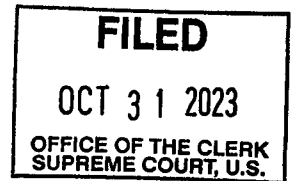


ORIGINAL

23-5957



ON PETITION FOR WRIT OF CERTIORARI TO

THE DISTRICT OF COLUMBIA COURT OF

APPEALS

PETITION FOR A WRIT OF CERTIORARI

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ORIGINAL

IN THE

Supreme Court of the United States

KHADIJAH BRONSON,

Petitioner,

v.

Case no. 23-AA-0658

2009-DCRA-Q105044

D. C. DEPARTMENT OF BUILDINGS,

Respondent.

2009-DCRA-Q105044A

Table of Contents

<i>PETITION FOR A WRIT OF CERTIORARI</i>	2
<i>QUESTION PRESENTED</i>	2
<i>OPINIONS BELOW</i>	3
<i>JURISDICTION</i>	3
<i>STATUTORY PROVISIONS INVOLVED</i>	4
<i>STATEMENT OF THE CASE</i>	4
<i>REASONS FOR GRANTING WRIT</i>	10
<i>CONCLUSION</i>	11
<i>EXHIBIT A - Order dismissing petition due to being untimely filed</i>	12
<i>EXHIBIT B - Order Dismissing Petition due to failure to show the court why it should reconsider</i>	15
<i>EXHIBIT C - Notice of Infraction</i>	18

PETITION FOR A WRIT OF CERTIORARI

Petitioner Khadijah Bronson respectfully petitions for a writ of certiorari to review the order of the District of Columbia Court of Appeals.

QUESTION PRESENTED

The central issue at hand pertains to the appropriateness of a court dismissing an appeal petition due to procedural deficiencies, despite the presentation of substantial and factually valid merits of the case. Such dismissal, which results in the denial of an individual's fundamental right to access the judicial process.

OPINIONS BELOW

The District of Columbia Court of Appeal dismissing the petition due to being untimely filed, dated September 22nd, 2023, is attached herewith as EXHIBIT A. The District of Columbia Court of Appeal order denying the petitioner's petition for rehearing, filed on October 16th, 2023, is attached herewith as EXHIBIT B.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. §1254(1), which grants it authority to review decisions of the United States Courts of Appeal by certiorari. The District of Columbia Court of Appeals denied the Petitioner's petition through its order entered on October 16th, 2023. In this decision, the Court of Appeals denied the Petitioner's petition for failure to show the court why it should reconsider its previous order filed September 22nd, 2023. The

Petitioner is filing a writ of certiorari to challenge the order of the Court of Appeals.

STATUTORY PROVISIONS INVOLVED

The case involves 28 U.S. Code § 1291 - Final decisions of district courts, which grants The courts of appeals (other than the United States Court of Appeals for the Federal Circuit) the jurisdiction to hear or deny appeals from all final decisions of the district courts of the United States.

STATEMENT OF THE CASE

1. There were two other identical cases before the District of Columbia Court of Appeal, numbered 22-AA-0453 and 23-AA-0394. In the latter case, the Department of Buildings accepted its fault and declared

that Petitioner Khadijah Bronson was not served on her actual address i.e. 210 20th Street NE, Apt#2, Washington DC 20002. Instead, it was wrongly serviced to the address 2242 15th Street, NE, Washington DC, 20002-6750. Petitioner Khadijah Bronson entered into a settlement agreement with the Department of Buildings in Case No.23-AA-0394 and then subsequently filed a motion for voluntary dismissal for which the order of voluntary dismissal was granted.

2. In both reviews the Departments did not serve the Petitioner.
3. District of Columbia Court of Appeal denied the petition for review due to being untimely filed on September 22nd, 2023 to which the petitioner filed a motion for reconsideration. The Court in a new order filed October 16th, 2023 denied the petitioner's motion for reconsideration due to failure to show why the court should reconsider its original decision.

4. Petitioner Khadijah Bronson draws this Honorable Court's attention to the following facts and files this writ of certiorari to allow the review petition by treating her case at par with that of Case No.23-AA-0394 and ask the Respondent Department to refund the amounts mistakenly debited by her on the following reason:

- i. This cause should be treated at par with similar cases filed by Petitioner Khadijah Bronson, numbered 22-AA-0453 and 23- AA-0394, against the DC Department of Consumer and Regulatory Affairs, now the DC Department of Buildings and the Department of Public Works. The representative of the DC Department of Consumer and Regulatory Affairs (now DC Department of Buildings), while filing with OAH the September 26, 2022, Motion to set aside the Default Judgments and To Dismiss the Notices of Infractions With Prejudice, recorded his statement as under:

“DCRA is the master of its own default judgments, and its undersigned representative believes Respondent has been punished enough by paying \$17,000 for a default judgment, and that she did not receive the NOIs in question. As authorized “Keeper of the King’s Conscience,” in the interest of justice and fairness, DCRA through its undersigned representative moves to set aside all remaining default judgments and to dismiss them with prejudice.”

- ii. The Department accepts that Petitioner Khadijah Bronson was never served. In the presence of the statement by a representative of the Department, there was no justifiable reason to deny Petitioner Khadijah Bronson’s request for review. At least, the Honorable District of Columbia Court of Appeal should have asked the Respondents to give their view if at all dismissal was called for.

- iii. Petitioner Khadijah Bronson has been denied her due rights and has been condemned unheard of.
- iv. It has now been crystal clear that Petitioner was never served on her actual address, i.e. 210 20th Street NE, Apt#2, Washington DC 20002. Instead, it was wrongly serviced to the address 2242 15th Street, NE, Washington DC, 20002-6750, which is why Respondent has settled with Petitioner. The OAH followed the same line of action and did not serve Petitioner at her actual address.
- v. Petitioner Khadijah Bronson learned about the present underlying decision of OAH during the settlement with the Respondent Department, and she was unaware of another case against her hence the untimely manner of filing the motion.

- vi. As soon as Petitioner was made aware of another matter, she vigilantly challenged it before the Honorable District of Columbia Court of Appeal.
- vii. District of Columbia Court of Appeal has not given weight to the point that both Departments should treat the Petitioner at par, and the Respondent herein should also refund all funds wrongly taken from Petitioner.
- viii. District of Columbia Court of Appeal has not given any reason for dismissal of the cause of Petitioner Khadijah Bronson, notwithstanding she establishes from the record that she was not served. Petitioner Khadijah Bronson has been punished for no reason and no fault from her side.
- ix. Law leans in favor of adjudication on merits rather than technicalities, and it is in the interest of justice that this

cause be heard on merits after asking the Respondent Department to present its view.

Reasons for granting writ

1. The Court should reconsider and recall the September 22, 2023 order and should not knock out Petitioner Khadijah Bronson on technicalities; rather, the cause should be decided on merits.
2. Find that Petitioner furnished sufficient good cause for explaining the delay in challenging the underlying order, hear the Review on its merits, and ask Respondent DC Department of Buildings to refund all the amounts taken from Petitioner along with cost, special compensatory costs, treble damages and special damages.

3. The Court should also find that the DOB did not serve the Petitioner properly.

4. Dismiss all DOB defaults against Petitioner and order DOB to refund all default amounts, fines and penalties.

Conclusion

The denial order is predicated on procedural irregularities and is seen as encroaching upon the petitioner's fundamental right to access the judicial process. Consequently, this writ of certiorari should be accepted.

Respectfully Submitted,

s/

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