

22-7856

No. _____

Supreme Court, U.S.

FILED

APR 18 2023

OFFICE OF THE CLERK

In The
Supreme Court of the United States

ANNICE HALE, *Pro Se*

Petitioner,

v.

THE UNITED STATES OF AMERICA,

Respondents.

On Petition for a Writ of Certiorari
to the United States Supreme Court
from the Fifth Circuit Court of Appeals

PETITION FOR WRIT OF CERTIORARI

Annice Hale
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June 15, 2023

ORIGINAL

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QUESTIONS PRESENTED

1. Whether Plaintiff-Appellant's assertion of violations as are asserted herein against the Defendant-Appellee(s) are waivers of sovereign immunity pursuant the Federal Tort Claims Act 28 U.S. C. §§1346 (b), 2671, 2679, and statute 39 U.S.C. § 409, and fall within the Discretionary function exceptions or other Statute?
2. Whether Plaintiff-Appellant assertion of violations as stated herein against the Defendant-Appellee claim relief on grounds in which liability against the Defendant-Appellee maybe established?

PARTIES TO THE PROCEEDINGS

The parties to this proceedings is identified in this petition's caption.

Federal Rule of Civil Procedure 4 (1) required that the Defendant is properly served through servicing the Southern District of Texas United State Attorney, J. B. Lowery, 1000 Louisiana, Suite 2300 Houston, Texas 77002, rule Tex. Civ. Prac. Rem. Code.

The only proper defendant is the United States due to the Defendant being a Government Agency.

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I. The United States Court of Appeals for the Fifth Circuit opinion is that in administering the two part waiver of immunity test to my claims waivers immunity were applicable herein, but that the Plaintiff-Appellant had not argued grounds.

- A. Plaintiff claims of waiver of immunity in accordance to Title 28 relating to Tort Claims, 28 U.S.C. § 1346, 2671, 2674, 2679, 39 U.S.C. § 409 (a)(b)(c)(A)(B), Privacy Act 5 of 1974 U.S.C. 552(a), 39 U.S.C § 101, 401, 409, 412(b), for providing my name and address without consent.
- B. Plaintiff claims of waiver of immunity in accordance to Title 28 relating to Federal Tort Claims, § 1346, 2671, 39 U.S.C. § 409 (a)(b)(c) (A) (B) Chapter 171 for obtaining illegal signature(s) for my 1st Class Certified Mail with the Green Card Receipt legal documents, and under 28 U.S.C. § 1346, 2671, 2674, 2679, 39 U.S.C. § 409 (a)(b)(c)(A)(B), 42 U.S C 5191, 501(b) (d)(1),

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Tex. Tort Claim Act 101.021, Tex. Civ. Prac. Rem. Code Ann 101.056 Discretionary Powers, for refusing to deliver my medication, and 890 Other Statutory Violations.	
C. Plaintiff claims of waiver sovereign immunity in accordance to Title 28 U.S.C. § 1346, 2671, 2674, 2679, 39 U.S.C. § 409 (a)(b)(c)(A)(B), for the failure to notify of closure of my rental, refusal of service after ~ 4 years before claim(s).	
II. United States District Court Southern District of Texas Houston Division opinion that the Plaintiff's claims are dismissed for lack of jurisdiction and failure to state a claim upon which relief can be granted.	
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OPINION AND ORDER BELOW

Annice Hale, Pro Se, respectfully petitions for a Writ of Certiorari to review the decision in this case.

The Fifth Circuits February 7, 2023 opinion for 22-20426 is not published, received 10/06/2022 and Complaint filed 10/11/2022.

The United States District Court July 22, 2022 for 4:22-cv-00983 is not published and Civil Suit Complaint received 03/25/22 with Supplemental Complaint 06/27/22.

JURISDICTION

This Court has jurisdiction under Rule 10 Considerations Governing Review on Certiorari compelling reason (a), (c).

(a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power.

(c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important question in a way that conflicts with relevant decisions of this Court.

Fifth Circuit Court of Appeals' Federal Jurisdiction is invoked under 28 U.S.C. 1254.

28 U.S.C. 1331 provides that United States District Court Southern District of Texas has original jurisdiction cases arising under the United States Constitution or Feral Law, and jurisdiction in accordance to 39 U.S.C. 409, and all provisions of Chapter 171.

Plaintiff-Appellant filed an **Exhaustion of Administrative Remedies Claim** as required Title 28 U.S.C. 2401, 14.17 with decision November 2, 2021 to establish jurisdiction.

This Petition for a Writ of Certiorari in the Supreme Court of the United States was filed within the time period of ninety (90) days before the judgment of the United States District Court for the Fifth Circuit was mandated on April 3, 2023.

Case 22-20426, On February 7, 2023, the Fifth Circuit affirmed the decision with holding that several of Plaintiff-Appellant violation claims against the Defendant(s) waives immunity due to nature of the violations. Plaintiff needs to rebut.

Case 4:22-cv-00983 July 22, 2022, the United States District Court dismissed with prejudice the Plaintiff's Civil Suit for the lack of jurisdiction and failure to state.

STATUTORY PROVISIONS INVOLVED

28 U.S.C. 1291 provides, in part, courts of appeals shall have jurisdiction of appeals from all final decision of the district courts of the United States. In addition to the jurisdiction conferred by this chapter, this court also have appellate jurisdiction in proceedings under 28 U.S.C. 1331, 1346, 2672, and 39 U. S. C. § 409.

The issue before this court is the waiver of immunity for suit, waiver of immunity for liability for Plaintiff's tort claims arising from the Defendant's violation acts or omission under Federal Tort Claims Act "FTCA" and the Texas Tort Claims Act "TTCA" 101.102. Under 28 U.S.C. 2674: See U.S.C. 1346 (b) (1) The United States may be held liable in tort actions for the actions or omissions of its employees "under circumstances where the United States if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred").

Second issue before is court is the dismissal of tort claims of waiver of immunity for suit with prejudice for a lack of jurisdiction and a failure to state a claim on basis which relief may be granted. When the District Court on March 25, 2022 order an Initial Conference with Disclosure of Parties order according to Fed. R. Civ. P. 26(f) also order Joint Discovery/Case Management Plan that was agreed to begin July 13, 2022. The District Court on July 22, 2022 held a hearing for the Defendant's Motion to Dismiss and the Initial Scheduling Conference. Plaintiff made an Oral Objection (Transcript App 19) and Plead for an Appeal (Transcript App. 21). When an Exhaustion of Administrative Remedies was file with receiving Administrative Decision November 2, 2021 invoking court's jurisdiction under 28 U.S.C. §§1346 (b), 2671, 2679,

STATEMENT OF THE CASE

In accordance with 28 U.S.C. 2672, Annice Hale brought an Exhaustion Administrative Remedies Claim for damages claiming policy violations, negligence, wrongful acts, or omissions as follows in accordance with 28 U.S.C. § 1346, 2671.

On October 28, 2020, Plaintiff-Appellant, Annice Hale claims filing a temporary change of address to the United States Post Service. The United State Post Service Employee provided my temporary address from PS Form 1583 to my bank, my insurance company, and credit card companies. I received several letters with the temporary address. United Postal Service Employee violated their company's policy is giving my address, and are negligent, wrongful acts or omissions. See Federal Tort Claims Acts ("FTCA") 28 U.S.C. § 1346, 2671, 2674, 2679, 39 U.S.C. 409 (a)(b)(c)(A)(B), Privacy Act 5 of 1974 U.S.C. 552(a), 39 U.S.C § 101, 401, 412(b), Tex. Civ. Prac. Rem. Code Ann 101.056 Discretionary Powers, and 890 Other Statutory Violations.

Petitioner claims on June 22, 2020, the Postal Service Employee closed my United States Postal rental box (business box), fail to notify, and refused me further service. United States Postal Service policy states that I should receive notice. I had rented this postal box approximately 4-years at time of filing an Administrative Claim. (P.O. Box 12832 Houston, Texas 77217) I was also a customer renting United States Postal Service rental boxes consistently for 12 years or more. I

filed complaint and then an Administrative Claim. United Postal Service Employee actions herein are violations of United State Postal Service's policies, are negligence, wrongful acts or omissions. See 28 U.S.C. § 1346, 2671, 2674, 2679, 39 U.S.C. 409 (a)(b)(c)(A)(B), Texas Tort Claim Act 101.021, Tex. Code. Prac. Rem. Code Ann 101.056 Discretionary Powers, and 890 Other Statutory Violations.

Plaintiff-Appellant claims, on March 22, 2021 paying for 1st Class Certified Mail with Green Card Return Receipt request for Official Certified Legal Documents. The Postal Service Employee omitted a legal signature, and permitted signature of "COVID-19" as legal signature. Additionally, Plaintiff-Appellant paid similar process for, the Postal Service Employee/Agent omitted a legal signature to 1st CCMRR legal document, and permitted signature of "COMPTRROLLER". Postal Service Employee actions are violations USPS policy, are negligent, wrongful acts or omissions. 28 U.S.C. § 1346, 2671, 2674, 2679, 39 U.S.C. 409 (a)(b)(c)(A)(B), Texas Tort Claim Act ("TTCA") 101.021, Tex. Code. Prac. Rem. Code Ann 101.056 Discretionary Powers, and 890 Other Statutory Violations.

November 2, 2021, the United Postal Service Employee wrongfully return my medication to sender. The Medication was mailed to Plaintiff-Appellant October 30, 2021. Under 28 U.S.C.U.S.C. § 1346, 2671, 2674, 2679, 39 U.S.C. 1346, 2671 409 (a)(b)(c)(A)(B), 42 U.S. C. 5191, 501(b). (d)(1), Texas Tort Claim Act 101.021, Tex. Civ. Prac. Rem. Code Ann 101.056 Discretionary Powers, and 890 Other Statutory Violations.

RELIEF; Plaintiff-Appellant sought relief in damages of \$1,575,000,000 Million Dollars for per violation stated herein due to United States Postal Employee violations herein stated. See 28 U.S.C. § 1346, 2671, 2674, 28 U.S.C. §2679, 39 U.S.C. 409 (a)(b)(c)(A)(B), 2603, Texas Tort Claim Act ("TTCA") 101.021.

REASON FOR GRANTING THE WRIT

The Federal Tort Claims Act ("FTCA"), 28 U.S.C. 1346(b), 2671 et seq., waives the United States' sovereign immunity with respect to certain tort suits, rendering the United States liable in damages "in the same manner and to the same extent as a private individual under like circumstances" 28 U.S.C. 2674; see 28 U.S.C. 1346(b)(1) (the United States may be held liable in tort for the actions or omissions of its employees "under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred").

There are various limitation on the FTCA's waiver of sovereign immunity, some of which are relevant in my claims of USPS violations of policy, negligent and wrongful acts of obtaining not legal signature, refusal of delivery of my medication, and negligent and wrongful act of closure of postal rental box with failure to notify. See Chapter 171, and all provisions of Title 28 relating to tort claims acts arising out of the activities of the Postal Service 39 U.S.C. 409(c), ("TICA") Texas Tort Claims Act 101.001 -101.109, and Discretionary Powers 101.056.

CONCLUSION

This petition for a writ of certiorari should be grant.

Respectfully Submitted,



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

Executed on: June 15, 2023



Signature