

No.

23-6248

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

DEC 09 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Pradeep Gupte
(Your Name)

— PETITIONER

vs.

Kimberly Davis, Newington public School — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

2nd Circuit Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Pradeep B Gupte
(Your Name)

299 Rt 87, # 2C
(Address)

Columbia, CT 06237
(City, State, Zip Code)

(959) 283-1652
(Phone Number)

LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- 1) Newington Public Schools
- 2) Kimberly Davis
- 3) Clare Salerno.

In favor of defendants - Respondents

RELATED CASES

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 _____ to the petition and is
☒ reported at New York, NY (Dec 1, 23) → Judgment; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished. → denied (copy attached)

The opinion of the United States district court appears at Appendix _____ to the petition and is
☒ reported at Hartford, CT (1/27/23) → Judgment; 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☐ is unpublished.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☐ is unpublished.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☐ is unpublished.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

- 1) 3:21-cv-0880 (federal court)
- 2) 23-169 (Court of Appeals) → 2nd Circuit

STATUTES AND RULES

OTHER

everything is enclosed.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Dec 1, 2023. → (Copy attached) → denied

☐ 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

- 1) Please look at this Supreme Court document → 18-525 Fort Bend County, TX, v. Davis. Title VII's charge filing requirement is not jurisdictional. My case was filed in federal court as "doc # 1." Defendant raised the issue of Administrative remedies in "doc # 20." Please look at this document → it is written, "It is ordinarily forfeited if not timely asserted." Defendant did not raise the issue in "timely manner" & therefore their claim is not valid.
- 2) Defendant has falsified the school's aesp documents, which is in violation of 18 USC § 1519. (copy attached) → please look at W-2 form (for 2021).
- 3) I did not receive any Loudermill Hearing. When I called Kim Davis on Jan 11, 21, she did not let me talk. She did not allow me to present "my side." My constitutional rights are violated. I did not do anything wrong in the school. I was always well-behaved.
- 4) Ashcroft v Iqbal: (556 US 662) → To survive a motion to dismiss, a complaint must contain sufficient factual matter accepted as true, to state a claim of relief, that is plausible on its face.
- 5) Harris v Mills (2nd Circuit) → A court must accept as true, all the allegations contained in the complaint.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

6) *Twombly v Bell Atlantic* (550 U.S. 544)
Primary Holding.

STATEMENT OF THE CASE

1) I never did "deposition" in my life. I was always a "prose lilitgant." When defendant did deposition, in federal court, I was kind-of confused. I have bipolar disorder (disability). I am on disability for a long time (since 1997), medicare copy is attached.

"Race is an issue in this case". I forgot to say that during deposition (disability). Sometimes I am irritable because of my disability. You may ~~ex~~ want to call my doctor; her name is Gloria Nardella & her phone number is → (475) 224-6766. "This is the 1st time I did deposition in my life."

2) I am a "well-behaved" & "highly educated" person. I have 3 Masters degrees in different chemical fields. I have lot of teaching experience in different colleges & Universities. I worked as a chemist since 1972.

3) They did not have a Jury in federal court in Hartford (I did not write Jury).

4) In Newington High School; all teachers & staff were of one particular national origin because the Superintendent, Asst Superintendent & Principal are of same national origin. Their names were Tagno, Foresi, Degenero, Peska, Dimachi & etc (National origin is an issue).

5) One person made a racist remark → he said, "I don't look like a 7-11 Indian." In another school in Connecticut one made a similar remark. Many people said that to me.

One President of our country once said, "If you go to Dunkin'-donut; you expect to be served by a person of Asian Indian descent." If the President of the country can make such a remark, anyone in the country can make similar remarks. (Title VII).

6) I can teach any science subject & math also. I found mistakes of many teachers in Newington Highschool & I told them that also (not in front of students).

7) Religion is also an issue.

8) I am the only similarly situated person of my race.

9) I am the only similarly situated person of my color.

10) I am the only similarly situated person of my national origin.

11) I am the only similarly situated person of my disability (bipolar disorder & physical disability).

12) I am the only similarly situated person of my religion.

13) I am the only similarly situated person of my ethnicity.

14) My doctor's letter is enclosed.

15) According to Ms Davis's affidavit, at the time of my termination, she complained that I allegedly constantly interrupted her, raised my voice & brought up "previous situations." In other words Ms Davis failed to provide me with due process in my termination. She did not want to listen to anything I said & therefore violated my civil rights. I did not receive any "Loudermill" hearing.

16) What Kim Davis has written is not true.

STATEMENT OF THE CASE

- 1) please look at defendant's falsified documents from Federal Court.
- 2) I was always well-behaved.
- 3) Please look at my document dated 8/19/22 to Federal Court. In Doc [67-1] → Defendant's (EXHIBIT-A-3) → It is documented that I worked only 4 days in 2021 (1/5/21, 1/6/21, 1/7/21, & 1/11/21). Please look at my "W-2 form" for 2021 sent by defendant → I was paid for 7 days (\$682) → that time I was making about \$97/day. This means they paid me for 3 more days. How is this possible? (This happened because someone from that school system deleted my name several times from their "absop" system). There was a some kind-of cover-up. Clare Salerno looked at me with animosity because of my race/color etc. My W-2 form is in Exhibit-Y of one document.
- 4) please look at next page → All names are one particular national origin (Letter of Mr Foresi) →
- 5) You may want to get all my documents (transcripts) from Federal Court of 2nd Circuit Court.

REASONS FOR GRANTING THE PETITION

I need the job. I am a good teacher & qualified for the job. When I give knowledge to student, I feel happy about it.

Please look at next few pages →

- In the 1st aesop document Dec 3, 2020 is marked blue (Blue is for Absentee records and pink is for vacation days). Why "Christ vacation" is not pink?
- In the following page, Jan 5, 21, Jan 6, 21, Jan 7, 21 & Jan 11, 21 is not marked Blue. This also means defendant has falsified the documents → Document [67-3] of defendant, copy is attached.
- Dec 24 to Dec 31 → school was closed for Christmas vacation (Why these days are not pink?)

Absence Management

Newington Public Schools

NAVIGATION

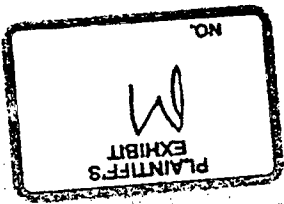
- Home
- Attendance
- Absence
- Feedback
- Account
- Directory
- Resources

December 2020

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
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January 2021

Blue mark
Absence record



Create Absence

Please select a date

December 2020

Substitutes Required

Scheduled Absences

Past Absences

January 2021

SUN	MON	TUE	WED	THU	FRI	SAT
					1	
4	5	6	7	8		
11	12	13	14	15		
18	19	20	21	22		
25	26	27	28	29		

EXHIBIT C1

February 2021

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	
8	9	10	11	12		
15	16	17	18	19		
22	23	24	25	26		

*The reason
no blue
marks
here → This means defendant
falsified documents*

0 Scheduled Absences

1 Past Absences

0 Denied Absences

Substitute Received

EX

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

P. Byrd

Date: 12/9/2023