

22-7478
No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE
UNITED STATES

FILED
APR 22 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

DR. MARLA FAITH CRAWFORD,
Petitioner

v.

SCHOOL BOARD FOR RICHMOND CITY,
DAVID CORRIGAN, AND
HARMAN, CLAYTOR, CORRIGAN & WELLMAN
Respondent(s)

On Petition For Writ Of Certiorari to
the United States Court of Appeals
for the Fourth Circuit No. 21-1956

PETITION FOR WRIT OF CERTIORARI

Dr. Marla Faith Crawford, *pro se*
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I. QUESTIONS PRESENTED

- 1) Did the Appeals Court of the Fourth Circuit error by refusing to poll the *rehearing en banc* and affirming the US District Court dismissal of petition under Rule 4 of this Court?
- 2) Did the Appeals Court of the Fourth Circuit abuse its discretion by not polling the Petitioner's re hearing *en banc*?
- 3) Did the Appeals Court of the Fourth Circuit error by dismissing the Petitioner's appeal for failure to time note her appeal from a July 28, 2021 order and affirming the US District Court dismissal of petition under Rule 4 of this Court?
- 4) Did the Appeals Court of the Fourth Circuit erred in not citing the Petitioner's appealed a July 28, 2021?
- 5) Did the Appeals Court of the Fourth Circuit abuse its discretion by not polling the Petitioner's re hearing *en banc*?

II. List of Parities

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgement is the subject of this petition is as follows:

Co-Defendants:

- 1) School Board For Richmond City,
- 2) David Corrigan
- 3) Harman, Claytor, Corrigan & Wellman

Interested Parties that this Writ may Affect in Time

US Court of Appeals for the Fourth Circuit

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V. PETITION FOR WRIT OF CERTIORARI

Dr. Marla Faith Crawford has served as an advocate for children with disabilities under the protection of IDEA, 504 Rehabilitation Act 1973, and American Disabilities Act of 1990 and children that are homeless under McKinney Vento Act. Dr. Crawford respectfully ask this Court for a writ of certiorari to review the judgment of the United States of Appeals for the Fourth Circuit Court because she was seeking protection from acts of retaliation under IDEA when engaging in matters under IDEA for individualized educational evaluations (IEEs) and seeking assistance of the Court to uphold enforce 34 CFR § 3000.502 (a)(1)(ii) "...the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent..." as a result of a Hearing Officer's Order under 34 CFR § 300.507 (d) (3)(ii), a hearing officer may order an IEE at the publics expenses under IDEA. Dr. Crawford seeks to be free from acts of retaliation.

VI. OPINIONS BELOW

The decision by the United States Court of Appeals for the Fourth Circuit Court denying Dr. Crawford filing a *rehearing en banc* for the Court to correct its technical error and on January 24, 2023 (App. 2-3) from the direct denial of appeal Order on December 22, 2022 (App. 2) that the Petitioner did not timely file her notice of appeal under Rule 4 of this Court.

U.S.C. 504 (Rehabilitation Act of 1973), 42 U.S.C, 12132, 12182,12203 (Americans with Disabilities Act of 1990, ADA, 504 Rehabilitation Act and IDEA (Individuals With Disabilities Act. Petitioner appeared before District Court on June 10, 2021 and the District Court issued a July 28, 2021 Order (App. 1). On August 27, 2021, the Petitioner timely noted her appeal (App. *per curium*, paragraph 6, line 1-2) On December 22, 2022, the Fourth Circuit Court of the Appeal dismissed the Petitioner's Claim under Rule 4 for not timely noting her appeal by citing a May 12, 2021 Order that the Petitioner did not receive and do not have. (App. 6) The Petitioner was provided a July 28, 2021 Order (App. 1) The Petitioner filed a petition for rehearing *en banc* and the Fourth Circuit Appeals Court refused to poll the petition and enter an order on January 24, 2023. (App. 8) Fourteenth Amendment: ...guaranteed all citizens "equal protection of the laws." which figures prominently in a wide variety of landmark cases such as *Brown v. Board of Education* (racial discrimination).

X. REASON FOR GRANTING WRIT

The panel decision of the United States Court of Appeals for the Fourth Circuit conflicts with Supreme Court Rule 4 for timely noting an appeal from the US District Court to the US Circuit Court of Appeals.

The panel's decision is in conflict with Rule 4 of this Court because the Petitioner was provided a July 28, 2021 Order from the US District Court. (App. 1) The Petitioner noted her appeal on August 27, 2021. (App. 6: *per curium*, paragraph

3, line 1-2) The Petitioner was appealing the only Order (July 28, 2021) (App.1) she received in this case caption. The Petitioner did not have a May 12, 2021 Order, nor has she seen a May 12, 2021 Order. The Petitioner court appearance was on June 10, 2021.

XX. IN CONCLUSION, if this Court agrees with the Petitioner, she respectfully requests that upon remand, require three different judges to be assigned to this case.

Respectfully submitted,

/s/ Dr. Marla Faith Crawford
Dr. Marla Faith Crawford, *pro se*

CERTIFICATE OF COMPLIANCE WITH WORD COUNT

CERTIFICATE OF COMPLIANCE

No. _____

DR. MARLA FAITH CRAWFORD,
Petitioner

v.

HENRICO COUNTY SCHOOL BOARD,
Respondent(s)

As required by Supreme Court Rule 33.1(h), I certify that the petition for writ of certiorari contains 799 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d)(g).

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

Executed on April 22, 2023,

Re-executed on 5/2/2023

