

No. 22-7291

ORIGINAL

SUPREME COURT OF THE UNITED STATES

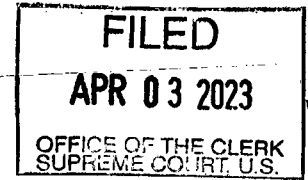
Mr Eric J. Mapes,  
Mrs Jenelle M Kelly-Mapes

Petitioners,

vs.

CABLE ONE , et al .

Respondent.



On Petition for a Writ of Certiorari  
to the United States Court of Appeals for the Seventh Circuit

**PETITION FOR A WRIT OF CERTIORARI**

Mr Eric J. Mapes , **in propria persona**  
Mrs Jenelle M. Kelly-Mapes , **in propria persona**  
**And on Behalf of as the Authorized Representatives of**  
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## **I. Questions Presented**

Where public Court employees of the lower Courts violate the Disability Rights and Federal Rehabilitation Act laws 29 U.S.C. 794 et seq. announced in *Tennessee v. Lane*, 541 U.S. 509 (2004) , under what circumstances does may those public employees corruptly influence judicial officers by using a person's disabilities to justify how a Court does not have to comply with the laws that prohibit discrimination and thereby purge the taint from the Disability Rights and Federal Rehabilitation Act laws 29 U.S.C. 794 et seq. ?

Where public Court employees of the lower Courts violate and show no deference to the Disability Rights and Federal Rehabilitation Act laws 29 U.S.C. 794 et seq. announced in *Tennessee v. Lane*, 541 U.S. 509 (2004) ad a disabled persons rights to be heard on Appeal in a case involving Disability rights and Accessibility by showing forms of fraud and attachment of the Federally protected income at law and to a legal process thereby purge the taint from the rights of federally protected income under 42 U.S.C. 407(a) ?

Where a lower Court has shown an Order stating a disabled person must pay or else the Court would dismiss the case for non-payment violate the rights to proceed on appeal without payment under 28 U.S.C. § 1915(a) announced in " *Denton v. Hernandez*, 504 U.S. 25, 27 (1992) ; " *Rowland v. California Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 203 (1993)(quoting *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948)) without impinging upon Due Process by denying q case for not complying with an Order to pay after an affidavit that includes a statement of all assets such person possesses that the person is unable to pay such fees or give security therefor. 28 U.S.C. § 1915(a) ?

Where the Respondent is an actual covered under Title III of the Americans with Disabilities Act as announced in Acts of Congress found in the laws of the United States and under FCC regulations and where those services of the Respondent are covered services for disabled individuals violated the Respondent using a characteristic of a disability showing actual discrimination allow further segregation in inaccessibility thereby purge the taint from the Disability laws and rights of the Petitioner's and Federal Rehabilitation Act Laws and rights belonging to the disabled individuals thereby purge the taint from the Disability Rights and Federal Rehabilitation Act?

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#### **IV. Petition for Writ Of Certiorari**

The Petitioners , respectfully petitions this court for a writ of certiorari to review the judgment of the Seventh Circuit Court of Appeals.

#### **V. Opinions Below**

The decisions by Northern District Court of Indiana and the Seventh Circuit Court of Appeals have shown both Court's refused to comply with a disabled person's rights to accessibility and rights to bring federal claims for violations of the Americans with Disabilities Act and Federal Rehabilitation Act because both Courts believe their policies and local rules justify non-compliance with the law and rights of the disabled individuals and allowed the Respondent to further segregate those individuals

#### **VI. Jurisdiction**

The Petitioners invokes this Court's jurisdiction under 28 U.S.C. § 1257, having timely filed this petition for a writ of certiorari within ninety days of the Seventh Circuit Court of Appeals decision in Case No. 22-2766

#### **VIII. Statement of the Case**

The Disabled Petitioners and their child have been illegally denied access to the “ ONLY” broadband internet company for their home in 2022 because the Respondent allowed employees to use the actual disability of Mr Mapes to justify denial of services and segregative treatment to ban services for the entire household . ... Services used for disabilities , early stages of development and education for a child.

The Respondent originally denied services 2022 and still are refusing services because they allowed employees to use [ “disability characteristics “] of Mr Mapes neurological speech disability and used those protected characteristics to justify illegally terminating services and where the Respondent is not license to practice to make such opinions of another person's vulnerable medical conditions/disabilities/handicaps all are one in the same/

This case presents the question of whether the Respondent is allowed to illegally refuse services covered under Title III of the Americans with Disabilities Act [ herein after “ADA” ] and presents how lower Courts rather have shown ongoing abuse, financial exploitation , and discrimination of disabled people and where the Courts do not comply nor honor accessibility and the right to be heard impinging upon the Petitioners rights to Due Process .

The Americans with Disabilities Act is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all other places open to the general public, including digital assets such as websites and applications. This includes the Internet, as enterprises with websites are compelled to “open their doors” to the large portion of impaired persons. ADA compliance requires public and private enterprises to remediate their websites so that the significant population of disabled persons can gain access to products and services just like everybody else. Title III of the ADA deals with non-discriminatory rules applied to the private sector and non-profit organizations. It stipulates physical “places of public accommodations and commercial facilities[ Internet Services Providers are commercial facilities ].” However, the

revised Title III Regulation of January 17, 2017 has made it crystal clear that the law applies to the Web and Internet services as well.

Title III of the ADA focuses on private businesses (also known as public accommodations). Private parties may bring lawsuits to enforce Title III of the Americans with Disabilities Act (ADA), the section of the ADA that prohibits discrimination against people with disabilities by private entities that provide public accommodations or operate as a commercial facility. The Respondent does conduct business from commercial facilities and the internet is a direct part of commerce and commercial activities.

Section 255. FCC rules cover all hardware and software telephone network equipment and telecommunications equipment . . . Telecommunications services for hearing-impaired and speech impaired individuals codified at 47 U.S.C. § 225. Telecommunication (telecom) involves the exchange of information, such as voice, video and data, using electronic devices. It's a wide term that encompasses many technologies like wireless and wired phones, fiber optics[ Appellee provided a hybrid fiber home internet service], radio, TV, the internet[ Respondent is a internet service provider in the State of Indiana licensed for consumers for their homes ] Title III of the Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in the activities of public accommodations. Public Accommodations are considered to be businesses including private entities that are open to the public or that provide goods or services to the public.

Title II of the Civil Rights Act defines a public accommodation as any business' whose operations affect commerce and internet services of the Respondent directly affect commerce as does all internet services.

On October 8, 2010 President Obama signed into law the 21st Century Communications and Video Accessibility Act to ensure that people with disabilities are not left behind as we move into the next era of Internet and digital communications and that they have equal access to new communications technologies. The AAPD monitors implementation of new laws and regulations to ensure that telephone, television, Internet and broadband and other types of technology are accessible to people with disabilities.

### **Internet and Broadband**

Internet and Broadband services are increasingly important means of communication and participation in all aspects of life. The CVAA provides safeguards for Internet-based communications and technologies to be accessible by people with disabilities.

### **High Speed Internet and People with Disabilities**

High speed Internet empowers people with disabilities to become more independent. An Internet connection with enough speed to allow two-way voice, data and video transfer removes barriers that keep people with disabilities from participating in everyday activities such as employment, education, civic responsibilities and social connection.

Article 13 of the Constitution adopted in 1991, and amended in 2012 includes the following provisions: No one shall be submitted to inhumane and degrading treatment .

The Americans with Disabilities Act of 1990 § 2, 42 U.S.C. § 12101(b)(4) (2006). ) And in the original ADA, Congress included a finding that individuals with disabilities are a discrete and insular minority who have been faced with restrictions and limitations, subjected to a history of purposeful ‘unequal treatment, and relegated to a position of political powerlessness in our society, based on characteristics that are beyond the control of such individuals and resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society. ( Id. § 12101(a)(7) ) ( See also Title 42 THE PUBLIC HEALTH AND WELFARE Chapter 126. EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES Section 12101 Findings and purpose i.e. 42 U.S.C. § 12101 (Pub. L. 101– 336, § 2 July 26, 1990, 104 Stat. 328; Pub. L. 110–325, § 3, Sept. 25, 2008, 122 Stat. 3554.) This language may have been intended to express Congress’s view that people with disabilities were entitled to some form of heightened scrutiny under the Equal Protection Clause or, at the very least, draw attention to a history of segregation and discrimination. ( See *Brown v. N.C. Div. of Motor Vehicles*, 987 F. Supp. 451, 457 (E.D.N.C. 1997) (“By invoking the language of suspect classification, the now-familiar mantra of ‘discrete and insular minorities’ from Footnote 4 of *United States v. Carolene Prods.*, Congress may have been attempting to force the courts to treat the disabled as a suspect class for equal protection purposes. . . . However, it seems more likely that Congress was merely availing itself of its fact-finding powers and pointing out to the courts that the disabled have suffered historically in this country.” (citation omitted)), *aff’d*, 166 F.3d 698 (4th Cir. 1999); see also NAT’L COUNCIL ON DISABILITY, *RIGHTING THE ADA* 107 (2004), available at <http://www.ncd.gov/publications/2004/Dec12004> (“The awkwardly worded finding was cobbled together from language of several different U.S. Supreme Court decisions establishing criteria for constitutionally ‘suspect’ classifications for equal protection purposes. It attempted to improve the chances that courts would subject discrimination on the basis of disability to heightened judicial scrutiny under the Equal Protection Clause. This congressional finding was intended to assist plaintiffs with disabilities seeking to invoke heightened equal protection scrutiny in lawsuits filed after the ADA took effect.”). )

In enacting the ADA, Congress made express findings about the status of people with disabilities in our society and determined that they were subject to continuing “serious and pervasive” discrimination that “tended to isolate and segregate individuals with disabilities.” 42 U.S.C. 12101(a) (2). ( See also Timothy M. Cook, *The Americans with Disabilities Act: The Move to Integration*, 64 Temp. L. Rev. 393, 393-394 nn.1-4, 412 n.133 (1991); Lowell P. Weicker, Jr., *Historical Background of the Americans with Disabilities Act*, 64 Temp. L. Rev. 387, 387-389 (1991) (discussing other laws enacted to redress discrimination against persons with disabilities). Evidence before Congress demonstrated that persons with disabilities were sometimes excluded from public services for no reason other than distaste for or fear of their disabilities. See S. Rep. No. 116, 101st Cong., 1st Sess. 7- 8 (1989) (citing instances of discrimination based on negative reactions to sight of disability) (Senate Report); H.R. Rep. No. 485, Pt. 2, 101st Cong., 2d Sess. 28-31 (1990) (same) (House Report). Indeed, the United States Commission on Civil Rights, after a thorough survey of the available data, documented that prejudice against persons with disabilities manifested itself in a variety of ways, including “reaction[s] of aversion,” reliance on “false” stereotypes, and stigma associated with disabilities that lead to people with disabilities being “thought of as not quite human.” U.S. Commission on Civil Rights, *Accommodating the Spectrum of Individual Abilities*, 23-26 (1983); see also Senate Report, *supra*, at 21. The negative attitudes, in turn, produced fear and reluctance on the part of people with disabilities to participate in society. See Senate Report, *supra*, at 16; House Report, *supra*, at 35, 41-43; Cook, *supra*, at 411. Congress thus concluded that persons with disabilities were “faced with restrictions and limitations . . . resulting from stereotypic assumptions not truly indicative of the individual ability of such individuals to participate in, and contribute to, society.” 42 U.S.C. 12101(a)(7).



Disability rights are basic human rights, not special rights. Persons with disabilities have the same rights as all people to non-discrimination, access, equality of opportunity, inclusion and full participation in society.(See Americans With Disabilities Act ) (See United States Department of State Bureau of Democracy, Human Rights and Labor, Office of Multilateral and Global Affairs for International Disability Rights ) . Under the Convention on the Rights of Persons with Disabilities(CRPD) Article 12:1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.;3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity. ... Article 13: 1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages. Article 17 :Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others In the United States and the human right of a disabled person is protected by Article 19 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).

Customary international law involves a consistent practice in which states engage out of a sense of legal obligation.( See RESTATEMENT (THIRD) OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES § 102 (1987) [hereinafter RESTATEMENT (THIRD)].) The RESTATEMENT (THIRD) OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES sets forth the basic principles defining customary international law and its incorporation into the "law of the land" pursuant to Article VI of the Constitution. Moreover, the U.S. government has accepted international law commitments with the understanding that the states will implement some of those obligations. When providing its consent to the International Covenant on Civil and Political Rights, (See International Covenant on Civil and Political Rights, adopted Dec. 16, 1966, S. Exec. Doc. E, 95- 2, 999 U.N.T.S. 171.) for example, the Senate understanding stating that "the United States understands that this Covenant shall be implemented by the Federal Government to the extent that it exercises legislative and judicial jurisdiction over the matters covered therein, and otherwise by the state and local governments . . . ."(See 138 CONG. REC. S4781-84 (daily ed. Apr. 2, 1992)

The Respondent has shown ongoing non-compliance with the Communications Act , Americans with Disabilities Act, Federal Rehabilitation Act laws , Human Rights laws.

### **U.S. Northern District Court of Indiana Impinges Upon Due Process and Rights of the Disabled**

1. The U.S. Northern District Court of Indiana made arguments on behalf of the Respondent and denied the Affidavit for IFP after the Petitioners filed a Verified IFP Affidavit clearly showing a statement of all assets such person possesses that the person(s) is unable to pay such fees or give security therefor and why the matter was Appealed since the District Court alleged private business where not covered under Title III of the ADA .

The District Court dismissed the Plaintiffs Case by a stating the Respondent is a private business and the ADA does not cover private business and pursuant to 28 U.S.C. 1915(e)(2)(B)(ii) by alleging the Plaintiffs failed to state a claim on which relief may be granted and where that **relief** is shown **requested** in the Plaintiffs Verified Civil Complaint as afforded under their rights in 28 C.F.R. § 36.504(a)(1) and **28 C.F.R. § 36.504(a)(3)(i),(ii)** and as well has subject-matter jurisdiction to hear the claim. Under federal question jurisdiction, the Disabled Plaintiffs—regardless of the value of the claim—may bring a claim in federal court if it “arises under federal law”(“Americans with Disabilities Act”), Human rights(Constitutional Rights) including the U.S. Constitution. See 28 U.S.C. § 1331 where the

Plaintiffs Federally protected rights are found codified in U.S. laws protected also by Clause 2 Art. 6 of the U.S. Const. . The District Courts order has shown malice and neglected the Plaintiffs basic human and disability rights and treated with with a lesser standard of rights ... a subhuman like standard by ignoring the humans rights... the actual Constitutional rights and where they have shown where no relief may be granted when they have satisfied both the jurisdictional elements as well shown under the law and their rights the relief they are entitled and where the Court erred in honoring the Plaintiffs rights under 28 C.F.R. § 36.504 ( C.F.R. Code of Federal Regulations i.e. Rules of the Title III ADA laws to be upheld) The doctrine of in forma pauperis allows a plaintiff to proceed without incurring filing fees or other court costs. 28 U.S.C. § 1915(a)(1). Despite an oft acknowledged typographical error, § 1915(a) applies to both prisoners and nonprisoners. See Hayes v. United States, 71 Fed. Cl. 366, 367 (2006) (citing, e.g., Floyd v. U.S. Postal Serv., 105 F.3d 274, 275 (6th Cir. 1997)). To qualify for in forma pauperis status, a non-prisoner plaintiff must provide an affidavit containing: (1) a statement of the nature of the action, (2) a statement that plaintiff is entitled to redress, (3) a statement of the assets plaintiff possesses, and (4) a statement that plaintiff is unable to pay filing fees and court costs or give security therefor. 28 U.S.C. § 1915(a)(1). Numerous employees of this Court were allowed to discriminate and harass a disabled person on direct basis of and using characteristics of a disability as did the Respondent for failing to remove communicational barriers.(See App. Pgs. 2a-7a)

. On April 3, 2019, Indiana Governor Eric Holcolmb signed into law a hate crime statute, which will allow judges to consider stricter sentences for someone who harms or intimidates a person based on a[ "characteristic" ]such as race, ethnicity, religion, sexual orientation, national origin or ["disability"]. ( Indiana SB 12 and SB 198) The Community Relations Department of the US Department of Justice (2001:1) defines a hate crime as: "the violence of intolerance and bigotry, intended to hurt and intimidate someone because of their disability. It also includes acts of retaliation against persons[ which also means interfering with the enjoyment of the disabled person's rights] for disabled individuals who have asserted their rights, regardless whether their original complaint was successful. (See 28 C.F.R. 35.134(b)/ 42 U.S.C. 12203(b) ) "[interfering with the enjoyment of any right under the ADA ; See also 42 U.S.C. 12203) . The Northern U.S. District Court of Indiana has shown interfere with the enjoyment of a right of a disabled person on numerous occasions in cases involving disability rights

### **The Seventh Circuit Impinges Upon Due Process and Rights of the Disabled**

2. The Court of Appeals for the Seventh Circuit also denied the Affidavit for IFP and instead issued an ORDER that affirmatively shows assigning and attaching the ONLY source of income at law and to a legal process prohibited under 42 U.S.C. 407(a) and has stated if the Appellant's don't pay the Court instead of paying for their home , their bills , and basic needs , the Court has shown pay or else the case will be dismissed because the Court knows the Appellants can not nor have the ability to pay these fees and using that fact to dismiss the case corruptly influencing the proceedings and depriving and impinging upon the Appellant's right to due process .Numerous employees of this Court were allowed to discriminate and harass a disabled person on direct basis of and using characteristics of a disability. The Seventh Circuit dismissed the Appeal for failure to prosecute because the Court ORDERED [ assigned and attached the only source of income to a legal process and at law ( 42 U.S.C. 407(a) ) and stated if the Petitioner's did not pay their case would be dismissed while the Court was cognizant that the Petitioners would not be able to pay because their basic needs and necessities of dependents came first. The Seventh Circuit felt the Petitioners did not need to pay their mortgage , bills , etc. to ensure all their basic needs were met and instead dismissed the case knowing the Petitioners could not pay any costs nor give security thereof . . On April 3, 2019, Indiana Governor Eric Holcolmb signed into law a hate crime statute, which will allow judges to consider stricter sentences for someone who harms or intimidates a person based on a[ "characteristic" ]such as race, ethnicity, religion, sexual orientation, national origin or ["disability"]. ( Indiana SB 12 and SB 198) The Community Relations Department of

the US Department of Justice (2001:1) defines a hate crime as: “the violence of intolerance and bigotry, intended to hurt and intimidate someone because of their disability. It also includes acts of retaliation against persons[ which also means interfering with the enjoyment of the disabled person's rights] for disabled individuals who have asserted their rights, regardless whether their original complaint was successful. (See 28 C.F.R. 35.134(b)/ 42 U.S.C. 12203(b) ) "[interfering with the enjoyment of any right under the ADA ; See also 42 U.S.C. 12203) . The Seventh Circuit Court has shown interference with the enjoyment of a right of a disabled person on numerous occasions in cases involving disability rights and has allowed it's employees to use characteristics of the Petitioners disabilities and allowed employees to harass a disabled person for using devices needed for severe hearing loss . Both the U.S. District Court and the Seventh Circuit U.S. Court of Appeals has shown a history of discrimination and failing to provided “reasonable accommodations” and removal of communicational barriers, and not allowing a disabled person to raise claims allowed under their rights ( 42 U.S.C. 12203 ) impinging upon the Petitioners Constitutional rights to Due Process .

### **IX. REASONS FOR GRANTING THE WRIT**

A. To avoid erroneous and malicious deprivations of Disability and Human rights, as well accessibility to Title III of the ADA covered entities , this Court should clarify the ruling of Tennessee v Lane that applies to accessibility to Courts under Title II and Sec 504 and also clarify the rights of disabled people to be free from discrimination and segregation . And Title III of the ADA as applying to covered entities such as the Respondent. There has been no deference shown to the rights in regards to those by the Respondent

The Petitioners have been denied their rights to claims entitles to them under the ADA as well the rights to accessibility of services of a place of public accommodation [ services of the Respondent ] for people who live with severe mixed hearing loss [ hard of hearing ] , speech and communicational disabilities, and as well intellectual learning disabilities that the Petitioners live with and are disabled from . Those claims are allowed when discrimination occurs.

The Seventh Circuit U.S. Court of Appeals denied the Petitioners IFP Affidavit knowing the Petitioners would not be able to pay and used that order assigning the Petitioners income at law and to a legal process (42 U.S.C. 407(a) ) to justify interference of the Petitioners exercise of rights, rights to claims and ongoing interference with accessibility of services covered under the ADA by the Respondent where the Seventh Circuit impinged upon the Petitioners rights to Due Process and allowed its employees to subject the Petitioners to actual discrimination and abuse for asserting their rights .

The ADA “applies to the services **of** a place of public accommodation, not services **in** a place of public accommodation.” “Title III . . . ‘public accommodations’ . . . actual, physical places where goods or services are open to the public, and places where the public gets those goods or services. . . . [thus a connection with] an actual physical place is required.”); *Rendon v. Valley Crest Prods., Ltd.*, 294 F.3d 1279, 1282 (11th Cir. 2002)

This case involves accessibility to “home internet services” so that disabled individuals can communicate with the outside world and be fully included in every aspect of society and services also used in this day and age for the early stages of development and education for a child

This case presents this Court with an opportunity to clarify how any public employee including employees of Courts as well the Respondent can discriminate against a disabled person and harass them based on characteristics of a disability and continue to show a failure to allow a disabled person the enjoyment of any right and the exercise of those rights granted under the ADA without showing a deprivation of those rights ( 42 U.S.C. 12203(b)) and no deference shown to the Petitioners.

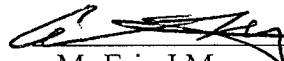
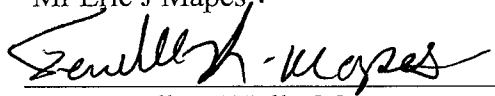
The Petitioners , did their best to resolve this matter with the respondent , filed State ATG Consumer rights complaints, FCC complaints the Respondent(s) continued in their unlawful conduct using the opinions of Mr Raymond Ness , employee of the Respondent . Who used protected characteristics of vulnerable medical conditions , the actual disabilities of a disabled person still cause segregatative treatment and inaccessibility to services by the misconstruance of someone not licensed to practice medicine or make such opinions of protected characteristics of an individuals disabilities. ( unauthorized or unlicensed practice of medicine ... a crime in all 50 states )

### **X. CONCLUSION**

For the foregoing reasons, the Petitioners requests that this Court issue a writ of certiorari to review the judgment of the Seventh Circuit U.S. Court of Appeals.

DATED and Autographed this 3 day of April, 2023

Respectfully submitted in good faith ,

  
Mr Eric J Mapes  
  
Mrs Jenelle M Kelly-Mapes

### **CERTIFICATE OF SERVICE**

I , Mr Eric-Joshua: Mapes. hereby Certifies on 3 , April 2023 I filed the above with the Honorable United States Supreme Court.

To the Honorable U.S. Supreme Court

Certified Mail/Confirmation of Delivery/Validation Notice # 7019 0140 0000 1477 9170

To the Counsel for the Respondents :

1. Mr Jon Klinghoffer, the Counsel that had direct involvement in regards to this ongoing unresolved matter who worked with Raymond Ness of CABLE ONE d.b.a. SPARKLIGHT to justify discrimination and segregation.

Goldberg Kohn LTD. , 55 East Monroe St., Ste. 3300 , Chicago , IL 60603-5792

Certified Mail/Confirmation of Delivery/Validation Notice # 7019 0140 0000 1477 9156

2. Mr Peter Witty the known General Counsel of the Respondent

CABLE ONE , 210 E. Earll Drive Phoenix, Arizona 85012.

Certified Mail/Confirmation of Delivery/Validation Notice # 7019 0140 0000 1477 9163

I hereby declare under penalty of perjury that the above information is complete, correct, and true to the best of my knowledge.

Autographed this 3rd April 2023

Respectfully submitted in good faith ,

  
Mr Eric J Mapes