

No. 23-6009

IN THE  
SUPREME COURT OF THE  
UNITED STATES

Mario Austin,  
petitioner  
v.

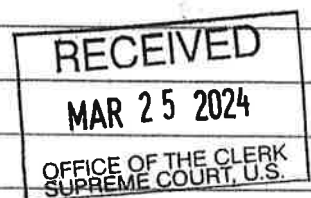
American Building Company,  
Respondent

On petition for a Writ of  
Certiorari to the United  
States Court of Appeals  
for the Eleventh Circuit

Petition for Rehearing

Mario Austin  
2874 Bartow Gibson Hwy  
Donalsonville GA 39845

Counsel for Petitioner



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## Conclusion

For the foregoing reasons, and those stated in the petition for a writ of certiorari, the Court should grant rehearing, hold the petition pending the Court's decision and then grant the petition and review the judgment below.

01-25-2024

Respectfully Submitted,

Mario Austin

2874 Bartow Gibson Hwy  
Donalsonville GA 39845  
(229) 364-3620

Counsel of petitioner

## Petition For Rehearing

Petitioner Mario Austin respectfully  
petitions for rehearing of this Court's  
January 22, 2024 order denying his  
petition for a writ of certiorari.

## Reasons For Granting Rehearing

Petitioner's Mario Austin petition presents very important issues and questions of the law. The question in this petition is whether Mario Austin's rights was violated which was suppose to be protected under the civil rights Act of 1964. The Eleventh Circuit Court of Appeals Affirmation of the Alabama Middle district's court judgement should be reversed due to the fact that there are important issues and question presented in petition. American Building Company discriminated against me when they denied my the right to transfer to a new department but approved white shear worker medley to transfer. American Building's Company let shear operators Medley and Stafford which is white shear operators make more mistakes than me and also more occurrence than me but did not give them disciplinary action neither terminate them because of their color and national origin.

American Building Company discriminated against me based on my color and national origin when they let Medley make more cutting mistakes than me during his orientation period as a shear operator. Carter received feedback from Medley's group leaders during orientation period that warranted discipline but never disciplined Medley. Carter also observed Medley make many mistakes that warranted discipline but did not discipline him. Medley had 5 attendance occurrences during his orientation period but did not receive any discipline. Carter also received feedback from Stafford's group leader during his orientation period that warranted discipline but never disciplined him. Carter also observed Stafford make many mistakes that warranted discipline but never disciplined him. When Carter made the decision to terminate petitioner there were 5 African Americans and 3 whites. American Buildings Company discriminated against me and terminated me due to my color and national origin. I was given way less chances and opportunities than white Shear Operators Medley and Stafford. This petition presents very important questions and arguments which pertain to the law.

White shear Workers Medley and Stafford had many mistakes and occurrences during their probationary period but was never terminated nor disciplined. When American Building Company denied me the right to transfer to another department but approved White Shear operator Medley to transfer even after I asked before Medley to be transferred this was intentional discrimination against me because of my color and national origin. It doesn't matter if American Building Company and Medley agreed on a successful bid or not it's the fact that I asked before Medley to be transferred to another department but was denied. This is evidence of intentional discrimination against me based on my color and national origin. I asked Carter many times to transfer me and each time he denied me. Whenever I would ask him to transfer me to another department he would get very angry and start calling me in the office and start giving me disciplinary action for no reason. I was treated differently from Medley and Stafford because of my color and national origin.

When American Building Company terminated me for making too many mistakes but did not terminate white shear workers Medley and Stafford which had more mistakes than me they then discriminated against me based on my color and national origin which is a violation of my rights protected under title VII Civil rights act of 1964.

No. 23-6009  
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Mario Austin Petitioner,  
v.  
American Building Company Respondent,

On Petition for a writ of Certiorari  
to the United States Court of Appeals  
for the Eleventh Circuit

Rule 44.2 Good Faith Certification  
Regarding petition for rehearing of denial of  
petition for writ of Certiorari

Petitioner Mario Austin, pursuant to Supreme Court Rule 44.2 hereby certifies that the foregoing attached Petition for Rehearing and Request for Suspension of Denial of Petition for Writ of Certiorari is limited to other substantial grounds not previously considered, and is made in good faith and not for delay. Specifically, the grounds not specifically previously considered include the pending petition raising identical issues and legal arguments in United States vs. Jurden Rogers, petition for cert filed, 2020 WL \_\_\_\_\_ (US Jan 14, 2020) (No. 19-7320)

Submitted this February 13, 2024.

By: Mario Austin  
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Counsel for Petitioner

IN THE SUPREME COURT  
OF THE UNITED STATES

No. 63-2009

Mario Austin,

v. Petitioner

American Building Company,  
Respondent

Certificate of Service

I, Mario Austin, hereby certify that  
on this 25<sup>th</sup> day of January, 2024,  
I caused three copies of the brief in  
support of petitioner to be served by  
overnight delivery on the following  
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