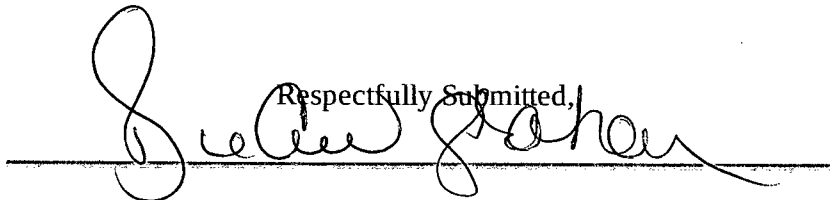


**DeAnn G. Graham**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was furnished via US Mail  
This 19<sup>th</sup> day of January 2023.

Respectfully submitted this 19<sup>th</sup> day of January 2023



I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via the  
this 12th day of January 2023.

Lydia Golten  
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Attorney for Appellee

Respectfully submitted this 19th day of January 2023

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