

23-5914

ORIGINAL

SUPREME COURT OF THE UNITED STATES

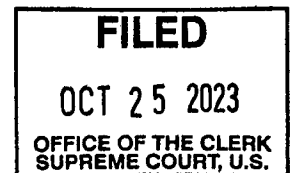
SAMUEL O. ARAOYE [U.S. Military Veteran and Naturalized U.S. Citizen, Living
With Service-Connected Disabilities, and as aggravated by Respondent's actions and
inactions in this matter],

Petitioner,

vs.

CITY OF PHILADELPHIA, et al

Respondent.



On Petition for a Writ of Certiorari to the United States Court of
Appeals for the Third Circuit

PETITION FOR A WRIT OF CERTIORARI

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- *Friend of the Court: Forensics Expert's Official*

*Opinion [PAED DOCKET# 136-1 @ 19-cv-
00719]*

I. Question Presented

Where Respondent [City Government] and its individual policymaking authorities violate the Appellant's Constitutional rights under 14th Amendment per Title VII Civil Rights Act of 1964, 42 U.S.C. SECTIONS 1981 AND/OR 1983, in which the suspected officials intentionally altered the Appellant's employee records [AT HR OFFICE] against the provisions of the City's Civil Service Regulations [Policymaker and HR Manager confessed UNDER OATH to be the one that intentionally altered one of the Appellant-Plaintiff's records without ANY official justification WHATSOEVER], and the Respondent and individual policymaking authorities even used the intentionally altered records to deny the Appellant promotional opportunities twice within 6 months, and an independent Forensics Expert's Official Opinion [PAED Docket# 136-1] states that there is a strong indication of fraud on the Appellant-Plaintiff's employee records. Why should the Court ignore Forensics Expert's Official Opinion in its ruling?

1. This is of national importance regarding age-long racial discrimination matters, especially at Civil Service places of employment in America. AND THAT APPROVED OVERTIME HOURS WORKED BY AN EMPLOYEE SHOULD BE PART OF EMPLOYEE'S WORK EXPERIENCE AND SHOULD BE CREDITED AS TIME COMPLETED FOR PROBATIONARY PERIOD.
2. This would surely resolve conflicts among Federal Appellate Courts on who the policymaker is regarding litigations against government, government agencies, and/or government officials, per egregious civil rights violations, retaliations, as well as patterns and practice of racial discrimination, ESPECIALLY SUCH

DONE INTENTIONALLY AGAINST MILITARY VETERANS THAT SERVED THE NATION WITH HONORABLE DISCHARGE, LET ALONE THOSE LIVING WITH SERVICE-CONNECTED DISABILITIES LIKE THE PETITIONER.

3. This would also correct the error of PAED District Court that completely ignored the Forensics Expert's Official Opinion in this matter.

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Cases

Cooper v. Federal Reserve Bank of Richmond, 467 U.S. 867 (1984)

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Statutes

Title VII Civil Rights Act of 1964, 42 U.S.C. SECTIONS 1981 AND/OR 1983

Constitutional Provisions

United States Constitution, Amendment XIV

IV. Petition for Writ Of Certiorari

Samuel O. Araoye, the Pro Se Counsel to the Appellant-Plaintiff on the 3rd Circuit U.S.C.A Appeal Case# 22-3199 [per PAED District Court's Case# 19-cv-00719], hereby petitions this court for a writ of certiorari to review the judgment of the 3rd Circuit U.S. Court of Appeals.

V. Opinions Below

The decision by the 3rd Circuit U.S. Court of Appeals, denying Mr. Araoye's direct appeal is reported as Araoye v. City of Philadelphia, (3rd Circuit U.S.C.A Document 34 of Appeal Case# 22-3199, Judgement entered on June 20, 2023). The 3rd Circuit U.S. Court of Appeals also denied the Appellant-Plaintiff's petition for both Rehearing and rehearing en banc on 21st day of August, 2023 [3rd Circuit U.S.C.A Document 41 of Appeal Case# 22-3199 dated August 21, 2023].

VI. Jurisdiction

The Petitioner [Samuel O. Araoye]'s petition having timely filed this petition for a writ of certiorari within ninety days of the 3rd Circuit U.S.C.A Court's judgment.

VII. Constitutional Provisions Involved

United States Constitution, Amendment XIV:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge

the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

VIII. Statement of the Case

During depositions in which individual suspects that the Petitioner alleged conspired to falsify his employee records [including use of the falsified records to deny him promotional opportunities as a Black person twice within 6 months] were asked questions regarding this matter, HR Manager Glenn Harper (page 23 of PAED ECF 148, as well as PAED ECF 143-7 on DEPOSITION-PAGE 25 @Lines 7 thru 25) said that he did not remember his reason for altering the Petitioner's employee records. And PAED Court did not compel the Respondent to provide valid reason for this act. Also, the Petitioner was wrongfully removed from his office as Refund Unit Manager on June 6, 2018, he was demoted to the position of an Accountant without any justification whatsoever. As at the time he was wrongfully removed from the promotional position, he had already completed much more than the needed 6 months of probationary period [going by combination of his regular hours and approved overtime hours (as worked and paid for by the Respondent)].

This sort of egregious violation of the Petitioner's Civil Rights has never been done to any white/Caucasian employee by the Respondent and/or its policymakers. And this makes it a blatant intentional racial discrimination, especially when this happened twice within 6 months. And it was in the year 2020 that the Mayor of Philadelphia came up with Executive Order on Racial Equity

that looks into equal opportunity per hiring and promotion of minority people in City of Philadelphia's Civil Service System. Whereas, the Petitioner could not possibly be part of this process because he resigned from the City of Philadelphia due to the adverse impacts of the Respondent's actions and inactions on his health, including aggravated Emotional Distress [PAED Docket# 117].

Reference: PAED DOCKET# 162 [page 21 at last paragraph]

Noreen Skirkie [Respondent's policymaker] said under oath during deposition dated 1-18-2022 that she did NOT make any change to the Plaintiff's performance evaluation report dated 4-17-2018 (PAED ECF 143-4 on DEPOSITION-PAGES 15, 16, and 19 thru 21), and that she did not make any change to the Plaintiff's employee records, and that she did not even have access to the Plaintiff's employee records. This blatantly contradicts subsequent claims by the Respondent on page 2 of PAED ECF 149 at section 7, that what the Plaintiff is alleging to be a falsification, is an update. Let alone the blatant lies by the Defendant that an updated version was served to the Plaintiff, as the Respondent did not prove this claim with any evidence that the Plaintiff received such update. Whereas, whatever the Respondent is calling an update is actually a violation of the Civil Service Regulation, as the Petitioner has Proved this all along with evidences and evidential matters in this matter.

During depositions, Assistant HR Manager Princess Ray, and HR Professional Kia Miller, did NOT say that the Plaintiff received any changed or updated performance evaluation report. There is no way such official decision to make such changes to an official record would be made without the knowledge of the employee and the applicable Supervisor of the affected employee.

Meaning, both the Plaintiff and his Supervisor would have been notified if such update or change

Human Resources Unit on 2-17-2018 as the Plaintiff's 2nd-month performance evaluation report. Philadelphia Civil Service Regulation sections 23 and 14 that do not allow for such changes to an employee record, especially after it was already signed, dated, and registered at the Respondent's Manager Glenn Harper, is indeed a falsification. Let alone the fact such changes violates changed in meaning, such unofficial and unwanted changes made by anyone, including HR on the Plaintiff's rejection notice, and he further claimed that he could not remember why he notice [that he made] was given to the Plaintiff, as he confessed under oath that he made changes as official. And HR Manager Glenn Harper did NOT claim that any changed or updated rejection

1. Direct Appeal

On direct appeal, Arroyo renewed his argument that his Constitutional rights had been violated when the Respondent and its policymakers wrongfully altered his employee records without official justification and against the provisions of the City's Civil Service Regulations. And further retaliations, as he was wrongfully removed from his promotion as Refund Unit Manager, in a manner that violates the prevalent Civil Service Regulations at the time (i.e. no rejection notice was served to the Petitioner) and the Petitioner's Constitutional Rights. Also, despite coming first citywide in subsequent promotional examination, he was again wrongfully denied promotional opportunities with falsified employee records by the Respondent and its policymakers. In a published opinion, the 3rd Circuit U.S. Court of Appeals basically agreed with the PAED Court in dismissing this case, despite the Petitioner's pleadings for reconsideration of factual facts, figures, evidences, and evidential matters.

IX. REASONS FOR GRANTING THE WRIT

TO AVOID ERRONEOUS DEPRIVATIONS OF CIVIL RIGHTS, THIS COURT SHOULD CLARIFY IF THE USE OF FORENSICS EXPERT'S OFFICIAL OPINION IS VALID IN A LAW-COURT. ALSO, THAT APPROVED OVERTIME HOURS WORKED BY AN EMPLOYEE SHOULD BE PART OF EMPLOYEE'S WORK EXPERIENCE AND SHOULD BE CREDITED AS TIME COMPLETED FOR PROBATIONARY PERIOD.

X. CONCLUSION:

The Petitioner for a writ of certiorari should be granted.

Respectfully Submitted,

/s/ SAMUEL O. ARAOYE, Pro Se Counsel to the Petitioner.

[@U.S. Military Veteran and Naturalized U.S. Citizen, Living With Service-Connected Disabilities, and as aggravated by Respondent's actions and inactions in this matter]

DATED this 25th day of September, 2023.

XI. APPENDIX A