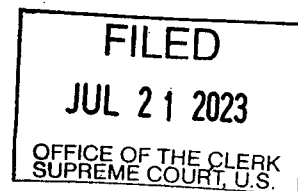


No. **23 - 5215**



In The
SUPREME COURT OF THE UNITED STATES

Aisha Wright, Pro Se
Petitioner

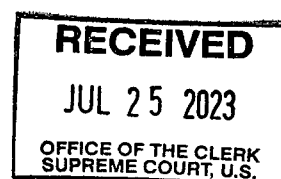
Versus

Union Pacific Railroad,
Respondent

On Petition for Writ of Certiorari to the United States
United States Court of Appeal for the Fifth Circuit
District Court of Appeals for the Southern District of Texas

PETITION FOR A WRIT OF CERTIORARI WITH
APPENDIX

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QUESTION(S) PRESENTED

The Petitioner Aisha Wright conducted an overall review of my case record and Concluded newly substantial evidence that was not supported by the Administrative Law of preponderance evidence, **In the case of Cannon v. Jacobs Field Services North America, Inc., No. 15-20127 (5th Cir. 1/13/2016)**, In this Case; After Finding new factual documents of evidence of violation of dereliction of Judicial Judge misconduct with the intend of illegal malpractice of lawyers/ ineffectiveness of counsels knowingly and willfully disregarded and failed to impose the Applicable laws of violations of 28 U.S.C. 453-Oath of justices and judges, Civil Rights Act of 1964, Rule 16, Rule 2.9, U.S.C 455, Rule 60, 59(e), 56,11, 42 USC 2000e, 2 USC code 1311, and cal. R. Ct. Canon 1 and 3 of statutory causes of action of factual elements of legal remedy for a reconsideration of this case for a relief for a summary judgment put aside..... to be void, whereas; the lower court abuses its judicial discretion of notwithstanding the Federal Rules by law in contrast, connotes the instrumental use of law as a tool for self-interest to have the petitioner Aisha Wright case to be maliciously and prejudicial dismissed.

Note; **Whereas the Petitioner raise question did all four parties received some type of financial gain from this case to be dismissed in favor of Respondent?**

Questions,

1. Since the Lower District Court **perjure oneself-interest of “No transcript and No Hearing”**, **See Appendix, G, H**, which would have an effect on this newly findings, which lead the petitioner believing of no such documents, until March 2023 and April 2023, if this would had been presented to the Appeal of the Fifth District in the beginning from the Lower District Court, would this have been sufficient enough to survive proper consideration of the Petitioner Retaliation claim?

see, Griffin and Eskridge, they were entitled to a transcript in order to appeal, a pointless contention if, by so stating the argument, they meant to waive the right to have the State Supreme Court consider some or possibly all the underlying allegations of error.

2. By the new factual documents **see Appendix K, Docket: “No transcript and No Hearing”**, does this constitute a violation form the Lower District court violate

the Federal Rules of Civil Procedure of Rule 2.9, Rule 60, Rule 59(e) and Cannon 1,3 permits to bring action to recover losses, fraud, **newly discovered evidence with misrepresentation by the Lower District Court Judge and illegal malpractice or ineffectiveness of counsels by erroneous Barred of hearings?**

3. Did the Lower District Court violated The Federal Rules of Civil Procedures with Statutory provisions of Rule 2.2 impartial and fairness, Rule 2.3, Rule 2.6, Rule 2.11, Rule 8.4 and U.S.C 455 and cannon 1, 3 provides in a Civil action may **be brought by the Plaintiff to obtain other appropriate equitable relief to redress violations of the statute of the Petitioner Retaliation Case?**

4. Whether the Lower District Court failed to give the correct action of the plaintiff of being deprive as a human person had the opportunity to be properly be heard, instead a **“P Wright”** as The Client”, see Appendix I&J is a violation of Substantive Due process rights of subversive under the Fourteenth Amendment and Articles with the **intentional violation of fraud to deceive the Court in favor of the Respondent to bring test in question of a decision of Supreme Court Justices?**

5. Whether a plaintiff asserts a claim of retaliatory discrimination with the Continuance Violation Doctrine form working in hostile work environment from 2016 lawsuit in violation of Title VII of Civil Rights Acts of 1964, 42 U.S.C. 2000e 2(a) 3(a) and violation 2 U.S. Code § 1311 - Rights and protections under title VII of Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, Rehabilitation Act of 1973, and title I of Americans with Disabilities Act of 1990, **must show that the plaintiff suffered materially adverse employment action?**

6. Whether the Lower District Court and Appeal for the Fifth Circuit Court District erred the plaintiff case by violating the Collective bargaining agreement of free of being discipline of wanting union representation from a Continue Violation Doctrine from working in hostile work environment, which is guaranteed by the Due Process clause as present of statutory construction whether section 100.001 of labor code provides private sector employees represented by a labor organization with rights equivalent to so called Weingarten rights, per the policy and procedure and the Constitution Bylaws to have waiver and conference when rendering aid in emergency of unethical discriminatory **practices of conspiracy of retaliation?**

PARTIES TO THE PROCEEDING AND RULE 29 STATEMENT

Petitioners is Aisha Wright, Pro Se Plaintiff. Petitioners were the plaintiff's appellants at the court of appeals. Petitioners Amicus Brief from Equal Employment Opportunity Commission.Gov. Respondents are Union Pacific Railroad. Respondents were the defendant's Appellees.

RULE 29 STATEMENT

A corporate disclosure statement is not required under Supreme Court Rule 29.6 because petitioner is not a corporation.

RELATED CASES

Aisha Wright v. Union Pacific Railroad, 4:19-cv-00203 U.S District Court for the Southern District of Texas.

Aisha Wright v. Union Pacific Railroad, No. 20-20344, The United States Court of Appeals For the Fifth Circuit.

Aisha Wright v. Union Pacific Railroad 4:16 –cv-02802 U. S District court for the Southern District of Texas.

Aisha Wright V. Transportation Communication Union/IAM, 4:21-cv-03174, U.S District Court for the Southern District of Texas, Pending as of 2023.

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Certiorari is appropriated to resolve a conflict among the Lower District Court alongside with the Appeal Court of the Fifth Circuit erred and to decide an important Questions of Federal LAW.....	35
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APPENDIX

- A. Denied, for Rehearing and Rehearing EN Banc, United States Court of Appeals for the Fifth Circuit, February 23, 2023.
- B. Judgement, United States Court of Appeals for the Fifth Circuit IS AFFIRMED, granting Union Pacific Summary Judgement January 25, 2023.
- C. Judgement issued as mandate a court’s opinion, March 03, 2023
- D. U.S. District Court, Southern District of Texas, Conclusion Aisha Wright will take nothing from Union Pacific Railroad company, May 31, 2022.
- E. U.S. District Court, Southern District of Texas, Conclusion, Aisha Wright case will be dismissed, June 1, 2020.
- F. Conclusion, AFFIRMED in part, REVERSED in part, and REMANDED, United States Court of appeals for the Fifth Circuit, March 5, 2021.

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OPINIONS BELOW

The Decision of the United States Court of Appeal for the Fifth District is unpublished. The Petitioner filed for Rehearing and Rehearing EN BANC was denied. The decision by the United States District Court Southern District of Texas is published.

STATEMENT OF JURISDICTION

The Fifth Circuit Court of Appeals has denied the Petitioners request in a Rehearing in a timely matter dated February 23, 2023. Jurisdiction in this court has the right to review an Appeal Court is proper per Tile 28 USC, Section 1254 as the Supreme court has the right to review an Appeal Court Ruling via a Writ of Certiorari.

CONSITUTIONAL AND STATUTORY PROVISION INVOLVED

A Due Process Clause appears in both the Fifth Amendment and the Fourteenth Amendment to the U.S. Constitution. These provide that nobody may be deprived of life, liberty, or property without due process of law: First, procedural due process involves the steps that must be taken before someone is deprived of an

interest involving life, liberty, or property. Whereas include notice and an opportunity to be heard, as well as an unbiased decision-maker, also may entail a right to present evidence, a right to cross-examine opposing witnesses, and an opportunity to be represented by an illegal malpractice lawyer/ ineffective counsel, among other protections.

Section 2- Federal Rules Governing the Performance of judicial duties and unethical misconduct of an illegal malpractice of counsels that was misleading and Misrepresentation as follow:

Rule 2.2- impartiality and fairness

Rule 2.3 Bias, Prejudice

Rule 2.5 Competence, Diligence, and Cooperation

Rule 2.6 Ensuring the Right to be heard

Rule 2.9 Ex Parte communications

Rule 2.11 Disqualification

Rule 59 New Trial; Altering or Amending a Judgement

Rule 60 Relief from a judgment or Order

Rule 8.4 Misconduct comments

28 U.S.C, 455; 144

STATEMENT OF THE CASE

Aisha Wright, the Petitioner, had filed two lawsuits in the Southern District Court of Texas in the Southern District Federal Court and was erroneously dismissed in her case on June 1, 2020, and May 31, 2022, by the Lower District Court for failure to state retaliation claims. I want to start out the first statement of this case of Relief from a judgement or order or proceeding, I Aisha Wright petitioner, is addressing the law at hand 28 U.S.C. 453-Oath of justices and judges, Rule 60 (b) (3) the violation from the Lower District Court of the Judge Judicial Misconduct and failed from the Petitioner former lawyer and Opposing counsel for misrepresentation and misleading of statements, conflict of interest, fraud and deception from the very beginning of the Petitioner case raise question of withheld materials without my consent Rule 11, deprived the movant of full and fair

opportunity to present the Petitioner Case Rule 56 and Rule 59, Whereas maliciously prejudicial of dismissing the Petitioner case. For one, the Lower District Court under Rule 60 (b) (3), (5) had Extrinsic Fraud with the act of deception of misrepresentation outside the event itself of self-interest, which deprive the Petitioner of privy material information or participation without knowledge nor consent, (1) the Appeal Court of the Fifth Circuit Remand and Reversed the petitioner case back the Lower District Court for further proceeding for retaliation and the Lower District Court failed to apply to Applicable Law. (2) failed to submit all my evidence. (3) Failed to disclose my Medical Condition from working in hostile work environment cause to be disable (4) failed to invoke my right and Barred to the testimonial at a hearing raise question by my new findings of the two transcripts. (5) Could the two transcripts have been redacted without my presence of being Barred from? (6) The Opposing party and the Petitioner former attorney knew the Lower District Court Judge was privy to shares of stocks with Union Pacific Railroad to protect the Lower District Court Judge financial gain, due to non-consent disclosure to my newly finding on March of 2023, of a **Protective Order**, see Appendix L to protect his shares of stock, of stating this court “**doesn’t own stock**”, see Appendix N raise questions of deception of collaboration of conspiracy among themselves to continue to retaliate against my case. Whereas the Petitioner raise question and want to know did all four parties received some type of financial gain from this case to be dismissed in favor of Respondent? The Lower District Court, the Petitioner former attorney and opposing counsel violated the Due Process clauses of the United States Constitution require the Petitioner Human Equal Rights, wherein question of these violation could have been raise or request during court proceedings for violating Rule 46 and Rule 36(a), Rule 1.16 to file motions to recusal the Lower District Court judge, to file motions and request to have the Petitioner former lawyer terminated for being incompetent, failed to

elucidation, and failed the petitioner to file a Rule 59 motion with the Appeal Court of the Fifth Circuit due to the newly findings of evidence. In two situations: (1) Where the judge has a financial interest in the case' outcome. (2) where there is otherwise a strong possibility that the judge's decision will be biased, The Supreme Court addressed recusal in the 2009 case Caperton v. A. T. Massey Coal Co. (08-22). The Respondent and the Petitioner former counsel showed deception of the Lower District Court Judge has stock, instead, the three counsels knew all along and cover it up during court proceeding Docket see, Appendix, O, P, Q, the Respondent, stating they made a mistake to cover it up that is was another judge that has stock, which I believe with intentional misconduct of misrepresentation violation, Rule 1.4: Communication, promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), Rule 1.3 (requiring a lawyer to act with reasonable diligence in representing a client), 1.4(a)(4) (requiring a lawyer to comply as soon as practicable with reasonable requests for information from the client), 8.1(a) (prohibiting a lawyer from knowingly making a false statement of material fact in connection with a disciplinary matter), and 8.4(c) (prohibiting a lawyer from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation) that they cover it up to protect the Respondent in favor for summary judgment and the Lower District Court judge to protect his financial gains that the Lower District Court Judge contributed from his Financial Discloser Report, see, The Supreme Court addressed recusal in the 2009 case Caperton v. A. T. Massey Coal Co. (08-22).see Appendix P & Q, See Gov. Bar R. V(13)(C)(1), (3), (4), and 6.

The intrinsic fraud whereas, the Petitioner former attorney, the Lower District Court Judge and Opposing Counsel intentionally mishandle and misrepresented, see, *Pour Le Babe, Inc. v. Guess? Inc.* the petitioner case by being

deceptive of contradicting, and willful disregarded the disputed issue of facts from enforcing the petitioner legal rights of retaliation Under the Civil Right Act of 1964, 42 U.C.S. 2000e et seq during court proceedings and no opportunity to address the deception of the new findings that was never presented, **see, He is in trouble with the Fifth Circuit, again. In Pulse Network v. Visa, Inc., No. 18-20669 (5th Cir.), the court of appeals removed Judge Hughes from this suit.** provided, at the time of the court proceedings of omitting and neglect to bring out the identity of the Lower District Court judge and finding of newly evidence of the Two Transcript from the Petitioner of being barred. The hearing and omission of dockets without the Petitioner consent of a violation of Rule 52, 59, 56, Rule 2.2 Impartiality and Fairness, a judge shall uphold and apply the law and shall perform all duties of a judicial office impartially and fairly, whereas the Two Transcript **see, Appendix, G&H,** the Lower District Court was being bias with the Petitioner case in favorable to the Respondent Union pacific Railroad and prejudice implies as an unfavorable opinion of contradicting of deception of cases, whereas to protect the Lower Court District Judge stocks and shares with Union Pacific Railroad for his financial gain and being notorious for erroneous of legal errors handling of employment discrimination cases. of being bias, whereas the Court of Appeal of the Fifth Circuit, **following 2017's McCoy v. Energy XXI GOM, LLC and 2021's Miller v. Sam Houston State University. "It is "déjà vu all over again," the 5th Circuit said, quoting Yogi Berra. "And we reverse. Again. But we trust that the district court will heed the Federal Rules and the mandates of our precedent."** **see Appendix, P, Q.** The Lower District Court violated 2.9 Ex Parte of being one sided, whereas the petitioner new finding of facts of the false documents after the fact of mislead statement entries generally being outside the scope without the petitioner Aisha Wright knowledge nor consent and wasn't never given the opportunity to address

the petitioner remedies law options make know to what was taking place at the time of two hearing and transcripts that was deceitful and non-disclosure from the Lower District Court Docket “No Transcript and No Hearing, case dismissed,” see Appendix, G,H&K, violation of Rule 59, whereas, the petitioner could apply all the remedies that the petitioner could have gravitate to at the time of litigation with the Petitioner circumstantial evidence that was already given to my former Lawyer to prove my case and would have objective to this misrepresented conduct, and would have asked for a new counsel and a new judge, due to the unforeseen dockets and mislead statements being made and misrepresentation from the Lower district. whereas I the petitioner could have address these new finding to the Appeal Court of the fifth Circuit **under Rule 56(c), Rule 59. The** newly findings documents the Lower District Court, former counsel and opposing counsel violated; whereas, Section 473 - Mistake, inadvertence, surprise or excusable neglect (a) (1) The court may, in furtherance of justice, and on any terms as may be proper, allow a party to amend any pleading or proceeding by adding or striking out the name of any party, or by correcting a mistake in the name of a party, or a mistake in by the ineffective counsel and the lower district court judge. Furthermore, the ineffective counsel raised question. As I researched yes an ineffective counsel is notorious for criminal cases, but can it be used in a civil case which I would like to address as an act of Congress of the law to question argument as to Illegal Malpractice of a lawyer conduct and ineffective counsel with the similarities? When it’s similarities of an ineffective counsel in a civil case; for instance, see United States of America V. Joseph Fiorelli, 2003, “As the court said in Fiorelli, supra at 338, Rule 59 (e) is a “device to relitigate the original issue decided by the Lower District Court used to allege error” due to dereliction of duty that gives rise to a cause of action for violation of the right”, “we will therefore vacate the District Court Dismissal and remand for the appropriate

factual findings, which in the petitioner Aisha Wright case of my former lawyer illegal malpractice of knowingly and willingly disregarded and violated Rule 803, **Rule 37, and Rule 11 and Constitutional Right Fourteenth Amendment, Due Process**, but rather a list of procedures that might be claimed in a “due process” argument, roughly in order of their perceived importance, the Petitioner Medical condition of evidence which former lawyer failed to raise during the Hearing, see two transcript, Appendix G & H, see, Judge Henry Friendly, see Appendix, V, of evidence of being disable, financial Hardship and Homeless as present to this day from working in Hostile work environment of retaliation caused by the Respondent of continue Actions, see, Burlington Northern & Santa Fe (BNSF) Railway Co. v. White, 548 U.S. 53 (2006). The Petitioner Aisha Wright was deceived by the misrepresenting, and misleading statements, barred to appear in court for hearings and court dates via the Lower Court Judge stated, “**didn’t want me there**”, see Appendix K of phone record, see, Rodriguez v. United States, 575 U.S. 348 (2015), whereas the Lower District Court Judge Barred the Petitioner from his court Room. Failed to object to objectionable evidence or testimony, failed to apply the applicable law to the case, failed to report conflicts of interest as being Ex Parte Rule 2.9, failed to bring forth witness or to investigate potential defense, failed to consult the petitioner when decision were being made during court proceedings, failed to enlist necessary experts to challenge the Respondent theory and misrepresenting the consequences refusing to represent a client for political or professional motives, false or misleading statements, hiding evidence, abandoning a client, failed to disclose all relevant facts, arguing a position while in court proceedings would have made a difference, “Strickland v. Washington, 466 U.S. 668 (1984)”. See Appendix G&H, Transcript,

Actual improprieties include violations Rule 1.3.109: communications of the law court rules or provision of this code. The test of impropriety is whether the conduct would create in reasonable minds a perception the Lower District Court violated this code or engaged in other conduct that reflects adversely on the judge honesty, impartiality, temperament or fitness to serve as a judge. Rule 1.3 states that it is improper for a judge to use or attempt to use his/her position to gain personal advantage or deferential treatment of any kind, whereas the Lower District court Judge stock and shareholder of Union Pacific Railroad, following the two transcripts you can see as being one sided in favor of the respondent Union Pacific Railroad to protect his financial gain, in question? see Appendix P&Q, whereas to the petitioner finding of other resided, see, Appendix, AA; case with the Union Pacific Railroad, there is no telling how many other people that have been erroneous illegal errors from the Lower District Court had done this too maliciously Prejudicial dismissed their case of the deception of owning shares of stock; Rule 2.2 states that a judge must be objective and open-minded to ensure impartiality and fairness to all parties, as you can see from the two transcripts, The Petitioner was not to able to object nor to defend myself per **Docket case instead a Client P. Wright was there.** See **Appendix I & J**. Rule 2.3 a Judge who manifest bias or prejudice in a proceeding impairs the fairness of the proceeding an brings the judiciary into disrepute, the Lower District Court willful disregard the decision of the proceeding with the regard to the administrative matters which this case connect to a Continuance violation Doctrine of working in hostile work environment caused the petitioner suffered Medical condition, On Duty Incident Report, see Appendix, V, to be harmed from the physical intimidation and falsify statements of the petitioner of being defame by having known for bad reputation of having bad history with Union Pacific railroad of being terroristic threaten by Union Member Officials, sexually harassed ,damaging my health, restricting my

Seniority, and failed to promote which it “connect” according to the transcript which was being dismissive of the infliction that I was suffering during the two court proceedings which all parties failed to mention as a Continuance Violation Doctrine from working hostile work environment. Rule 2.5 provides that in disposing of matters promptly and efficiently a judge must demonstrate due regard for the rights of the parties to be heard and to have issue resolved without unnecessary cost or delay, by this the Petitioner was barred from court hearing. Rule 2.8 that a duty to hear all proceedings with patience and courtesy is not inconsistent with the duty imposed in Rule 2.5 to dispose promptly of the business of the court, **whereas four officials were being heard somewhere without my knowledge to be there at the hearing of being dismissive from the Lower District Court**, once again the petitioner was Barred. Whereas the Lower District Court Judge refused to be in a court room opening of presided cases and barring the petitioner from court hearing, see, Rodriguez V. United States, 575 U.S. (2015). Rule 2.9. Ex Parte Communication extent reasonably possible, all parties or their lawyers shall be included in communication with a judge, once again with the Rules and regulation of the Federal Law the petitioner Aisha Wright wasn't privy to these Rules until aftermath of researching and investigation of the deception from **Docket “No Transcripts or No hearing**, case dismissed June 1, 2020, and May 31, 2022”; of the petitioner being Barred, whereas the petitioner former lawyer signed a **No hearing DKT 13** of being deception without my presence and knowledge of see Appendix, K. Aisha Wright sued former employer, Union Pacific Railroad company, that Union Pacific Railroad violated Title VII of the Civil Rights Act of 1964 of retaliation. After a great victory in appellate court. I know Judge Lynn Hughes of the lower court has ultimately ignored the petitioner whole cases with the intention judicial misconduct. Per Respondent of Union Pacific Railroad company's response to Clerk Letter from

the Lower court regarding Judge Lynn Hughes ownership of stock in Union Pacific corporation, and then the county court clerk states she made a mistake, and then judge Lynn clarification order addressed intentional judicial misconduct of being Maliciously prejudicial saying that the court doesn't own stock which is known fact from the lower district **Court Clarification Order signed by the Judge, see Appendix, N**, The Lower District Court which appears of his financial disclosure of stock and being protective of Union Pacific Railroad to validate in their favor of dismissing my case intentionally from being retaliated. On trying to have Judge Lynn Hughes review my case he informed me I'm fishing and being too vague and I need to stop being improper for asking documents from Union Pacific Railroad company, whereas, of my emails were presented and wanted documents of emails of evidence from the Union Pacific Railroad of conversation from all upper management and the Transportation Communication Union/IAM, officials that was asked throughout the court proceeding, whereas, the Respondent were saying the petitioner is be too vague of asking for requesting during interrogation all these evidence and the Lower District Court Judge sided with the Respondent ruled my interrogation questions of materials of being dismissive and improper per docket, and the petitioner needs to stop "fishing" in favor of the Respondent to grant a summary judgement from violation Rule 8 General Rules of Pleading. Due to my numerous of complaints of the past, present, and medical condition incident of a Continue Violation Doctrine from working in hostile work environment is being willful disregarded and used against the petitioner to erroneously friable offense of insubordination and bad work performance from 2015 to 2021 to terminate petitioner's employment permanent. This is the reason of known facts the Lower District Court Judge was being bias of violation of **28 U.S.C. 453-Oath of justices and judges, 28 USC Code 455&144 and Rule 60** from all four parties in this case. Since then, Judge Lynn Hughes from Lower District Court has no

correspondence to me and my former attorney which I no longer have legal representation, without reviewing my documents of merits and his Opinion on summary judgement states Summary as follow which “Aisha Wright will take nothing from Union Pacific Railroad”; which the Lower District Court Judge delimits his own opinion and not following the Applicable Laws. I’m asking for an appeal and a trial and new judge to review my case. I have extensive evident, current employees and other witnesses supporting my claim. I’m 100% homeless and disable of fighting my truth of my case as we speak, see All of Appendix 1a. The Union Pacific Railroad company is continuing retaliate and noncompliance of the laws as a union paying member in good standing with the violations of my civil rights act 1964 of retaliation and the collective Bargaining Agreement between the Union Pacific railroad and the Transportation communication Union/IAM, Constitutional Bylaws and all federal laws and rules of regulation under government agency and Policy and procedures that was not adhere by maliciously terminated petitioner employment permanently. Furthermore, As I newly discovered on March 27, 2023, from the Lower Court District that my former attorney along with Respondent attorney and the Lower District Court Judge were in an agreement of a Protective order as use of being fraud without **my knowledge nor consent** to protect his shares of Stocks, for the judge financial gain, see Appendix, L. The next day March 28, 2023 I newly discovered to hearing conference transcripts on August 5, 2019 of which my former Attorney Marjorie Murphy called and told me that I can’t come because the lower District Court Judge “didn’t want me there”, now, that explain the reasoning of everything, and didn’t understand at that time what was going on of the deception of my former attorney, Opposing counsel and the Lower District Court Judge. see Appendix K, of phone records the day of the hearing, as I continue to research my case, I newly discovered another court hearing took place without my knowledge on June 28,

2020. I discovered Transcripts from the two hearing and now it makes sense without my present to have a fair hearing which explain from the court hearing Docket as P. Wright instead of Aisha Wright of violation of Rule 2.2, Rule 2.3, Rule 2.5, rule 2.9 and Rule 8.4. The point of this case was deceitful of falsification of fact without my knowledge and consent, having improper discussion one sided, Rule 2.9 and information presented without my consent my right to be present instead of the petitioner was being violated by Civil Rights Act of 1964 to have fair and impartial hearing and didn't know nothing about these documents to have my case erroneously dismissed.

FACTUAL BACKGROUND

I Aisha Wright 25+ years of service, hired on October 11, 1994, with the Southern Pacific Lines and then later merged in 1997 Union Pacific railroad as a Union Member with the Transportation Communication Union/IAM, of which I loved and enjoyed my clerical position to fulfill my retirement. I filed Internal EEO complaints and then filed a charge of discrimination and retaliation against Union Pacific Railroad with the EEOC and cross-filed with another defendant, The Transportation Communication Union/IAM, see, Appendix, T, U, GG, Wright alleged that during the time period approximately June 2004, and January 2015 to July 2021 from filing a sexual Harassment and retaliation from working in Hostile Work environment whereas on August 21, 2015 the Petitioner collapsed at work and was ambulance to the Palestine Regional emergency room and filled out an Union Pacific Railroad Report of Personal Injury or Occupational illness report from the petitioner injury of illness of the Acute Coronary Syndrome and all medical condition reports, see Appendix V, of the continue of action by the Respondent of consistently being harassed and disciplined more **harshly** than other employees on account of her sex, race, gender, color, and disability. Whereas

evidence was given to the petitioner by different employees of similarities of job performance and wanting Union Official Representation wasn't terminated from Union Pacific Railroad. See Appendix, Y. The U.S. Equal Employment Opportunity Commission issued Notice of Right to Sue; in May 2016, October 2018, October 2019 and June 2021. Wright filed this lawsuit on October 2018 as a Continuance of Action from working in Hostile work environment of retaliation, see Appendix, U. While some of the allegedly discriminatory acts about which Wright complained occurred within 300 days of the time, as the Lower District court and appeal Fifth Circuit of Appeal stated" it's **too remote**", the Lower District Court stated, "**the connect**" is not within the Statutory Limit", the petitioner was still working while this case was ongoing and pending, See, **Robinson v. Shell Oil Co., 519 U.S. 337 (1997)**, raise a question of negative behavior and attitude of which the Lower District Court and the Petitioner former attorney maliciously failed to willful disregard the Continue Violation Doctrine that this is continuance from working in Hostile working environment which raise question of the "**connect**" from the transcript. Attached is the filed **Government EEOC see Appendix U**, Union Pacific railroad filed a motion, arguing, that they are entitled to summary judgment, on all incidents that occurred more than 300 days before the filing of Wright EEOC charge which the Respondent and the Lower District Court along with the Petitioner former attorney violated Federal Rule 52 for failure to address the findings of facts and conclusion of evidences whereas, the summary judgment for the respondent could have be denied due to the supporting facts or Rule 52 (a) that was dismissive throughout this case. The Appeal Court of the Fifth Circuit and Lower District Court granted summary judgment to Union Pacific Railroad, holding that the company could not be liable for conduct occurring before May of 2016 as being too remote, because that conduct fell outside of the 300-day filing period. The court employed a test

established by the United States Court of Appeals for the Seventh circuit in Galloway v. General Motors Service Parts Operations, 78 F. 3d 1164 (1996): A “plaintiff may not base the suit on conduct that occurred outside the statute of limitations unless it would have been unreasonable to expect the plaintiff to sue before the statute ran on that conduct, as in a case in which the conduct could constitute, or be recognized, as actionable harassment only in the light of events that occurred later, within the period of the statute of limitations Id., at 1167. The District Court held that because **Wright** believed that she was being discriminated against at the time that all these acts occurred as ab ongoing Continue Action of working in Hostile Work Environment, it would not be unreasonable to expect that Wright should not go silence of the intentional discriminatory practices that she was mentally fear of enduring of her past incidents, have filed an EEOC charge on these acts before the limitations period on these claims ran. Ref; National Railroad Passenger corporation v. Morgan, 536. U.S. (2002). Wright Appeal raised questions of the newly findings of facts of documents, violation of Rule 59, whereas; The United States Court of Appeals for the Fifth Circuit denied and grant summary Judgement for the Respondent. The Petitioner is relying on its previous articulation of the Continuing Violation Doctrine, which allows courts to consider conduct that would ordinarily be time barred or too remote ‘as long as the untimely incidents represent an ongoing unlawful employment practice; 232 F. 3d 1008, 1014 (2000) quoting Anderson v. Reno, 190 F. 3d 930, 936 (CA9 1999). Contrary to both the Seventh Circuit & test, used by the District Court, and a similar test employed by the Fifth Circuit, [3] the Ninth Circuit held that its precedent “precludes such a notice limitation on the continuing violation doctrine”; 232 F.3d, at 1015.

Reference; In the Ninth Circuit; s view, a plaintiff can establish a continuing violation that allows recovery for claims filed outside of the statutory period in one of two ways. First, a plaintiff may show a series of related acts one or more of which are within the limitations period.; Ibid. Such a serial violation is established if the evidence indicates that the alleged acts of discrimination occurring prior to the limitations period are sufficiently related to those occurring within the limitations period; Ibid. The alleged incidents, however, cannot be isolated, sporadic, or discrete.; Ibid. Second, a plaintiff may establish a continuing violation if he shows a systematic policy or practice of discrimination that operated, in part, within the limitations period—a systemic violation.id., at 1015-1016. Whereas the continue action of harassment and other violation of ongoing acts see, appendix, T, U, V, X.

To survive summary judgment under this test, the Petitioner had to raise a genuine issue of disputed fact as to (1) the existence of a continuing violation—be it serial or systemic and (2) the continuation of the violation into the limitations period. Id., at 1016. Because the Petitioner alleged three types of Title VII claims, namely, discrimination, hostile environment, and retaliation, whereas; the Court of Appeals of the Fifth Circuit never questioned nor wanted to discuss when presented the lawsuit from 2016 which would raise questions how everything started from the beginning of this case, while lawsuit was going on see; Robinson v. Shell Oil Co., 519 U.S. 337 (1997), as a current employee, with this reference I believe could constitute of being negative intentional misconduct as well as bad attitude due to the petitioner complaints against the Respondent which are from prior to present incidents and complaints of Continue Action to consider the allegations with respect to each category of claim separately and found that the pre-limitations conduct was sufficiently related to the post limitations conduct to invoke the continuing violation doctrine for all three. Therefore, considering the relatedness of being sexually harassed, collapsed at work, see Appendix, T, V, Terroristic threat by the Union official member filling a police report, see Appendix, T, X, incidents of being off Medical Leave of Absences and terminated, see Appendix, CC, at the same time, Termination of insurances, see Appendix, FF, the Court of Appeals of the Fifth Circuit found that Wright had

non-sufficiently presented a genuine issue of disputed fact as to whether a continuing violation existed. Because the Lower District Court should have allowed events occurring in the pre-limitations period to be; “presented at a hearing or jury merely as background information, but also for purposes of liability. See, National Railroad Passenger Corporation v. Morgan, 536 U.S. 101 (2002). The Lower District Court denied Rule 56 (c) procedure, Failing to Properly Support or Address the facts of the Petitioner evidence that was never presented and never put forth to display as evident during the court Proceeding, whereas; the lower Court District failed to apply the applicable Laws in these terms, the Judicial misconduct that occurred without my present or consent to have at a fair hearing, whereas my documents of evidence which was not performed nor question or visibly ascertain throughout court proceedings which raise suspicious of me just findings new facts of evidence of which I never had a opportunity to address in a court room instead the Petitioner was barred. Per transcript of everything be excluded and barred two times at the hearing in August of 2019 and June of 2021. The Lower District Court intentionally willful disregard my health condition and disability which was important factor of my case from working in Hostile Work environment. The Lower District Court Judge, the petitioner incompetent Lawyer and opposing lawyers Agreed to a Protective Order without my knowledge according to the docket see Appendix, L, without the petitioner consent, see Appendix, M, whereas the Policy and Procedure Form 9, it states “signed in presence of Attorney”, **I would have never agreed to a Protected Order to protect his financial gain shares of stock with Union Pacific Railroad.** The Docket, Clarification Order was Cleary a deception to cover up the misrepresentation by the petitioner former incompetent attorney failed to bring this important acknowledgement to my attention instead all parties willful disregard and violated **28 U.S.C. 453-Oath of justices and judges, Rule 60, Rule 56, Rule**

59, Rule 2.9 during the court proceedings. This would raise question to whether how many cases have the Lower district judge got away with handling suit by the Union Pacific Railroad and how many other cases the judge had dismissed maliciously and prejudicial to protect the judge financial gain of stocks and shares with Union Pacific Railroad. Due to the petitioner reporting terroristic threats from the union official and sole purpose of displacing the Union officials with more seniority instead seniority was restricted? See, Appendix, X, HH. see also United Bhd. of Carpenters & Joiners of America, 770 F.3d at 852 (observing that union's failure to follow internal policies is "strong evidence of bad faith"). The Petitioner is a protective Union Member of the Transportation Communication Union/IAM that was always given Union Representation throughout my 25+ years of services. See, Smith, vs, evening New Association, 371 U.S. 195 (1962,) the employer had violated a clause in the contract of the Collective Bargaining Agreement prohibiting discrimination against any employee because of his membership or activity in the union. See, Appeal record states: The Appeal Court of Fifth Circuit and The District Lower court mention from the transcript "The Union frankly is not going to help her" and "if she's wanting a Union representative it's her responsibility to ask", and the Appeal Court of the Fifth Circuit stated collective bargaining agreement is Minor dispute. This brings questions and should have been addressed and privy to the information at the time of the petitioner court proceeding, and not being Barred from the court, not addressing the union rights and the Constitution Bylaws which governed under the provision of protection of any discriminatory practices followed by the Labor Management Relation Act 301 (29 U.S.C. 185) Federal in the workplace environment, see, Wooddell v. International Brotherhood of Electrical Workers 502 U.S. (1991) Among other things, Wooddell sought injunctive relief,

lost wages and benefits, and damages, see Appendix, R S, of the Constitution Bylaws as an paying Union protected member rights.

The policy and Procedures and the Collective Bargaining Agreement is to insure and enforce Union Member to have a conference and waiver to diffuse any allegation before a hearing investigation or termination, this wasn't given, whereas; the Respondent abused their own personal authority by going against the company policy and procedure, and TCU Constitution BYLAWS of the Collective Bargaining Agreement to establish a motive to friable offense, see Appendix, S, Under these circumstances with the governed provision by the Constitution Bylaws, I the Petitioner followed the Policy and Procedures of asking, see Appendix, R, I reported to the internal EEO, Human Resources, see Appendix, T, and submitted all information's of evidence to my Union Transportation Communication Union/IAM, from January 2015 to 2021, for them to render in my Aid as emergency, see Appendix, S instead the union member officials choose to conspire with the Respondent and Deprive the petitioner of Union Rights, to vote not help me of which they failed to do their fiduciary duties to protect the petitioner, instead the Respondent and the Transportation Communication Union officials protected their own fellow local chairman and All upper Management Team, due to me filing a complaints against the Transportation Communication Union/IAM and all of the Union Members Official whom are all male of which one of the Local Chairman threaten the petitioner, See Conkle v. Jeong, 73 F.3d 909, 916 (9th Cir. 1995) (including personal animus as basis for finding of bad faith), the petitioner filed a police report, see, Appendix, T,W,X, regarding the terroristic threats and working in hostile work environment to the Police Department in Palestine, TX and the Union Pacific Police Department of the threats in fear of my job whereas the Transportation Communication Union/IAM, willful disregard to enforce the agreement to protect my union rights as an union

paying member. The Respondent and the Transportation Communication Union/IAM collaborated within themselves as self-dealing to conspire to protect their own and protecting the local chairman, which is the sole purpose of petitioner seniority rights to displace the local chairman Dennis Williams as being Junior to the Petitioner but instead The Union officials conspired with the Respondent to terminate my clerical job Out of Palestine, TX for falsifying statements of bad work performance **and restrict my seniority** to displaced the local chairman which was **the purpose** for the TCU official members violated the agreement intentionally, with the physical intimidation and use their intentional misconduct of action animosity of hostility and maliciously to use the Respondent, Bulletin Clerk Donna Calendar, **see Appendix, HH**, in favor with Transportation Communication Union/IAM, to terminated my clerical as a whole along with labor Relation manger Marques Houston and Jim Esile to conspire to retaliate against me to protect the Union Local official seniority within the claims department in Palestine, TX to maliciously terminate the Petitioner Clerical Position permanent, which terminated and illegally force the Petitioner to a demoted lower paying and heavy manual labor department in Houston, TX, to the Houston Warehouse supply Department which they use my work performance as a decoy to terminate my employment out of Palestine, TX Claims Department Clerical Job., see, Pullman-Standard v. Swint: 456 U.S. 273 (1982), Rule 52(a), under § 703(h) was a finding of ultimate fact”; that the court would review by making” an independent determination of [the] allegations of discrimination, though bound by findings of subsidiary fact which are themselves not clearly erroneous. “see Appendix, S, See also United Bhd. of Carpenters Joiners of America, 770 F.3d at 852 (observing that union’s failure to follow internal policies is “strong evidence of bad faith”). whereas as Transportation communication Union denied my rights to have a conference and waiver to a

charge that was dismissed and purposely falsify the Investigation Hearing Transcript in favor of the Respondent Defense, whereas as the two employees Hearing Officer from Union Pacific Railroad, **Jimmie Carter and Larry Vogel have been terminated by falsifying Investigation Hearings which included the Petitioner.** Law there's decision on the Constitutional issue was informed by the U.S. Supreme Court's ruling in *Coppage v. Kansas*, 236 U.S. 1 (1915), which struck down a state statute prohibiting discrimination against employees for union membership on grounds that it violated employers' liberty of contract **guaranteed by the Due Process clause. Coppage itself was later overruled; by 1941, the Supreme Court noted that Coppage had been "completely sapped" of its authority. Phelps Dodge Corp. v. NLRB, 313 U.S. 177, 187 (1941).** Prior, upon arrival at the Houston Supply Warehouse Department of April 2016, the Plaintiff was at a very low impact of my life of the constant hostility and the retaliatory practices from working in Hostile Work Environment from falling out and collapsed at work in August 2015 and was ambulance from work to the Palestine Regional Medical Center emergency room, which lead by my Doctor to be off work until December 2015, with not financial help, see, *Burlington Northern & Santa Fe (BNSF) Railway Co. v. White*, 548 U.S. 53 (2006),. The petitioner filed an on-duty Incident Report, which cause to have a medical condition, **see Appendix, T V**, the Petitioner was continually be retaliated for reporting to Internal EEO, **see Appendix, T, V,W** for help and want to be remove from the hostile manager Damian Veasa, Local chairman Dennis Williams and Duane Merchant. **See *Harris V. Forklift System.*, 510 U.S. 17 (1993).** The Petitioner complained to Human Resources of trying to fight my clerical seniority, cried out to the **CEO, Lance Fritz of Union Pacific Railroad**, of the violations that the petitioner was enduring, **see Appendix, BB**, asking the CEO President for help. I lost everything with no financial help, my health was deteriorated, I was being evicted, homeless and

repossession of my car. The on duty injury incident report that was being willful disregarded by the Respondent, and the Transportation communication Union/IAM, Officials from the On duty Injury, continually being mentally duress, scared in fear of my life and health of the Continuance Violation Doctrine of being harassed by malicious intentional falsifying statements of write up from the Respondent to make me quit my job by retaliating the petitioner with an attendance Alert write up in 2016 of Continue Action of retaliation. **see, Appendix, T, U,W,Z;** The Petitioner mental mind of distress of driving 3 hours one way back and forth from Palestine, TX to Houston, TX, sleeping in my car at various gas station and washing up as well to secure my job towards my retirement. Instead, they continue to violate the petitioner to find any means necessary to provoke and poked me mentally and physically intimidation of duress that I the petitioner was already enduring from January 2015 to terminate the petitioner permanently in 2021, **see, *Burlington Northern & Santa Fe (BNSF) Railway Co. v. White*, 548 U.S. 53 (2006).** I the petitioner Aisha Wright reached out to the Transportation Communication Union/IAM, official according to the Policy and Procedures and Constitution Bylaws to enforce for help, instead the Transportation Communication Union/IAM, deprived me of render in my **Aid in emergency and other remedies** that the Petitioner is entitle to, as Union Paying member, violation Union rights, **see Appendix, S**, instead they used their intentional misconduct willfully and knowingly that the TCU failure to do their fiduciary duties to follow internal policies is “strong” evidence of bad faith. **see also *United Bhd. of Carpenters & Joiners of America*, 770 F.3d at 852 (observing that union’s failure to follow internal policies is “strong evidence of bad faith”).** for the discriminatory practices of retaliation by the Respondent and the Transportation Communication Union/IAM Union Officials, due to my internal EEO complaints and complaints against the Transportation Communication Union/IAM, reported

complaints to National Labor Relation Board while trying to get help mentally and physically **see Appendix, T, GG**. I was working during the lawsuit of 2016 and other incident occurred whereas the Respondent wrote me up for an **Attendance Alert again** which was still being retaliated of which the Respondent supervisor knew from the very beginning of the lawsuit. See, Transcript the Respondent all management knew of their conduct, The Petitioner emails in regard to Attendance Alert and note from the Respondent, that they were out to get the Petitioner, **see Appendix, W Z & EE**, of the continuance of retaliation from working in hostile work environment caused me to be in fear and scared with no help from the TCU to diffuse these allegations and was never given by agreement, **see Appendix, S, T,E, V,W; see, Harris V. Forklift Systems Inc, 510, U.S.17 (1993)**, whereas, the Petitioner suffer serious of psychological Injury, **see Appendix,T V**, from the Respondent poor support of abusive hostility, workplace bullying and harassment of retaliation from January 2015 to 2021. The petitioner was not fully getting pay from her 40 hours and would had to ask numerous of time about my pay of full hours and overtime, whereas, I had to hunt the Respondent supervisor down and email the Respondent to pay me, I was denied lunch towards the end of my shift because I haven't taken lunch trying and during the course of the shift the Respondent told me to talk and Union representative from California of which I did and the Union Official couldn't not help me because she wasn't in the jurisdiction and stated to the petitioner from my **recording that if she's** doesn't give you a postponement until your Local become available then let the Respondent insubordinate the petitioner. **See Appendix, W, S.** Approximately 14:15 on July 20, 2018, after talking and relaying the conversation back to the Respondent supervisor, she told me to do my aisle first which was close to quitting time because the Petitioner working hours was from 7 am to 3 pm, I stated to the Respondent supervisor I have already started my assigned aisle and I will continue

to finish it. I stated to the Respondent supervisor, since” I didn’t have lunch or breaks yet can I take my lunch that’s when the Respondent Supervisor said no because other people haven’t taking lunch and I haven’t had a lunch nor breaks because of the Respondent supervisor series of physical intimidation and harassment, I asked and stated to the Respondent supervisor I was hot and dizzy per recording, see Appendix, W, T. I was called a “Nigger” by Respondent and reported it to the Internal EEO during the lawsuit, and nothing was done, I wanted to place a bumped back to Omaha Nebraska to Crew Management Service and seniority **was still being restricted** again and was told by the Labor Relation Manager Jim Eisle I can’t, all while working during the lawsuit of **Continue Action enduring a Hostile Work environment of retaliation**, the Respondent still not adhering to the Policy and Procedure and Contract Agreement, in violation of the Petitioner Seniority Rights see, appendix, R, S. The Respondent conduct see, Harris V. Forklift Systems Inc, 510, U.S.17 (1993), caused me to have a panic on July 19, 2018, see Appendix, DD, of physical intimidation of hostility by the Respondent because I asked for union Representation an reporting the incident to the Internal EEO, which is normal procedure as union member and once again, I had asked for Union representation throughout my 25+ years of service of my Railroad Career, because the Respondent was discipline, see City of Round Rock V. Rodriguez, 399 S.W. 3d 130 (2013). the Petitioner for items that the petitioner never lost and caused my mental duress condition of being in fear, incompetent, scared and being ridicule and defaming and slander my character was left for dead with no help from the Transportation Communication Union/IAM because of the Respondent supervisor intentional misconduct behavior of physically intimidating factor, bullying me along with all upper management team and union member official. whereas the Respondent stated they were out to get me fired, see Panagiota Heath v. Southern University System Fdn., No. 16-30625 (5th Cir.

2017)., see Appendix, EE, the petitioner had suffer harm from all of their falsify statements of trying to get rid of the petitioner . I was mentally and physically scared, the Respondent was bullying the petitioner so bad, said I better get my butt in her office and being sarcasm of reference of wanting Union representation with her mockery voice “Oh you want me to call Dennis Williams”, towards the end of shift of to bring charges against me. whereas the Respondent supervisor is notorious for this towards the end of shift to discipline employees of which another employee did the same thing and the employee wasn’t terminated for asking for Union representation and the Respondent supervisor behavior. See Appendix, Y. On July 20, 2018, around 6 am, the Petitioner called the Internal EEO to report the incident of what was going on. The Respondent used my Panic attack against me In fact, the Respondent supervisor on July 20, 2018, stated “since you went there yesterday I’m going to escalate it and said do you need to see the nurse”, see Appendix, W, I told the Respondent supervisor I’m waiting for Local chairman Jeff Egnsoke to call me back as to what to do because I constantly kept telling the Respondent supervisor among other things I want to bring all allegations of retaliation to light as well, at that time I couldn’t talk and started heavy breathing from all being scared and I needed The Transportation communication Union Official member in emergency **to render Aid was rushed to Kingwood emergency room from working in a continuance violation doctrine hostile work environment being stress, scared and mentally duress**, see Appendix, S,V, whereas the TCU never call back regarding what to do. whereas I stated this to the Respondent supervisor of asking for union representation is the policy and procedure if you want union representation you need to ask, which the petitioner did, once again, because the Petitioner wanted to address all the allegations that the petitioner was enduring while working in a Hostile work environment, but was intentionally being willful disregarded and dismissive by both Defendant’s the

Union Pacific Railroad and the Transportation Communication Union Officials see Appendix, R, S. Due to my internal complaints and prior complaints of which the Respondent supervisor was aware from beginning, she stated that she has mouth to feed, see Appendix, W, which, I read between the Respondent superior line of talking, that she wasn't losing her job behind the petitioner due to the petitioner of filing numerous complaints out of Palestine, TX, Claims Department of which the Respondent supervisor out of Houston, TX was aware from the other managers from the Claims Department out of Palestine, TX and from the Upper management to finds ways to exit my employment due to my numerous complaints, from which the Respondent stated they were out to get me, see Appendix, T, V, EE. The Respondent supervisor used her own authority motive to establish to retaliate and used a friable offense to get rid of my employment. **See Gilbert, vs Union Pacific company, 19-804, like Gilbert case of reported his od injury complaints and Union pacific Railroad denied the knowing of this with the similarities of happening to me and from the beginning, from all upper management department involve and TCU union official attitudes has changed towards me due to my incidents and the next working day on July 23, 2018, I received a Union Pacific Rule 1.6 for insubordination and was told to leave the premise which caused me to dismiss. After being pulled out of service for asking for Union Representation Help, the Transportation Communication Union/IAM Official called the Petitioner on July 24, 2018, see Appendix, W after I was pulled out service and told the petitioner to show up for work (as if I was being put back to service for work) for a conference on **July 25, 2018 at 8 a.m. to have a conference with the Respondent supervisor and when I showed-up no one was there and I was scared because I could have been arrested after Terminated me from the premises of Union Pacific Railroad, see Appendix, W, I recorded the conversation for my safety and knew right then and there I 'v been****

railroaded and I wasn't ever going to be reinstated back to my job. See Gilbert, vs Union Pacific company, 19-804, As gilbert of reported his on duty injury See 49 U.S.C. § 20109(a)(4) ("A railroad carrier .. may not discharge, demote, suspend, reprimand, or in any other way discriminate against an employee if such discrimination is due, in whole or in part, to the employee; s lawful, good faith act done. to notify ... the railroad carrier ... of a work-related personal injury."). To establish a prima facie case of retaliation under the FRSA, a plaintiff "must show that: (1) he made an injury complaint in good faith (i.e., engaged in a protected activity); (2) the rail carrier knew of the complaint; (3) he suffered an adverse employment action; and (4) the complaint was a contributing factor in the adverse action." Armstrong v. BNSF Ry. Co., 880 F.3d 377, 381 (7th Cir. 2018). "Once that showing is made, the rail carrier can still escape liability if it can show, by clear and convincing evidence, that it would have taken the same action absent the protected activity." Ibid. Whereas, the Constitutional Bylaws protect employees from **Prima Facie case, see Appendix, S.** Furthermore, the Union Pacific Railroad, Respondent stated that no one knew about my reported incident, whereas the transcript from the Lower District Court states "why wouldn't they have known for that everyone knew of my reported incident the day of my panic attack and also reported to the Union Pacific railroad internal EEO, once again the Respondent supervisor attitude had changed, whereas my evidence of my od duty injury all of my medical reports, Medical Leave of absence and Panic attack, **see, Appendix, T, V, W, DD** that was reported to the Respondent and given to the Transportation communication Union/IAM as "Evidence which may indicate a link between the protected activity and the allegedly adverse actions include ... a change in the employer's attitude toward the complainant after he or she engages in protected activity." Cyrus v. Union Pac. R.R. Co., 2015 WL 5675073, at *11 (N.D. Ill. Sept. 24, 2015), which a change that alone is sufficient evidence of pretext to survive

summary judgment. See *ibid.* (holding that a “change in the employer’s attitude toward the complainant after he or she engages in protected activity” provides evidence of pretext).

Whether an Asserts a claim of retaliatory discrimination with the continuance violation doctrine form working in hostile work environment from 2016 lawsuit in violation of Title VII of civil rights acts of 1964, 42 U.S.C.2000e 2(a) 3(a) and violation 2 U.S. Code § 1311 - Rights and protections under title VII of Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, Rehabilitation Act of 1973, and title I of Americans with Disabilities Act of 1990, , must show that the plaintiff suffered materially adverse employment action?

Under the Section 215(a)(3) of the Fair Labor Standard Act, the petitioner filed a written oral and written complaints, within the Internal EEO of Union Pacific Railroad and Government EEOC outside complaint that was within statutory limited of 300 days of working in Hostile Work Environment. The Petitioner was violated for reporting these allegation and disputes in the workplace to raise the petitioner grievances without fear of retaliation. Congress enacted Title VII of the Civil Rights Act of 1964 to “assure equality of employment opportunities and to eliminate discriminatory practices and devices” in the workplace. **McDonnell Douglas Corp. v. Green, 411 U.S. 792, 800 (1973). This case involves “Title VII’s core antidiscrimination provision,” Section 703(a)(1). Burlington N. & Santa Fe Ry. Co. v. White, 548 U.S. 53, 61 (2006). Section 703(a)(1)** makes it unlawful for a private employer or a state or local government “to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, working conditions, or privileges of employment, because of such individual’s race, color, age, sex, gender, and disability. 42 U.S.C. 2000e-2(a)(1); see 42 U.S.C. 2000e(a)-(b). Title

VII includes several other relevant provisions. Section 703(a)(2) makes it unlawful for a private employer or a state or local government “to limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or 3 otherwise adversely affect his status as an employee, because of such individual’s race, color, age sex, gender, and disability.” 42 U.S.C. 2000e-2(a)(2). Section 704(a) prohibits retaliation by a private employer or a state or local government against employees or applicants for engaging in conduct protected by Title VII. 42 U.S.C. 2000e-3(a). And Section 717(a) provides that federal sector “personnel actions shall be made free from any discrimination based on race, color, age, sex, gender, and disability.” 42 U.S.C. 2000e-16(a) Any form of discrimination, including race, age, sexual orientation, gender, disability, religion or marital status, as well as any form of harassment, retaliation for reporting the discrimination or harassment, or retaliation for whistleblowing can constitute a hostile work environment and is illegal under Federal law. The harassment is so severe or pervasive that it interferes with the employee’s ability to perform their work or changes the terms and conditions of their employment. The harassment is related to the employee’s membership or perceived membership in a protected group, such as their race or gender and disability. **Bad Faith in Collective Bargaining;** It Is also an unfair labor practice for an employer to refuse to be involved in good-faith collective bargaining. Employers are supposed to negotiate with a union before making alterations to wages hours or working conditions of a bargaining union unless the union prevents the agreement from being reached or there are economic exigencies requiring speedy action, whereas the Petitioner was deprived from rendering aid in emergency, see Appendix, S,W,Z, CC,DD,HH, They are supposed to meet with unions at reasonable times and should not modify any collective bargaining agreement without union consent. **Statutory Violations:** A union may also commit

unfair labor practices by violating rights provided by statute. The Federal Service Labor-Management Relations Statute guards' federal employees' collective bargaining, participation, and organizing rights, and a union that violates any of these rights may commit an unfair labor practice. A union would commit an unfair labor practice if it refused to process a grievance because an employee in the bargaining unit is not a union member and it would commit an unfair labor practice if it refused to negotiate in good faith. Case, Goldberg v. Kelly, 397 U.S. 254 (1970), in accordance with a due process of full administrative remedies of such Aid that was not enforced before a hearing which was not built around my entitlements as a union member with benefits and remedies for the employee to diffuse any allegations and having protection by Due Process under Title I of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), 73 Stat. 519, as amended, 29 U. S. C. § 401 et seq., is entitled to a jury trial, and whether under § 301(a) of the Labor- Management Relations Act, 1947 (LMRA), 61 Stat. 156, 29 U. S. C., see, Smith, vs evening New Association, 371 U.S. 195 (1962), 185(a), Statute: § 7114. Representation rights and duties, Statute: § 7116. Unfair labor practices, 29 U.S. Code § 158 - Unfair labor practices and 29 U.S. Code §160 - Prevention of unfair labor practices by organization of union member not adhering to the guidelines of the Collective Bargaining Agreement, governed by Constitution Bylaws and the Policy and Procedures, clause from the Fifth Amendment and the Fourteen Amendment to the U.S constitution that nobody may be **deprive of life under provision of the Constitution Bylaws see Appendix, S**, it states..... see, City of Round Rock V. Rodriguez, 399 S.W. 3d 130 (2013), The right to union representation in an investigatory interview derives from the United States Supreme Court decision in NLRB v. Weingarten, 420 U.S. 251, 95 S.Ct. 959 (1975), the seminal case regarding private-sector employee representation rights. In that case, an employer challenged

the National Labor Relations Board' s (NLRB) determination that **Section 7** of the National Labor Relations Act (NLRA) granted private-sector employees the right to have a union representative present at an investigatory interview when the employee reasonably believes that the interview could result in disciplinary action. Id. at 260, 95 S.Ct. 959. Following Weingarten, Congress extended the representation right to federal public-sector employees, 5 U.S.C. § 7101(b). Thus, the right to union representation during investigatory interviews currently applies nationally to all private-sector employees and federal public-sector employees.

REASON FOR GRANTING THE PETITION

The reason for granting the petition Due to the Deception of Continue Action of Working Hostile Work Environment of retaliation and to bring justice to the abuse of Judicial discretion of Judicial Misconduct Disability from the Lower District Court Judge and Federal Rules of being willful disregarded that raises questions from the Lower District Court Judge and Parties of counsel. The Lower District Court Judge used his own discretion of allying with the respondent in the very beginning of the petitioner of being dismissed in June 2020 and May 2022 when brought to Federal Court of the Southern Texas District Court in 2019. The Lower District Court mistakes include not allowing an important witness to testify, making improper comments that might influence a jury, showing bias, or making rulings on evidence that deny a person a chance to tell his or her side of the matter. Whereas the lower district court furthermore; refusing, without good cause shown, to cooperate in the investigation of a judicial misconduct conduct or disability complaint or not enforcement of a decision under the **Rules 2.9 and all other Rules which is applicable to this case; and engaging in improper Ex Parte** communications with parties or counsel for one side in this case. The Appeal Court

of the Fifth District had remanded and reversed the petitioner case back to the Lower court whereas the Judge essentially disregarded the petitioner reversal and repeated his erroneous ruling and cursory reasoning, violation of Rule 59. whereas, If I would have known in the beginning, once again, I would have asked for quite of few motions from this deception of the Petitioner case for a removal from this judge due to the mistakes, misleading and misrepresentation by an in effective counsel. The Lower District Court Deception of the two transcript without the Petitioner knowledge to present to the Appeal Court of the Fifth Circuit, as Newly facts of evidence that I petitioner newly discovered would have been able to produce due to my newly circumstantial evidences to the court. **The Lower District Court Judge is notorious of being reprimanded of failure to follow the Federal Law of Rules and Regulation from the Appeal Court of the Fifth Circuit, see, the 5th Circuit reassigned a Judge Hughes case after reversing a summary judgment ruling. U.S. ex rel. Little v. Shell Exploration, 602 Fed. Appx. 959 (5th Cir. 2015).** The lower District Court has failed the petitioner to be barred from the court Hearing, instead according to the documents once again, **who is P wright as the client at both hearing**, which raise suspicious of deception. The transcripts being contradicting as one sided and establishing a motive to grant summary in favor of the Respondent to protect his financial gain of shares of stock with Union Pacific Railroad, whereas the judge was being deceitful by signing a docket of a clarification **Order under Oath stating “this court doesn’t own Stock” as being a violation, 28 U.S.C. 453-Oath of justices and judges**, to deceive the court in favor of the Respondent. **see Appendix, N**, furthermore, the Judicial misconduct of the Lower District Court judge, per the Appeal Court of the Fifth Circuit has remand and reversed many cases that was maliciously prejudicial bias from the Lower District Court Judge to abide by with Rules and Statutory of civil case which the judge took upon self-interest not too.

Due to the Lower District Court judge erroneous bias of prejudicial conduct whereas he resided on numerous cases that was Remanded and Reversed by the Appeal Court of the Fifth Circuit for issuing ruling with legal errors and the most intemperate Judge, see, This Federal Jurist Is Raising Eyebrows;" Law.com (Feb. 3, 2021); see, In Miller v. Sam Houston State University, 4:15-CV-2824, 4:15-CV-2927 (Jan. 29, 2021), the 5th Circuit reversed and reassigned the case to a new judge based on Judge Hughes "imperious and & biased conduct that evidenced a "prejudgment" of the plaintiff claims., As I previously mention from all these cases the Lower District Court presided on and discovered of Judicial Misconduct of not being fair and impartial. For this reason, due to the Lower District Court not applying the Applicable Laws, with the intentional of the Petitioner Being Barred and due to other similar findings of cases of illegal errors. I Pray and asking for the Petitioner Judgement to be Vacate and Remand and Reversed with a New docket and New judge and Trail.

CONCLUSION

For the foregoing reasons, the Petitioner Aisha Wright respectfully requests that this Supreme Court issue a Writ of Certiorari to review the judgment of the Appeal Court of the Fifth Circuit.

Respectfully Submitted,

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