

NOV 13 2023

OFFICE OF THE CLERK

No. 23-6309

IN THE
SUPREME COURT OF THE UNITED STATES

ELVIN FARRIS — PETITIONER
(Your Name)

VS.

VECTOR CONSTRUCTION —
RESPONDENT(S) ON PETITION FOR A WRIT OF
CERTIORARI TO

7TH CIRCUIT COURT OF APPEALS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ELVIN FARRIS
(Your Name)

2528 SOUTH ROYCE STREET
(Address)

SIoux CITY IOWA 51106
(City, State, Zip Code)

712-899-5281
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

1. Should the petitioner been allowed to amend the EEOC charge
2. Did the discovery of petitioner termination start a new limitations clock
3. Should the petitioner been allowed to use the discovery rule
4. Was the October notice of termination a separate act that happened in October
5. Did the evidence show a meaningful difference when it came to Vector Construction motive
6. The the termination fall outside the scope of the EEOC charge

LIST OF PARTIES

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

☐ All HI ties 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:

RELATED CASES

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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☒ is unpublished.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 _____ 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☐ is unpublished.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☐ is unpublished.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☐ is unpublished.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 August 1, 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: 9/22/2023, and a copy of the order denying rehearing appears at Appendix C.

☐ 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).

STATEMENT OF THE CASE

Failure to accommodate/retaliation,,wrongful termination. The Respondents failed to accommodate the Petitioners known disability. Then, Respondents, retaliated against the Petitioner by laying off the Petitioner and then much later terminating Petitioners employment.

REASONS FOR GRANTING THE PETITION

The reason to grant this petition is to right the wrong done to the Petitioner since the Workman's Compensation Case was originally filed in the state of Illinois. Although the Petitioner was a dedicated employee to Vector Construction for twenty-two years when he became injured this company took advantage of his loyalty and displaced him from his employment. Throughout the process of pursuing justice, the Petitioner has faced roadblock after roadblock. The Petitioner has not only faced roadblocks within the legal and medical systems but has also faced racism and lack of the basic rights afforded to the Petitioner under the Constitution of the United States which should have ensured his legal rights be met. Due to lack of ability to afford legal assistance the Petitioner has been left to fight for his rights on his own and the legal system has had no empathy for the Petitioner's lack of legal education. The Petitioner should, at the very least, have been able to amend the EEOC charge and correct the mistakes that were made by the agency when investigating his case. The judges stated there was no meaningful difference when it came to Vector Construction alleged motive. All the acts that made up the EEOC charge from the same act. This means all the acts are related to the same incident and was a form of continued harassment. Knowing the acts that made up the EEOC charge were all related the Petitioner should have been allowed to use the discovery date of the termination. The judges ruled the Petitioner had to show due diligence that notice of the termination could not have been found out sooner and the Petitioner failed to show due diligence. The panel knew the Petitioner was misled by the company that employed the Petitioner for 22 years. The Petitioner was told the separation was a layoff and the Petitioner would be called back to work when more work became available. Vector Construction has a policy that laid off workers are still considered to be Vector Construction employees and the employee should not look for outside work without permission first from Vector Construction. It is clear by the evidence that Keith Stewart of Vector Construction fired the Petitioner only after the Petitioner filed an Illinois Workers Compensation claim. Devon Simpson admitted this information to an Illinois Administrative Law judge at the Petitioner unemployment hearing. Evidence shows the Petitioner talked to Keith Stewart, Adam Rice and Devon Simpson and none of the supervisors advised the Petitioner of the termination of his employment. The defendant says the Petitioner was terminated on August 5, 2018 evidence again will show the Plaintiff was told he was only to be laid off. The court is rewarding Keith Stewart attempts to cover up an injury that almost killed the Petitioner. While punishing the Petitioner for the flaw in the EEOC system that put the Petitioner EEOC charge past the statute of limitations date. The evidence will show the Petitioner called the Chicago EEOC office in time but was given an intake date that put the EEOC charge past the statute of limitations date. Throughout the Petitioner's pursuit of the basic rights afforded to every American citizen that is in the employment of another person/business the Petitioner has faced racism based on the color of his skin and the cultural narrative that is often a part of "White Privilege". An African American man living in the Midwest working for a company in which the hierarchy is white and then the members of the subsequent authorities that are supposed to protect its citizen's rights are also white. The Petitioner has faced a white medical field, a white workman's compensation investigator, a white EEOC investigator, and a predominantly white legal system which has questioned his integrity throughout this process. The Petitioner is praying that this court hears this case. It's not right that these companies are allowed to get away with almost taking a life. The Petitioner should have been allowed an opportunity to amend the EEOC charge.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 11/13/2023