

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Candella Monique LeDet PETITIONER
(Your Name)

VS.

Perry Homes — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

United States District Court Western District of Texas (San Antonio)
United States Court of Appeals for the Fifth Circuit

Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____
_____, or

a copy of the order of appointment is appended.

Candella M LeDet
(Signature)

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Candella Vedet, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>500.00</u> monthly	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>Court Settlement</u>	\$ <u>500.00</u>	\$ <u>0</u>	\$ <u>500.00</u>	\$ <u>0</u>
Total monthly income:	\$ <u>1000.00</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
WCR	SAN FRANCISCO	3-2022	\$ 500.00
Ageless Healthcare	Lafayette, LA	1/2022 - 4/2022	\$ 700.00
Extended Family	Prairie Band, LA	6/2022 - 11/2021	\$ 750.00

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A			\$
N/A			\$
N/A			\$

4. How much cash do you and your spouse have? \$ N/A
 Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
	\$ 0	\$
	\$ 0	\$
	\$ 0	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

<input type="checkbox"/> Home	<input checked="" type="checkbox"/> Other real estate
Value <u>N/A</u>	Value <u>100,000.00</u>
<input type="checkbox"/> Motor Vehicle #1	<input type="checkbox"/> Motor Vehicle #2
Year, make & model <u>N/A</u>	Year, make & model <u>N/A</u>
Value <u>N/A</u>	Value _____
<input type="checkbox"/> Other assets	
Description _____	
Value _____	

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>Perry Homes</u>	\$ 1 Billion	\$ N/A
<u>Darrell Rollins</u>	\$ 8,000.00	\$ N/A
<u>Gerard Washington</u>	\$ 300.00	\$ N/A

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<u>N/A</u>		
<u>N/A</u>		
<u>N/A</u>		

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>0</u>	\$ <u>0</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>500.00</u>	\$ <u>0</u>
Home maintenance (repairs and upkeep)	\$ <u>150.00</u>	\$ <u>0</u>
Food	\$ <u>200.00</u>	\$ <u>0</u>
Clothing	\$ <u>200.00</u>	\$ <u>0</u>
Laundry and dry-cleaning	\$ <u>50.00</u>	\$ <u>0</u>
Medical and dental expenses	\$ <u>20.00</u>	\$ <u>0</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>0</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>100.00</u>	\$ <u>0</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>20.00</u>	\$ <u>0</u>
Life	\$ <u>35.00</u>	\$ <u>0</u>
Health	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Other: _____	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ <u>0</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Credit card(s)	\$ <u>0</u>	\$ <u>0</u>
Department store(s)	\$ <u>0</u>	\$ <u>0</u>
Other: _____	\$ <u>0</u>	\$ <u>0</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>
Total monthly expenses:	<u>\$ 0</u>	<u>\$ 0</u>
	<u>1,215.00</u>	

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

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

Executed on: Aug 13, 2022

Candice M. Galt
(Signature)

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Candella Monique Ledet — PETITIONER
(Your Name)

vs.

Perry Holmes — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Candella Monique Ledet
(Your Name)

706 Begnaud St.
(Address)

Breaux Bridge, LA 70517
(City, State, Zip Code)

331-441-8664
(Phone Number)

QUESTION(S) PRESENTED

Court Questions

1. Federal. R.Civ. Pro. 36(b) (An admission under this rule is not an admission for any other purpose and cannot be used against the party in any other proceeding")
Why were the request for admissions from Perry Homes not objected by Judge Garcia / Bemporad?
2. Why were Perry Homes granted liberal construction for their unwillingness to provide production?
3. What significant liberal construction as a pro se litigant has Candella Ledet received besides typographical / format corrections in this case ?
4. What rights does Candella Ledet receive with an acquittal / expunged record in the State of Texas?
5. What are infringement of acquittal / expunged rights in the State of Texas?
6. Does Candella Ledet have the same rights as Perry Homes with their objections to provide discovery?
7. Has Candella Ledet been disadvantaged / discriminated against by US District Court & US Court of Appeal 5th circuit as a pro se litigant?
8. Document 115 & 124 from US District Court ordered Perry Homes to provide sales information / HR complaints from Jan 22, 2021 to February 11, 2021. Why was another time extension been granted for Perry Homes?
9. Why did Judge Bemporad accept inadmissible evidence in March 2021 from Perry Homes on behalf of Arlene Shearn however never provided sales info / HR complaints to Candella Ledet?
10. Has 5th circuit court of Appeals and US Western District Court allowed Perry Homes and their attorney rights that violate Double Jeopardy clause upon which they have unjustly granted summary judgement?

Questions con't

Personal Questions

As a citizen of this country, am I allowed to rebuild my life to the same or better lifestyle than before I was discriminated against?

Will I continue to receive public scrutiny and ~~retaliation~~ from my previous employer and the people they've hired to assist in their unaccountability?

EEO Questions

Is Perry Homes an equal opportunity employer and regulated by the same laws that govern EEOC?

Why were employees segregated during company investigation?
At any time during the "company investigation" did Perry Homes suggest Candella seek medical attention & follow up with authorities?

After the incident between Arlene Shearen and Candella Ledet did Perry Homes offer any stress debriefing sessions and post traumatic counseling services to help recover from a violent incident?

Questions Con't

Why was Arlene Shearn (white employee) allowed to challenge her suspension during investigation, and participate in company functions?

Why didn't Human Resources contact Candella ledet during or after the investigation?

Was Arlene Shearn compensated by Perry Homes for her injuries?

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

RELATED CASES

UNITED STATES DISTRICT COURT WESTERN DISTRICT
OF TEXAS SAN ANTONIO DIVISION

Candella Ledet v Perry Homes
CIVIL NO : 5:19-CV-712-OLG

UNITED STATES COURT OF APPEALS FIFTH CIRCUIT
Ledet v Perry Homes
CIVIL NO : 21-50618

TABLE OF AUTHORITIES CITED

Final Brief

CASES

		PAGE NUMBER
Bellius v. US, 417 US 85 (1974) .....	..	pg 23
Braswell, 487 US 99, 102 & 112, 105, 1988 .....	..	pg 25
Butler v. Depart. of Homeland Security, EEOC Appeal, ND. 072009000 (10/15/27/2010) .....	..	pg 9
Davis v. Team Electric Company, 2000 ND. 05-35877520 F. 3d 1080, 1089 (9th Cir 2008) .....	..	pg 24
EEOC v. Pioneer Hotel ND. 2:11-cv-01588-LRH-GWF .....	..	pg 20
EEOC v. Sears, Roebuck & Com ND. 5:10cv-01068 - RL (W.D. OKLA. Nov. 4, 2011) .....	..	pg 20
EEOC v. Wells Fargo Bank NA-13-cv-00528-RCJ (WGC) .....	..	pg 9
Head v. Glacier Northwest INC .....	..	pg 18
STATUTES AND RULES ND. 03-35567 413 F. 3d 1053 (9th Cir 2005)		

42 USC 1981 Civil Rights Act of 1991

28 USC Section 1658 (a)

42 USC 2000e Civil Rights Act of 1964

5th Amendment

6th Amendment

7th Amendment

American with Disabilities Act Amend 2008

Texas Code of Criminal Procedure Article 55.03

Texas Penal Code 9.02, 9.31, 9.32, 9.33 (Hamel v. State) 916 SW 2d, 491, 493 (Dyson v. State) 672 SW 2d 460, 463 (Miller v. State) 815 SW 2d 582, 585.

No. Rev. Stat. 285-575

OTHER

Dred Scott v. Sanford, 70 US 90 H&W, 393 (1856)

Final Brief

TABLE OF AUTHORITIES CITED

- Harris v Forklift System pg 27
510 US 1723, 114 S. Ct. 367, 126 L. Ed. 2d 295 (1993)
- Johnson v Railway Express Agency pg 25
No. 13-1543 421 US 454 (1975)
- McDonnell Douglas v Green pg 23
411 US 192, 93 S.Ct. 1817, 36 L. Ed. 2d 668 (1973)
- Seymore v Reader's Digest pg 17
493 Supp. 257 (S. D. N.Y. 1980) No. 71 Civ. 485 (WCC)
- Texas v Bardine pg 25
450 US 248 (1981) No. 79-1764
- US v Barth pg 25
145 F. 2d 184, 189 (2d Cir. 1984)

Reply Brief

TABLE OF Authorities

Comcast v Nat'l Association of
African Am. Owned Media Pg 3
2020 WL 1326816 (US)

Brown v Board of Ed. of Topeka Pg 3
347 US 483 (1954)

State Rubbish Collections Ass. v. Siliznoff Pg 4
258 P. 2d 282 (1952)

Gulf v Luther, 90 S.W. 44 (Tex. Civ. App 1909) Pg 5
Bullock v Tamiami Trails TOURS Pg 5
266 F. 3d 326 (5th Cir. 1959)

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 5/17/2022.

- No petition for rehearing was timely filed in my case.
- A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.
- An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

- A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.
- An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

42 US Code 1981 - Equal Rights Under Law

- a) Statement of equal rights
- b) make and enforce contracts "defined"
- c) protection against impairment

5th Amendment - guarantees the right to a grand jury, forbids "double jeopardy" and protects against self-incrimination. It also requires that "due process of law" be part of any proceeding that denies a citizen "life, liberty, or property" and requires the government to compensate citizens when it takes private property for public use.

Guarantees that an individual cannot be compelled by the government to provide information that might be incriminating against themselves. When an individual declines to answer a question by "taking the fifth" he or she invokes that right. It is not an admission of guilt.

Texas Code of Criminal Procedure Article 55.03

Effects of expunction. (3) the person arrested or any other person when questioned under oath in a criminal proceeding about an arrest for which the records have been expunged, may state only that the matter in question has been expunged.

STATEMENT OF THE CASE

THE Double Jeopardy clause prohibition of the 5th Amendment represents a fundamental ideal in our constitutional heritage.

US Western District Court of Texas & US Court of Appeals for 5th circuit has procedurally administratively applied dual sovereignty in error to an employment discrimination complaint. Both courts have granted summary judgement based on Candella ledet invoking her 8th amendment right on request for admissions. Reviewing the amount of "liberal construction" granted by both courts for Candella ledet, compared to the rulings in favor of the employer (production request, inadmissible evidence (Larlene Sheaven), refusal of Candella ledet's on time answers to request for admissions, granting summary judgment) Both courts have ruled unconstitutional in a racial discrimination employment complaint.

REASONS FOR GRANTING THE PETITION

The court must decide whether invoking 5th amendment has validity in request for admissions.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Candilli M. Scott

Date: 8/13/2022

June 14, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: _____

JU

DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CANDELLA LEDET,

)

Plaintiff,

)

v.

Civil No. 5:19-CV-712-OLG

PERRY HOMES, LLC,

)

Defendant.

)

FINAL JUDGMENT

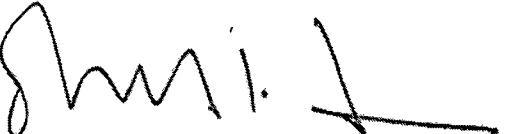
On this date, the Court considered the status of the above-captioned action. For the reasons set forth in the Order entered concurrently on this date, it is **ORDERED** that:

- Magistrate Judge Bemporad's Report and Recommendation (docket no. 147) is hereby **ADOPTED** in full;
- Defendant's Motion for Summary Judgment (docket no. 101) is **GRANTED**;
- Plaintiff's Motion for Default Judgment (docket no. 114) is **DENIED**;
- Defendant is entitled to summary judgment as to Plaintiff's claims in this case, and Plaintiff shall take nothing as to those claims; and
- All other pending motions are hereby **DENIED AS MOOT**.

This is a **FINAL JUDGMENT**, and this case is **CLOSED**.

IT IS SO ORDERED.

SIGNED this 14th day of June, 2021.



ORLANDO L. GARCIA
CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CANDELLA LEDET, §
§
Plaintiff, §
§
v. § SA-19-CA-712-OLG(HJB)
§
PERRY HOMES, §
§
Defendant. §

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

To the Honorable Orlando L. Garcia, Chief United States District Judge:

This Report and Recommendation concerns Defendant's Motion for Summary Judgment (Docket Entry 101), and Plaintiff's Motion for Default Judgment (Docket Entry 114). Pretrial matters in this case have been referred to the undersigned for consideration. (See Docket Entry 35.) For the reasons set out below, I recommend that Defendant's Motion for Summary Judgment (Docket Entry 101) be **GRANTED**, that Plaintiff's Motion for Default Judgment (Docket Entry 114) be **DENIED**, and that Plaintiff's case be **DISMISSED**.

I. Jurisdiction.

Proceeding *pro se*, Plaintiff sued Defendant for, *inter alia*, wrongful termination on the basis of race, in violation of 42 U.S.C. § 1981. (Docket Entries 1, 7.) This Court has jurisdiction over the case pursuant to 28 U.S.C. § 1331. I have jurisdiction to issue this Report and Recommendation pursuant to 28 U.S.C. § 636(b).

II. Background.

Plaintiff, an African American woman, worked in the position of Outside Sales Professional for Defendant beginning in 2012. (*See* Docket Entry 101-1, at 4.) On March 13, 2016, Plaintiff was involved in a verbal and physical altercation with another Outside Sales Professional named Arlene Shearn, who is white. (*Id.*; *see also* Docket Entry 1-1, Docket Entry 119-2.) After the incident, both Plaintiff and Shearn were temporarily suspended; Plaintiff was ultimately terminated, but Shearn was not. (Docket Entry 101, at 8.) Shearn apparently pressed criminal charges against Plaintiff as a result of the incident; however, Plaintiff was acquitted of those charges, and the charges were expunged. (Docket Entry 1-1, at 11-12; Docket Entry 138, at 2.)

Plaintiff brought suit against Defendant, alleging that she was treated less fairly than Shearn, a similarly-situated white employee. (Docket Entry 1-1.) Although Plaintiff originally appeared to bring the suit under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.*, she later amended her complaint to bring a claim for discrimination under 42 U.S.C. § 1981. (Docket Entry 7.) The District Court dismissed Plaintiff's other claims, but permitted Plaintiff's § 1981 claim to proceed. (*See* Docket Entries 26, 32.)

Defendant subsequently moved for summary judgment on Plaintiff's § 1981 claim. (Docket Entry 101.) Defendant argued that, based on matters deemed to have been admitted by Plaintiff under Federal Rule of Civil Procedure 36, there was no dispute as to the material facts of Plaintiff's claim and Defendant was entitled judgment as a matter of law. (*See id.* at 5-11.) Plaintiff opposed summary judgment (Docket Entry 138); she also sought default judgment against

Defendant, arguing that default was appropriate based on Defendant's failures to comply with Court orders. (Docket Entry 114.)¹

III. Analysis.

This Report and Recommendation first addresses Defendant's summary judgment motion (Docket Entry 101) and then turns to Plaintiff's motion for default judgment (Docket Entry 114).

A. *Defendant's Motion for Summary Judgment.*

A party is entitled to summary judgment under Federal Rule of Civil Procedure 56 if the record shows no genuine issue as to any material fact exists and the movant is entitled to judgment as a matter of law. FED. R. CIV. P. 56(c). A party against whom summary judgment is sought may not rest on the allegations or denials in his pleadings, but instead must come forward with sufficient evidence to demonstrate a "genuine issue for trial." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A dispute concerning a material fact is "genuine," and therefore sufficient to overcome a summary judgment motion, "if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Id.* The moving party "always bears the initial responsibility of informing the district court of the basis for its motion, and identifying those portions of 'the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, which it believes demonstrate the absence of a genuine issue of material fact.'" *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986) (quoting FED. R. CIV. P. 56).

"When the moving party has carried its burden under Rule 56(c), its opponent must do more than simply show that there is some metaphysical doubt as to the material facts Where

¹ Plaintiff has filed a number of other motions that are currently pending before the Court. These motions are addressed by a separate order entered today.

the record taken as a whole could not lead a rational trier of fact to find for the nonmoving party, there is no ‘genuine issue for trial.’” *Matsushita Elec. Indus. Co. Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 586–87 (1986) (citations omitted). “Although the evidence is viewed in the light most favorable to the nonmoving party, a nonmovant may not rely on ‘conclusory allegations, unsubstantiated assertions, or only a scintilla of evidence’ to create a genuine issue of material fact sufficient to survive summary judgment.” *Barrera v. MTC, Inc.*, No. SA-10-CV-665-XR, 2012 WL 1202296, at *2 (W.D. Tex. Apr. 10, 2012) (quoting *Freeman v. Tex. Dep’t of Crim. Just.*, 369 F.3d 854, 860 (5th Cir. 2004)).

In evaluating Plaintiff’s response to the motion for summary judgment, the Court must be mindful of Plaintiff’s *pro se* status. “[P]leadings of *pro se* litigants, including oppositions to motions for summary judgment, must be construed liberally and reviewed less stringently than those drafted by attorneys.” *Thorn v. McGary*, 684 F. App’x 430, 432–33 (5th Cir. 2017). At the same time, however, “*pro se* parties must still comply with the rules of procedure and make arguments capable of withstanding summary judgment.” *Id.* (internal quotation marks and citations omitted); accord *Hulsey v. State of Texas*, 929 F.2d 168, 171 (5th Cir. 1991) (“The right of self-representation does not exempt a party from compliance with relevant rules of procedural and substantive law.”) (citation omitted).

In this case, Defendant seeks summary judgment based on its requests for admission, requests which Plaintiff admittedly did not answer. (See Docket Entry 101, at 10; Docket Entry 119.) As Rule 56 makes clear, admissions under Rule 36 are competent summary judgment evidence. See FED. R. CIV. P. 56(c)(1); *Celotex Corp.*, 477 U.S. at 323. Accordingly, the Court must determine (a) whether, in light of Plaintiff’s failure to answer, the matters in Defendant’s

Rule 36 requests should be deemed admitted; and (b) if so, whether these admissions demonstrate the absence of any genuine issue for trial.

1. *Whether, in light of Plaintiff's failures to answer, the matters in Defendant's Rule 36 requests should be deemed admissions.*

Under Federal Rule of Civil Procedure 36(a), a matter is admitted unless the party to whom the request for admission is directed responds by answer or objection within 30 days. FED. R. CIV. P. 36(a)(3); *see Hulsey*, 929 F.2d at 171. If a party does not admit a matter as requested, the answer “must specifically deny it or state in detail why the answering party cannot truthfully admit or deny it.” FED. R. CIV. P. 36(a)(4). If a party objects to a request, the party must state the grounds for objection, and a party “may not object solely on the ground that the request presents a genuine issue for trial.” FED. R. CIV. P. 36(a)(5).

If a matter is admitted under Rule 36, it is “conclusively established” in the case, unless the Court, on motion, allows the admission to be withdrawn or amended. FED. R. CIV. P. 36(b). Rule 36(b) applies both when an admission is affirmatively made by the party, and when a request is deemed admitted in light of a party’s failure to respond. *See In re Carney*, 258 F.3d 415, 419 (5th Cir. 2001) (“[A] deemed admission can only be withdrawn or amended by motion in accordance with Rule 36(b).”). Under Rule 36(b), a court may permit withdrawal if court finds that withdrawal “1) would serve the presentation of the case on its merits, but 2) would not prejudice the party that obtained the admissions in its presentation of the case.” *Id.* Even if a party establishes these two factors, the district court retains discretion to deny a request to withdraw an admission when appropriate. *Id.*

In this case, Defendant served requests for admission on Plaintiff on June 16, 2020, along with interrogatories under Federal Rule of Civil Procedure 33, and requests for production under

Federal Rule of Civil Procedure 34. (See Docket Entry 68-1.) On July 16, 2020, Plaintiff responded to Defendant by email; she did not mention the requests for admission, but raised what appears to be a Fifth Amendment self-incrimination concern regarding Defendant's interrogatories. (See Docket Entry 119-1.) On July 21, 2020, Plaintiff filed a request for a protective order, but this request appeared to address Defendant's interrogatories and a request for medical records, not the requests for admission. (See Docket Entry 66.)

At a hearing before the undersigned on January 8, 2021, Plaintiff indicated that, despite the record evidence recounted above, she had in fact answered the requests for admissions. (See Docket Entry 125, at 13.) However, in an advisory to the Court filed January 11, 2021, Plaintiff conceded that she did not answer the requests for admission, stating that she was unaware whether answering "would affect me favorably or unfavorably." (Docket Entry 119, at 1.) She suggested that her July 16 email indicated that she had claimed a Fifth Amendment privilege in response to the requests for admissions, and she further stated that, upon reflection, she could not either "admit or deny any of the admissions questions." (*Id.*)

In light of the proceedings recounted above, Defendant's requests for admissions should be deemed admitted. Even when construed liberally in light of Plaintiff's *pro se* status, Plaintiff's July 16, 2020, e-mail cannot be considered an answer to the requests for admission. Accordingly, absent a legitimate objection, the matters were admitted by operation of Rule 36. See FED. R. CIV. P. 36(a)(3) ("A matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection addressed to the matter and signed by the party").

Plaintiff's mention of the Fifth Amendment right against self-incrimination cannot be considered a sufficient objection to Defendant's requests for admission. Three reasons compel this conclusion. First, Rule 36 itself makes clear that an admission in a civil case does not have incriminatory effect in any separate criminal proceeding: "An admission under this rule is not an admission for any other purpose and cannot be used against the party in any other proceeding." FED. R. CIV. P. 36(b). In light of this language, it is difficult to imagine how the requests for admission could implicate the privilege against self-incrimination. This is particularly the case here, where the admission is based on Plaintiff's refusal to answer.

Second, Plaintiff does not specify which request for admission would implicate the self-incrimination privilege. The privilege "applies only when the possibility of self-incrimination is a real danger, not a remote and speculative possibility." *Steinbrecher v. Comm. of Internal Revenue*, 712 F.2d 195, 197 (5th Cir. 1983). If the incriminating nature of the response is not readily apparent to the court, the claimant must 'specify how [she] would be injured by any specific question [or answer].'" *Id.* (quoting *Hoffman v. United States*, 341 U.S. 479, 486-87 (1951)). In this case, the danger of self-incrimination is far from apparent, as Plaintiff has repeatedly stated that she was acquitted of charges arising from her altercation with Shearn. (See, e.g., Docket Entry 138, at 2.) And even if self-incrimination applied to some of the requests, Plaintiff "may not withhold all of the evidence demanded of [her] merely because some of it is protected from disclosure by the Fifth Amendment." *United States v. Melchor Moreno*, 536 F.2d 1042, 1049 (5th Cir. 1976). Plaintiff's blanket refusal to answer is unacceptable. *Id.*

Finally, the Court should not permit a plaintiff in a civil case to utilize the Fifth Amendment protection as a means of prejudicing the opposing party. "While it may be true that an individual

should suffer no penalty for the assertion of a constitutional right, neither should third parties sued by that individual . . . be placed at a disadvantage.” *Wehling v. Columbia Broad. Sys.*, 608 F.2d 1084, 1088 (5th Cir. 1979). “[I]t would be unfair to permit [the plaintiff] to proceed with [her] lawsuit and, at the same time, deprive [the defendants] of information needed to prepare [their] defense.” *Id.* at 1087. “The plaintiff who retreats under the cloak of the Fifth Amendment cannot hope to gain an unequal advantage against the party [she] has chosen to sue.” *Id.* “To hold otherwise would, in terms of the customary metaphor, enable plaintiff to use [her] Fifth Amendment shield as a sword. This [she] cannot do.” *Id.* For all these reasons, Plaintiff’s failure to properly respond to the requests for admission should result in the Court deeming admitted those matters contained in the requests.

Assuming that the requests are deemed admitted, Plaintiff’s January 11, 2021, advisory may be liberally construed as a request to withdraw or amend her admissions. (Docket Entry 119.) Even if so construed, however, the request should be denied. In her advisory, Plaintiff asserted that she declined to answer the requests for admissions because she was unaware whether answering would “affect her favorably or unfavorably.” (Docket Entry 119, at 1.) This assertion provides no ground for withdrawal or amendment: a party must answer the opposing party’s proper discovery requests, whether or not such an answer will favor her case. Plaintiff’s advisory further stated that, upon reflection, Plaintiff could not either “admit or deny any of the admissions questions.” (*Id.*) This too is improper. Under Rule 36, if a matter is not admitted, the answer must “state in detail why the answering party cannot truthfully admit or deny it.” FED. R. CIV. P. 36(a)(4). A “party may assert lack of knowledge or information as a reason for failing to admit or deny only if the party states that it has made reasonable inquiry and that the information it knows

or can readily obtain is insufficient to enable it to admit or deny.” *Id.* Plaintiff’s belated response provides none of the required information.

Rule 36 reflects that policy that, “[u]nless the party securing an admission can depend on its binding effect, [the party] cannot safely avoid the expense of preparing to prove the very matters on which [the party] has secured the admission, and the purpose of [a request for admission] is defeated.” FED. R. CIV. P. 36, advisory committee note (1970 amendment). Although the Rule “emphasizes the importance of having the action resolved on the merits,” at the same time it “assur[es] each party that justified reliance on an admission in preparation for trial will not operate to his prejudice.” *Id.* In this case, these policies strongly support deeming admitted those matters covered by Defendants’ requests.

2. *Whether Plaintiff’s admissions demonstrate an absence of any genuine issue for trial.*

As the District Court indicated in its previous ruling in this case (see Docket Entry 32, at 4), claims of employment discrimination under § 1981 are governed by the burden-shifting framework of *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973). *See Bryan v. McKinsey & Co.*, 375 F.3d 358 (5th Cir. 2004).) Under this standard, the complaining employee bears an initial burden of establishing a *prima facie* case of discrimination. *Bryan*, 375 F.3d at 360. To prove a *prima facie* case of § 1981 racial discrimination against an employer, a plaintiff must establish that: (1) she is a member of a protected class; (2) she was qualified for the position held; (3) she suffered an adverse employment action; and (4) she was replaced by someone outside her protected class or was otherwise treated worse than similarly situated individuals outside of her protected class. *Id.* Once the plaintiff has established a *prima facie* case of discrimination, “[t]he burden then shifts to the employer to articulate some legitimate, nondiscriminatory reason” for the

adverse action. *McDonnell Douglas Corp.*, 411 U.S. at 802. If the employer produces sufficient evidence to meet this burden, the plaintiff must show that she was “the victim of intentional discrimination by showing that the employer’s proffered explanation is unworthy of credence.” *Reeves v. Sanderson Plumbing Prods., Inc.*, 530 U.S. 133, 142 (2000). Additionally, to prevail under § 1981, the plaintiff must ultimately prove “that race was a but-for cause of [her] injury.” *Comcast Corp. v. Nat'l Assoc. of African Am.-Owned Media*, 140 S. Ct. 1009, 1014–15 (2020).

In this case, Defendant does not appear to challenge Plaintiff’s ability to make out a *prima facie* case. Instead, it argues that there is no genuine issue of material fact as to (1) the legitimacy of its non-discriminatory reason for Plaintiff’s termination, and (2) Plaintiff’s inability to show that race was the but-for cause of her dismissal. (Docket Entry 101, at 10.) It supports these arguments with the following requests for admission:

- that in March 2016, there was a physical altercation between Plaintiff and Arlene Shearn;
- that Phillip Weyand, the VP of Sales, San Antonio/Austin Division and Wendy Melchor, VP of Benefits/Compensation investigated the incident and interviewed both Plaintiff and Shearn;
- that pending the investigation, both Plaintiff and Shearn were temporarily suspended;
- that as a result of investigation into the incident, Defendant terminated Plaintiff’s employment, effective March 16, 2016; and

- that Defendant communicated to Plaintiff that she was terminated because the investigation revealed that Plaintiff instigated both the verbal altercation and the physical altercation between the two employees.

(Docket Entry 68-1, at 15–16.)

The above facts, once deemed admitted under Rule 36, conclusively demonstrate that there is no genuine dispute regarding Plaintiff’s § 1981 claim. *Cf. Hulsey*, 929 F.2d at 171 (Rule 36 admissions are conclusive as to matters admitted and cannot be overcome at the summary judgment stage by contradictory affidavit testimony or other record evidence). Although, as Defendant implicitly concedes, Plaintiff can present a *prima facie* case, her admissions conclusively show that Defendant proffered a legitimate reason for terminating her employment. *McDonnell Douglas Corp.*, 411 U.S. at 802. Plaintiff’s admissions preclude her from meeting her burden to show that this proffered reason was pretextual. They also foreclose her ability to show that race was the but-for cause of her discharge—a showing that is required “irrespective of the *McDonnell Douglas* framework.” *Simmons v. Triton Elevator, LLC*, No. 3:19-CV-1206-B, 2020 WL 7770245, at *3 (N.D. Tex. Dec. 30, 2020) (citing *Comcast Corp.*, 140 S. Ct. at 1014–15).

In finding that the admissions support summary judgment in this case, the undersigned notes the lack of any contravening evidence in the record. Plaintiff did not present any evidence in response to the motion for summary judgment, instead complaining about discovery issues in the case² and noting that she had been acquitted of criminal charges that arose concerning the

² Some of these discovery issues are addressed below in considering Plaintiff’s motion for default judgment. *See Part III(B), infra.*

incident with Shearn. (Docket Entry 138, at 1-2.) Neither of these arguments defeats Defendant's summary judgment motion. Plaintiff has also presented the Court with a reprimand issued to Shearn the same day that Plaintiff was discharged. (See Docket Entry 119-2.) This document does not raise any genuine dispute as to the proffered reason for dismissal or that race played a factor in Defendant's action.

Plaintiff has denied that she instigated the incident, and she has denied that Defendant communicated the reasons for her firing. (Docket Entry 103.) Plaintiff's conclusory statements in this regard are not evidence; but even if they were, they would not support her § 1981 claim. Plaintiff's statements, if credited, would at most support a conclusion that Defendant was mistaken in its decision to fire her. Texas, however, is an at-will employment state, and employees "may be fired for a good reason, bad reason, or no reason at all." *Safeshred, Inc. v. Martinez*, 365 S.W.3d 655, 660 (Tex. 2012). A decision to discharge an employee, even if mistaken, is not actionable under § 1981, absent a showing that race was but-for cause of the employer's action. Plaintiff has made no such showing.

For all these reasons, Defendant has demonstrated the absence of a genuine dispute in this case, and the motion for summary judgment should be granted.

B. *Plaintiff's Motion for Default Judgment.*

Plaintiff's pending motion for default judgment was filed on December 18, 2020. (Docket Entry 114.) The motion renewed a request Plaintiff had made two weeks earlier, in which Plaintiff had both suggested default as a sanction for Defendant's failure to follow court orders and as an appropriate action under Federal Rule of Civil Procedure 55(b). (See Docket Entry 106.) As Plaintiff had sought a Rule 55(b) judgment even though no default had been entered

under Rule 55(a), the undersigned dismissed the Rule 55 judgment request and carried sanction request forward with the case. (See Text Order entered December 18, 2020.)

Federal Rule of Civil Procedure 16(f) provides that the court may impose sanctions against a party that fails to obey a pretrial order. FED. R. CIV. P. 16(f)(1)(C). A trial court has “broad discretion” in determining whether to sanction the offending conduct. *See Hedges v. United States*, 597 F.2d 1014, 1018 (5th Cir. 1979). Available sanctions include those set out in Federal Rule of Civil Procedure Rule 37(b)(2)(A); one such sanction is “rendering a default judgment against the disobedient party.” FED. R. CIV. P. 37(b)(2)(A)(vi). However, “[t]he entry of a default judgment is an extreme sanction and should be imposed only ‘in the face of a clear record of delay or contumacious conduct by the [party].’” *SEC v. First Houston Cap. Res. Fund, Inc.*, 979 F.2d 380, 382 (5th Cir. 1992) (citation omitted)).

Entry of default judgment is not an appropriate exercise of discretion for the claimed failure in this case. Plaintiff argues that Defendant failed to obey an order entered by undersigned on November 23, 2020, requiring Defendant to respond to a motion to compel discovery filed by Plaintiff. (See Docket Entry 106, at 1; Docket Entry 105.) However, the undersigned already addressed this failure. The undersigned issued a show-cause order on December 10, 2020 (Docket Entry 108); Defendant responded the next day, explaining its failure and providing evidence that it had previously provided a response to Plaintiff’s underlying discovery request. (Docket Entry 109.) The undersigned held a hearing on the matter on January 8, 2021, and ordered additional discovery in a series of subsequent orders. (See Docket Entries 117, 118, 124, 127, and 130.) Plaintiff renewed a request for sanctions, which the undersigned denied. (See

Docket Entries 128, 131.) In these circumstances, no further sanctions should be imposed on Defendant, let alone a sanction as severe as the entry of default judgment.

For these reasons, Plaintiff's motion for default (Docket Entry 114) should be denied.

IV. Conclusion and Recommendation.

For the reasons set out above, I recommend that Defendant's Motion for Summary Judgment (Docket Entry 101) be **GRANTED**, that Plaintiff's Motion for Default Judgment (Docket Entry 114) be **DENIED**, and that Plaintiff's case be **DISMISSED**.

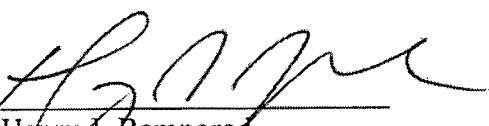
V. Instruction for Service and Notice for Right to Object.

The United States District Clerk shall serve a copy of this Report and Recommendation on all parties by either (1) electronic transmittal to all parties represented by attorneys registered as a "filing user" with the clerk of court, or (2) by mailing a copy to those not registered by certified mail, return receipt requested.

Written objections to this Report and Recommendation must be filed **within fourteen (14) days** after being served with a copy of same, unless this time period is modified by the district court. 28 U.S.C. § 636(b)(1); FED. R. Civ. P. 72(b). The party shall file the objections with the clerk of the court, and serve the objections on all other parties. A party filing objections must specifically identify those findings, conclusions or recommendations to which objections are being made and the basis for such objections; the district court need not consider frivolous, conclusive or general objections. A party's failure to file written objections to the proposed findings, conclusions and recommendations contained in this report shall bar the party from a *de novo* determination by the district court. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985); *Acuña v. Brown & Root, Inc.*, 200 F.3d 335, 340 (5th Cir. 2000). Additionally, failure to file timely written

objections to the proposed findings, conclusions and recommendations contained in this Report and Recommendation shall bar the aggrieved party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc).

SIGNED on May 18, 2020.



Henry J. Bemporad
United States Magistrate Judge

United States Court of Appeals
for the Fifth Circuit

No. 21-50618

CANDELLA M. LEDET,

Plaintiff—Appellant,

versus

PERRY HOMES,

Defendant—Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:19-CV-712

ON PETITION FOR REHEARING

Before WIENER, DENNIS, and HAYNES, *Circuit Judges.*

PER CURIAM:

IT IS ORDERED that the petition for rehearing is DENIED.

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

May 17, 2022

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 21-50618 Ledet v. Perry Homes
USDC No. 5:19-CV-712

Enclosed is an order entered in this case.

See FRAP and Local Rules 41 for stay of the mandate.

Sincerely,

LYLE W. CAYCE, Clerk

Roeshawn Johnson

By: Roeshawn Johnson, Deputy Clerk
504-310-7998

Ms. Jeannette Clack
Ms. Yanice Colon-Pol
Mr. Paul M. Lanagan
Ms. Candella M. Ledet

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 21, 2022

No. 21-50618
Summary Calendar

Lyle W. Cayce
Clerk

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versus

PERRY HOMES,

Defendant—Appellee.

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for the Western District of Texas
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Before WIENER, DENNIS, and HAYNES, *Circuit Judges.*

J U D G M E N T

This cause was considered on the record on appeal and the briefs on file.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED.



A True Copy
Certified order issued May 25, 2022

Lyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

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PER CURIAM:*

Candella Ledet, acting pro se, sued her former employer, Perry Homes, under 42 U.S.C. § 1981, alleging that her firing was based upon discrimination. Perry Homes served her requests for admissions to which

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 21-50562

she failed to respond.¹ The district court entered an order requiring her to respond by a certain date and warning of the repercussions if she failed to do so, yet she failed to respond. Perry Homes ultimately filed a motion for summary judgment on the deemed admissions, which the district court granted. Ledet appealed.

While pro se litigants are given liberal construction in their briefing, they are still required to follow the rules of procedure and to brief relevant points. *Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993). Ledet wholly fails to show any error in the district court's ruling (which adopted the magistrate judge's recommendation opinion) on this point.

Accordingly, the judgment of the district court is AFFIRMED. Ledet's motion to appoint counsel is DENIED. Her motion to allow attachment is also DENIED.

¹ Ledet sent an email referencing the interrogatories sent but not specifically referencing the requests for admissions. In the email she stated that the "Interrogatories and Discovery" "mostly consist of information that will be in violation of my 5 amendment rights." Such an email is not a proper response and, in any event, requests for admissions responses cannot be used against defendants in criminal proceedings, so the Fifth Amendment is not a defense to the requests. FED. R. CIV. PRO. 36(b) ("An admission under this rule is not an admission for any other purpose and cannot be used against the party in any other proceeding."). Additionally, this email predated the district court's order to respond.

United States Court of Appeals

**FIFTH CIRCUIT
OFFICE OF THE CLERK**

**LYLE W. CAYCE
CLERK**

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

May 25, 2022

Ms. Jeannette Clack
Western District of Texas, San Antonio
United States District Court
655 E. Cesar E. Chavez Boulevard
Suite G65
San Antonio, TX 78206

No. 21-50618 Ledet v. Perry Homes
USDC No. 5:19-CV-712

Dear Ms. Clack,

Enclosed is a copy of the judgment issued as the mandate and a copy of the court's opinion.

Sincerely,

LYLE W. CAYCE, Clerk

Rosie Ann Johnson

By: Roeshawn Johnson, Deputy Clerk
504-310-7998

cc: Ms. Yanice Colon-Pol
Mr. Paul M. Lanagan
Ms. Candella M. Ledet

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
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FILED

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Before WIENER, DENNIS, and HAYNES, *Circuit Judges.*

J U D G M E N T

This cause was considered on the record on appeal and the briefs on file.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED.



A True Copy
Certified order issued May 25, 2022

Lyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

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No. 21-50562

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United States Court of Appeals

**FIFTH CIRCUIT
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May 25, 2022

Ms. Jeannette Clack
Western District of Texas, San Antonio
United States District Court
655 E. Cesar E. Chavez Boulevard
Suite G65
San Antonio, TX 78206

No. 21-50618 Ledet v. Perry Homes
USDC No. 5:19-CV-712

Dear Ms. Clack,

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Sincerely,

LYLE W. CAYCE, Clerk

Rosaleen Johnson

By:

Roeshawn Johnson, Deputy Clerk
504-310-7998

cc: Ms. Yanice Colon-Pol
Mr. Paul M. Lanagan
Ms. Candella M. Ledet

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Candella Monique Ledet — PETITIONER
(Your Name)

VS.

PERRY HOMES — RESPONDENT(S)

PROOF OF SERVICE

I, Candella Ledet, do swear or declare that on this date, August 13, 2022, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

<u>Yanice Colon- Pol</u>	<u>Paul M. Langan</u>
<u>Two Riverway, Suite 845,</u>	<u>Two Riverway, Suite 845,</u>
<u>Houston, Texas 77056</u>	<u>Houston, Texas 77056</u>

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

Executed on Aug. 13, 2022

Candella Monique Ledet
(Signature)

