

NO. 23-5215

IN THE SUPREME COURT OF THE UNITED STATES

AISHA WRIGHT
Petitioner,

v.

UNION PACIFIC RAILROAD
Respondent,

On Petitioner Writ Certiorari to the United States Court of
Appeal for the Fifth Circuit

PETITION FOR REHEARING

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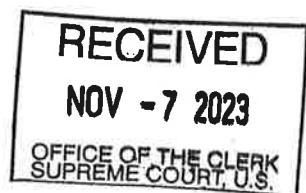


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STATUTES AND RULES

Rule 12(b)(6)

Sections 8(a)(3) and 8(b)(2)

Sections 8 (b) (1) (a)

Section 7, 29 U.S.C. 158 (a)(1) (3)

LMRA 301, 29 U.S.C. 185

28 U.S.C. 455

Rule 2.9 Ex Parte

PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44.2, with intervening circumstances of this case of similar and identical cases law that pertain to this case to prove the petitioner claim, including additional documents from the appendix: Government EEOC, Dr. Statement of being Disable, Medical report the day of the incident on July 19, 2018, two transcripts of February 9, 2022, and February 24, 2023, Petitioner Aisha Wright respectfully petition this court for an order asking for 1. Granting rehearing 2. Vacating the court's October 02, 2023, order denying Writ Certiorari, and 3. Redisposing of this case by granting the petition for writ certiorari, vacating judgment and remanding to the Fifth Circuit Court of Appeal for further consideration **in light of Vaca v. Sipes, 386 U.S. 171 (1967)**, for the purpose of determining whether the judgement of retaliation of conspiracy in violation of union obligation can be overturn on the issues of whether title VII of the Civil Right Act of 1964 prohibits discrimination based on working in hostile work environment, dismissing retaliation claim under Federal **Rule of Civil Procedure 12(b)(6)** in violation of the Collective Bargaining Agreement of illegal offense that reference classification of **Sections 8 (b) (1) (a)**, of *prima facie* negligence to take proper action.

I Aisha Wright Petitioner submit this rehearing on ground in erred dismissing retaliation claim Title VII under Federal Rule of **Civil Procedure 12(b)(6)**, the Lower District Court not applying the applicable laws, and failure of the Lower District Court Judge to rescue himself due to his financial gain, **28 U.S.C. 455 with the intent of being Rule 2.9 Ex Parte** with Union Pacific Railroad. The Transportation Communication Union/IAM with conspiracy of Union Pacific Railroad, caused harm to petitioner, whereas preponderance of evidence for a jury

to hear, whereas the petitioner can show facts and was denied all rights of the Due Process Law with part of the Fourteenth Amendment to prohibit certain practice outright by the Transportation Communication Union/IAM, that is governed under the provision of Collective Bargaining Agreement, the Constitutional Bylaws and the guidelines of the Policy and Procedure from the Union Pacific Railroad.

Whereas the Petitioner Aisha Wright is seeking a rehearing on the aspect of the issue raised in my petition. **In light of National Railroad Passenger Corporation v. Morgan, No. 00-1614, Vaca v. Sipes, 386 U.S. 171 (1967), Section 7, 29 U.S.C. 158 (a)(1) (3), not having a fair hearing.**

As Ground For This Petition For Rehearing, Petitioner States The Following:

I Aisha Wright challenged my offense of illegal reentry of **Section 7, 29 U.S.C. 158 (a)(1) (3), and Sections 8 (b) (1) (a)** on two grounds both tied to argument of was unconstitutional of the Due Process Rights of discriminatory conduct from the Union Pacific Railroad and The Transportation Communication Union/IAM, of unfair labor practices of retaliation, wrongful pressure and termination of actions are deemed of retaliation are prohibited, **in light of Vaca v. Sipes, 386 U.S. 171 (1967), No. 114 and Humphrey v. Moore, 375 U.S. 335 (1964) No. 17, in light of not having a fair hearing.**

2. The Lower District Court dismissing retaliation claim Title VII under Federal **Rule of Civil Procedure 12(b)(6)** Failed to be heard by the petitioner of the improper forum in which a discharged employee can assert a cause of action against her union for breach of the fiduciary obligation to fairly represent the petitioner, which in this case has been the subject of much recent commentary. Whereas the choice of forum by the employee and He or She power to choose to have important consequences for the employer, the union, the individual worker

and ultimately of the general public. **In light of recent decision of Vaca v. Sipes, 386 U.S. 171 (1967), No. 114**, whereas, by the United States Supreme Court concerns the jurisdiction of a union member's suit against the union for its failure to properly represent him/ her disputes with the employer, in light of **Aisha Wright V. Transportation Communication Union/IAM, No. 23-20379, Vaca v. Sipes, 386 U.S. 171 (1967)**, of denials of arbitrations, whereas it breaches its duty of fair representation when the Transportation Communication Union/IAM, conduct was arbitrary of discriminatory practices in bad faith of conspiring with Union Pacific Railroad. **In light of Vaca v. Sipes, 386 U.S. 171 (1967)**. The petitioner is applying this case as a **Hybrid suit** against the Union Pacific Railroad and The Transportation Communication Union/IAM, **in light of Chauffeurs, Teamsters and Helper Local No.391 V. Terry, No. 88-1719, in violation of 301 of the Labor Management Relations Act, 1947**, whereas, the duty of fair representation claim comparable to an equitable action and legal issues by a trust of the TCU/IAM, for breach of fiduciary duties, **not having a fair hearing**.

3. The Lower District Court erred dismissing retaliation claim Title VII under **Federal Rule of Civil Procedure 12(b)(6)**, by stating "if the petitioner wanted union representation she should have asked", of which "asking for Union Representation, when the plaintiff did, per the guidelines of the policy and Procedure by Union Pacific Railroad and the Transportation Communication Union/IAM, they both did not adhere to a conference or waiver and instead it was used against the petitioner in a unwarranted offense to discharge the petitioner prejudicial maliciously, whereas the unfair representation occurs when the union acts based on improper motivation or in a manner which is arbitrary, perfunctory or inexcusably neglectful. **In light of Vaca v. Sipes, 386 U.S. 171 (1967), No.**

114, which is impact to this case whereas all supporting documents was given including witnesses, whereas personal animus hostile in adverse way of misconduct which cause harm, **in light of Glacier Northwest, Inc. V. Teamster (06/01/2023) No. 21-1449, United Parcel Service, INC. v. Mitchell (1981), No. 80-169**, that was reported against the union grievance local chairman because of this the petitioner knew that she would **not having a fair hearing**, in light of **Hines V. Anchor Motor Freight, 424 U.S. 554 (1976), No. 74-1025, under 301 LMRA 1947, 61 Stat. 156, 29 U.S.C. 185**, of the similarities of this cases when subsequent information indicated that these charges of dishonesty was false by the Union grievance Representatives misconduct with the employer of conspiracy between the two.

4. The Lower District Court Erred dismissing retaliation claim Title VII under **Federal Rule of Civil Procedure 12(b)(6)**, the Medical Condition that was ignored from working in Hostile work environment with the Continue Violation Doctrine cause of action of discriminatory practices that was essential caused by the Union Pacific Railroad and the Transportation Communication Union/IAM, **in light of National Railroad Passenger Corporation v. Morgan, No. 00-1614, Burlington Northern & Santa Fe Railway CO. v. White, No. 05-259**, whereas the two ignored petitioner medical condition from coming off medical leave and fired at the same time and having a panic attack, sole purpose of this case started with bumping rights being restricted that was in violation, whereas the remedies and benefits was denied that is governed by the Collective Bargaining Agreement, Constitution Bylaws and used against the petition to a unwarranted friable offense of permanently termination by both. **In light of Burlington Industries, Inc. v. Ellerth, 118 S. Ct. 2257 (1998), No. 97-569, Faragher v. City of Boca Raton, 118 S. Ct. 2275 (1998), No. 97- 282**, where there was misconduct of sexual

harassment, terroristic threat, outrageous and egregious physical intimidation that caused harm from working in hostile work environment of abuse.

(5) In light Vaca v. Sipes, 386 U.S. 171 (1967), No. 114, United Parcel Service, INC. v. Mitchell (1981), No. 80-169, Chauffeurs, Teamsters and Helper Local No.391 V. Terry, No. 88-1719, Humphrey v. Moore, 375 U.S. 335 (1964) No. 17, and Petitioner Case No. 23-5215 whereas as Congress provides for enforcements of statutory rights in ordinary civil action to the district courts **as a Hybrid suit** against the Union Pacific Railroad and The Transportation Communication Union/IAM, where there is obviously no function justification for denying the jury trial right, a jury trial must be available if the action involves **rights and remedies** of the sort typically enforced in an action at law, with a legal claim enforced by an equitable remedy is treated as equitable as a Tort law or claims. As a Pro Se, I know I'm not an attorney, and this is my truth So Help Me God, In God We Trust, I pray that Supreme Court Justices take in consideration with similarities, or identical of legal errors, in light of the cases that I mentioned above to be reheard, **for not having a fair hearing.**

CONCLUSION

For the forgoing reason, I pray Supreme Court Justices, set aside the previous decision and reevaluating the petitioner case with a new decision, petitioner Aisha Wright prays that this Supreme court (1) grant rehearing of the order denying her petition for writ certiorari in the case, (2) vacate the court's October 02, 2023 order denying certiorari and (3) grant the petitioner for a writ certiorari, vacate the judgment and remand to the Fifth Circuit for further **consideration in light of Vaca v. Sipes, 386 U.S. 171 (1967)**, for the purpose of case laws **mentioned above** that was granted by Supreme Court Justices in favor of writ certiorari case to be Granted, Sections **8 (b) (1) (a), 8(a)(3) and 8(b)(2)**.

Respectfully Submitted,

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No. 23-5215

CERTIFICATE OF SERVICE

I Aisha Wright Pros Se, I hereby Certify of my truth of my claim on 26th day of October 2023, I will submit copy of this case to the opposing counsel, via USPS, that this petition for rehearing is presented in good faith and nor for delay and restricted to the grounds in Rule 44.2.

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I Pray of injunction of relief of a Grant, vacate and remand, In the Name of Jesus, I ask You to cause truth to prevail in this case in the name of Jesus, Amen. Thank you.

**Additional material
from this filing is
available in the
Clerk's Office.**