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IN THE
SUPREME COURT OF THE UNITED STATES

In re: **WILLIAM B. JOLLEY**

William B. Jolley

Petitioner

v.

United States Court of Appeals for the District of Columbia, and

United States District Court for the District of Columbia, and

United States Department of Housing and Urban Development

Respondents

Court of Appeals for the District of Columbia Case No. 23-5278

District Court for the District of Columbia Case No. 1:21-cv-02709-ZMF

Investigation of the Department of Housing and Urban Development No. HUD-00037-2019

**PETITION FOR A WRIT OF MANDAMUS
AND/OR PROHIBITION**


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QUESTION PRESENTED

Is 29 C.F.R. ¶ 1614 constitutional where Defendant HUD contends that the results of Investigation made under 29 C.F.R. ¶ 1614 (HUD-00037-2019) has no value in the federal court suit where HUD-00037-2019 shows that HUD discriminated on the basis of Age and Disability according to the interpretation rules of 29 C.F.R. 1614; and where ¶ 1614, used by all the federal agencies, has no provisions for compliance with the due process guarantee of the Constitution (No impartial tribunal, etc.); and ¶ 1614 is suppose to cover discrimination in employment applications, employment, etc.; all “discrimination” types covered being statutory rights.

PETITION FOR AN EXTRAORDINARY WRIT

ABBREVIATIONS USED:

HUD...U.S. Department of Housing and Urban Development (Defendant)

Court of Appeals ... U. S. Court of Appeals for the District of Columbia

District Court... U. S. District Court for the District of Columbia

HUD-00037-2019...HUD's investigation: Plaintiff's evidence

BASIS FOR JURISDICTION

This Petition is timely filed within 90 days of the March 8, 2024 Order of the Court of Appeals for the District of Columbia Circuit (Apx pg.1). The United States Supreme Court has jurisdiction to hear and determine this Petition under 28 U.S.C. ¶ 1651(a).

REASON RELIEF NOT AVAILABLE IN ANY OTHER COURT

The issue stems from a case (No. 1:21-cv-02709-ZMF) now held by the District Court for the District of Columbia. That Court refuses to terminally decide the case so appeal was limited to the action for a writ to the Court of Appeals which went astray.

STATUTORY PROVISIONS INVOLVED

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

29 C.F.R. ¶ 1614: This C.F.R. is 12,878 words in length. Originated by the Equal Employment Opportunity Commission (EEOC); it describes the procedures and the **Rules that Agencies must use** in "Investigations" for the resolution of discrimination for Age and Disability, as in HUD-00037-2019, which is the center of this dispute. **HUD-00037-2019**; interpreted, under Agency Rule **29 C.F.R. 1614**, shows that Plaintiff (Petitioner) Jolley prevails.

STATEMENT OF THE CASE

Defendant (HUD) does not accept that its own Investigation, HUD-00037-2019, shows that HUD discriminated against Plaintiff when he applied for a HUD job in 2018. Plaintiff, suspecting discrimination, sought assistance from HUD ODEEO (HUD Office of Departmental Equal Employment Opportunity). HUD decided to have the matter investigated as described by 29 C.F.R. 1614. Investigation completed 10-25-2019. 29 C.F.R. 1614.108(c)(3)(ii) determines that Mr. Jolley has prevailed as the result of HUD's investigation. Plaintiff filed suit when HUD refused to settle based on the Investigation. Defendant, keeping the case in court, is believed to be waiting for Plaintiff (Born 1930) to expire.

Plaintiff submitted a Petition for a Writ of Mandamus to the Court of Appeals seeking to direct the District Court to make a "final decision" to terminate the case within a specified time (Apx pg 2-13).

Four months later Petitioner received a response from the Court of Appeals (Apx pg 1). The Court of Appeals had never informed Plaintiff of its intended course of action. Based on what happened as defined by the 25 January 2024 **ORDER of Judge Faruqui** (Apx pg 14-18); the matter of the Petition for the Writ to direct the action of the District Court had been "decided" by the **District Court** (APX pg 16-18) and not by the Court of Appeals ... weird.

This case originated in 2020. From 2-04-2022 to 3-23-23 there was No action for 15 months. Case is now 39 months old with no action on dispository Motions of Plaintiff.

The matter in the Court of Appeals is one of "failure of due process" as to that Court's non-compliance with Rule 21 of the Rules of Appellate Procedure; and the matter that the District Court has been allowed unfettered right to deny Plaintiff's Petition for a Writ to the Court of Appeals without invitation, comment or control from the Court of Appeals in violation

of Rule 21 requirement that the District Court may only participate if "invited or ordered" (Appellate Procedure Rule 21(b)(4)).

The Court of Appeals has sanctioned (allowed without comment) a departure from the usual and accepted course of proceedings by a lower court. Considering the events in their entirety, one must acknowledge that the Court of Appeals and the District Court have so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of the Supreme Court's supervisory powers over the actions of both Courts for a prompt decision of this case based on the fact that the government's own 2019 investigation (HUD-00037-2019) governs the result ... and the fact that the Petitioner is really very old.

REASONS FOR GRANTING THIS PETITION

1. Plaintiff's DOB is: 1930
2. Case is thirty nine months old. 68 months since the discrimination occurred
3. Procedures of both Courts below violate Petitioner's right to due process
4. The Defendant should rely on, and abide by, its own Investigation per 29 C.F.R. 1614
5. Further judicial resources used in the courts below would make this case a classic boondoggle.

RELIEF SOUGHT BY PETITIONER

I

Petitioner seeks Mandamus to the Defendant that Defendant discriminated against Plaintiff and is directed to comply with the Order proposed in Plaintiff's Motion for Judgment on the Pleadings (APX pg 22).

II

Petitioner asks that 29 C.F.R. ¶ 1614 be declared unconstitutional as to "equal employment discrimination" claims where 29 C.F.R. ¶ 1614 does not provide due process and an impartial tribunal or impartial decision maker. "Discrimination claims" are a matter of statutory law providing "a property interest" requiring adherence to the requirement for Constitutional due process.

CONCLUSION

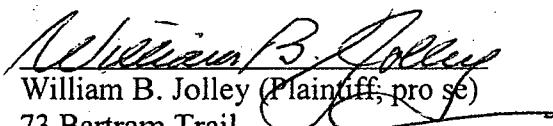
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29 C.F.R. 1614.108(c)(3)(ii) determines that Plaintiff prevails on the issue of HUD having discriminated against Plaintiff on the basis of Age and Disability.

II

29 C.F.R. ¶ 1614 should be declared unconstitutional. Applicants for federal employment have statutory rights with respect to employment in federal civil service positions and a constitutionally protected property interest in not facing various forms of discrimination described by laws. 29 C.F.R. ¶ 1614 does not provide due process or an impartial tribunal or impartial decision maker for employment applicants who may be discriminated against.

Respectfully submitted,


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