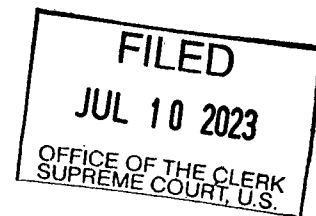


No. **23 - 5855**



IN THE
SUPREME COURT OF THE UNITED STATES

Regina Tate — PETITIONER
(Your Name)

vs.

Hamilton County Election Commission — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Sixth Circuit Court of Appeals Case No. 22-5288/22-530
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Regina Tate
(Your Name)

915 Oak Street
(Address)

Chattanooga, Tennessee 37403
(City, State, Zip Code)

423-251-9642
(Phone Number)

QUESTION(S) PRESENTED

Whether the Dismissal should be reconsidered for failure to appoint legal counsel

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	Tate v. Hamilton County Election Commission No. 22-5288/5340 United States Court of Appeals for the Sixth Circuit Opinion Issued April 10, 2023
APPENDIX B	Tate v. Hamilton County Election Commission, No.: 1:19-CV-00127-JRG-CHS United State District Court for the Eastern Division of Tennessee at Chattanooga Opinion Issued March 30, 2022
APPENDIX C	US Equal Employment Opportunity Commission - Charge No. 846-2016-0635 Cause Finding Determination Issued August 23, 2018
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	Tate v. Hamilton County Election Commission No. 22-5288/5340 United States Court of Appeals for the Sixth Circuit Opinion Issued April 10, 2023
APPENDIX B	Tate v. Hamilton County Election Commission No. 22-5288/5340 United States Court of Appeals for the Sixth Circuit Opinion Issued April 10, 2023
APPENDIX C	
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 10, 2023

☒ 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

28 U.S.C. Section 1915(2) authorizes a court to "request" counsel for indigent representation in civil cases. § 1915(d) imposes a duty on the court to assist a party in obtaining counsel willing to serve for little or no compensation.

Tate v. Hamilton County Election Commission

STATEMENT OF THE CASE

The District Court should have appointed legal counsel to pro se litigant record of filing delays combined with her disability showed that she could not proceed against the Election Commission without legal representation. The Court has an affirmative duty to eradicate discrimination under the ADA. Here Ms Tate had a meritorious claim as evidenced by the EEOC cause finding.

REASONS FOR GRANTING THE PETITION

United States v. 30.64 Acres of Land,
707 F.2d 520 (9th Cir. 1983).

The Ninth Circuit held the 28 U.S.C. Section 1915(2) authorizes a court to "request" counsel for indigent representation in civil cases.

§ 1915(d) imposes a duty on the court to assist a party in obtaining counsel willing to serve for little or no compensation. The district court's failure to discharge that duty in this case required reversal to determine if the litigant was indigent, and if he is, for exercise of the court's discretion in whether to request counsel to represent him.

The US District Court for the Eastern District of Tennessee and the Sixth Circuit Court of Appeals have ruled in opposition to this finding. A district court has the power to secure counsel for indigent plaintiffs under 28 U.S.C. § 1915(d) (1982), which provides:

The court may request an attorney to represent any such person [proceeding in forma pauperis] unable to employ counsel and may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action is frivolous or malicious.

This provision clearly gives courts the power to secure counsel for indigent civil litigants, but the nature of the power has been treated differently by different courts.

The US Supreme Court should clarify this issue to give guidance to indigent civil litigants.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Gregory Y. Tate

Date: September 25, 2023