

Petition for Rehearing of Writ of Certiorari

Benjamin Thurman

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Case number 23-7038

Benjamin Thurman is Filing this petitions for a rebearing simply because my first petitions for Writ of Certiorari was denied. Along with all my other attempts to seek council to be heard and to see a fair trial these are the legal arguments and fact that support my case.

The reason why the court should hear my case again is that my life is being threat on a daily basis. My brother's life was taken in the course of this (TONY) you can see from the evidence his name is written on a street rail in graffiti. This is a form of visual communication, usually illegal, involving the unauthorized marking of public space by an individual or group. I'm being Surreptitiously Stalked, coerced, harassed, targeted, and manipulated. Due to workplace retaliation and discrimination. I have all the documents and evidence to prove my case. This is unethical illegal and unethical business practices Immoral and unethical behavior.

I faced discrimination and harassment in the workplace. I reported every incident. And I was terminated for no good reason although it was claimed to be insubordination. I engaged in protected activity. Since then I've been being punished. Again I'm being surreptitiously, covertly, stalked, coerced, harassed, followed, and targeted

EEOC Gov states. Workplace harassment involves unwelcome and offensive conduct that is based on race, color, national origin, sex (including pregnancy, gender identity, and sexual orientation), religion, disability, age (age 40 or older), or genetic information. Examples of harassment include offensive or derogatory jokes, racial or ethnic slurs, and pressure for dates or sexual favors, unwelcome comments about a person's religion or religious garments, or offensive graffiti, cartoons or pictures.

Retaliation looks and feels a lot like harassment. That is because harassment is one form of retaliation, and many times workplace retaliation can be attacked with both an illegal claim of unlawful relation and workplace harassment. Retaliation can go much further than harassment, and it often involves what is called adverse employment actions, such as termination, demotions, refusals to promote or give raises and other serious negative actions. A co-worker or supervisor hell-bent on retaliating against an employee will often not stop until they achieve the ultimate revenge-loss of the employee's job while visiting tremendous stress and pain on the target along the way. Subtle retaliation, however, involves a more indirect way of engaging in actions that are averse to an employee. Subtle actions can be more difficult to recognize as retaliation, but these behaviors are still retaliatory. Quiet retaliation is much more subtle, is incredibly common, and can be contagious in the workplace. It occurs when the avenger makes the employee or team uncomfortable through their words or actions. Often, the "victim(s)" feels targeted or stalked

Retaliation is an intentional act that harms someone in response to a protected action. In the workplace, retaliation is when an employer punishes an employee for engaging in a legally protected activity. The

Supreme Court defines retaliation as a way to send a message that complaining is unwelcome and risky, and to instill fear in others who might consider making a complaint in the future.

Examples of retaliation include:

Firing or demoting an employee

Rejecting an employee for a job or promotion

Giving an employee lesser assignments

Forcing an employee to take leave

Harassing an employee

Threatening to make, or actually making reports to authorities

Increasing scrutiny

Spreading false rumors

Treating a family member negatively

Making the person's work more difficult

Retaliation can establish legal liability, and people generally have a right to be protected from it regardless of their immigration status. Federal case law and regulatory agency guidance identify three essential elements in a claim of retaliation: Protected activity, Adverse action, and Causal connection.

## **Labor codes and laws**

Labor Code section 230(c) prohibits an employer from discharging or in any manner discriminating or retaliating against an employee who is a victim of domestic violence, sexual assault, and/or stalking, who is a victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury, or who is a person whose immediate family member is deceased as the direct result of a crime (regardless of whether there is an arrest, prosecution, or conviction for committing the crime), for taking time off from work to obtain or attempt to obtain relief to help ensure his or her health, safety, or welfare, or that of his or her child or children.

(1) "Crime" means a crime or public offense as set forth in Section 13951 of the Government Code, and regardless of whether any person is arrested for, prosecuted for, or convicted of, committing the crime.

(2) "Domestic violence" means any of the types of abuse set forth in Section 6211 of the Family Code, as amended.

(3) "Immediate family member" means a person who is any of the following:

(A) Regardless of age, a biological, adopted, or foster child, stepchild, or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or a person to whom the employee stood in loco parentis when the person was a minor.

(B) A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or an employee's spouse or domestic partner, or a person who stood in loco parentis when the employee or the employee's spouse or domestic partner was a minor child.

(C) A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision.

(D) A biological, foster, or adoptive sibling, a stepsibling, or a half-sibling.

(E) Any other individual whose close association with the employee is the equivalent of a family relationship described in subparagraph (A), (B), (C), or (D).

(4) "Sexual assault" means any of the crimes set forth in Section 261, 261.5, 262, 265, 266, 266a, 266b, 266c, 266g, 266j, 267, 269, 273.4, 285, 286, 287, 288, 288.5, 289, or 311.4 of, or former Section 288a of, the Penal Code, as amended.

(5) "Stalking" means a crime set forth in Section 646.9 of the Penal Code or Section 1708.7 of the Civil Code.

(6) "Victim" includes any of the following:

(A) A victim of stalking, domestic violence, or sexual assault.

(B) A victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury.

(C) A person whose immediate family member is deceased as the direct result of a crime.

(D) for the purposes of subdivision (b) only, any person against whom any crime has been committed.

(7) "Victim advocate" means an individual, whether paid or serving as a volunteer, who provides services to victims under the auspices or supervision of an agency or organization that has a documented record of providing services to victims, or under the auspices or supervision of a court or a law enforcement or prosecution agency.

## Statement for Rehearing

My name is Benjamin Thurman. I'm being surreptitiously stalked targeted coerced harassed and manipulated. Due to workplace retaliation and discrimination. This is unethical illegal business practices and organized crime. Labor Code section 230(c) prohibits an employer from discharging or in any manner discriminating or retaliating against an employee who is a victim of domestic violence, sexual assault, and/or Stalking, who is a victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury, or who is a person whose immediate family member is deceased as the direct result of a crime (regardless of whether there is an arrest, prosecution, or conviction for committing the crime), for taking time off from work to obtain or attempt to obtain relief to help ensure his or her health, safety, or welfare, or that of his or her child or children. They use v2k technology to transmit VOICES. They uses psychotropic technology to manipulate the human body from a distance. My personal belongings have been INVADED and INTRUDED upon. My PRIVACY has been VIOLATED. My car my home and my relationship is being invaded surreptitiously, covertly. My FAMILY and FRIENDS have received THREATS PICTURES and MESSAGES. Before my termination at the Rug Doctor my brother TONY died surreptitiously. It was label a drug overdose. I soon seen his name written in GRAFFITI on a street rail. This is a form of visual communication, usually illegal, involving the unauthorized marking of public space by an individual or group. I was given another poor work performance write up. A month later I was fired for insubordination. My family and friends know who I am. I am not disrespectful I am not a criminal I do not have a mental condition I'm not on drugs. I am being subject to psychological workplace and community mobbing. SURREPTITIOUS GANG STALKING. Over the past two years I have called the cops numerous times. I have contacted my apartment manager complaining about noise campaign numerous times. I was just gas lit and evicted from my home. They consistently threaten sexual favors to my girlfriend. They follow me everywhere I go in an attempt to COERCE annoy and harass me. I filed this case with the eeoc where I spoke with lawyer Walter Harris I was able to explain the case and show EVIDENCE. The case was soon dismissed. I then filed petitions for restraining orders. The case was seen by state court judge where it was dismissed because I couldn't afford an attorney. I then filed the case with the FEDERAL GOVERNMENT. I made SEVERAL ATTEMPTS to be GRANTED a COUNCIL to see a FAIR TRIAL. Each attempt was denied. I then filed motion to proceed in forma pauperis which was also denied. I'm now reaching out to the SUPREME COURT to file a writ of certiorari. This is ACTIVITY of ORGANIZED CRIME. They are trying to SILENCE and VICTIMIZE me. I'm being SURREPTITIOUSLY STALKED, FOLLOWED, TARGETED, COERCED, HARASSED, And MANIPULATED. MY LIFE is being THREATENED on a DAILY basis. Please help seeking legal representation I would like to see a fair trial.

## Statement of the case

I'm being Surreptitiously Stalked. Due to workplace retaliation discrimination. They are trying everything thing they can to harass, coerce, convince, manipulate, annoy, paranoid. To make me look like I have a mental health problem or to outrage against people or to harm myself. They try to silence me to let them mind control or harm me. I'm being Surreptitiously Stalked. My privacy has been invaded, intruded upon and spread to follow.

Before my termination at the rug doctor I was targeted. My personal information was being displayed behind my back in a sly, sneaky, surreptitious way. On September 29 2021 I received a work document with racist slur written on it. I showed the manager at the time and was told to disregard it. Over the course of two yrs. I was harassed, moved around, given bad performance wright up, discredit, and was given a "special project" That lead to my termination. Before my termination my brother ended up dead May 26 2022. I noticed one of the main coworker that didn't like me took vacation at this time. And noticed his clean shave and hair cut when he came back from (as if he had gotten away with something.) A month later June 23 2022 I was terminated for insubordination. I immediately reached out to a lawyer. Paid Eric Routtencutter 100\$ to send rug doctor a service letter to review the incident. I later received a post card stating they received the service letter, but i didn't receive a court date. At this time I'm being surreptitiously targeted and stalked. I started to hear the same personal, sexual, and racial slur words in my apartment and at my other jobs that where being displayed behind back at the rug doctor. In the voice of Joe Wright, and Joshua Laughlin. I soon from that apartment due to noise campaign and the voices. I moved in with my sister for a few months but even then I would still hear their voices. Coercing, convincing, manipulating and annoying me to a state of paranoia. I just wanted them to leave me alone. So I reached out for help. I checked in to SSM health 10/7/2022 was released 10/10/2022. My time spent at SSM I didn't hear any voices besides the people that where there. Like that's where they wanted me. After released I returned to work my job at the time and still would hear the main two guy voices coercing, harassing, manipulating, annoying and creating negative thought patterns. As this followed me workplace to workplace I was released from my next 3 jobs. After living with my sister I finally found an apartment I was able to move in 12/2/2022.

Since moving in to my new apartment I've had constant complaints of noise campaign IV called the cops numerous times. I'm still hear these guys voices. I've found graffiti of my brother's name Tony on a street rail and kkk symbol around my home. My apartment and car have been surreptitiously invaded things moved around and not how I left them. My neighbor is an elder lady but my camera caught her giving me the middle finger. I don't know what going on around me as far as things I can't physically see. I've been in and out of depression. It's been hard to trust people. IV broke out in tears a few times and at work. My character is defamated. And I have taken a lot of mental distress. I'm just trying to live my life before this all of sudden became part of me. I'm being Surreptitiously Stalked.

I don't feel comfortable with the activity that's going on around me. They have access to all of my personal belongings. My phone and all my accounts have been hacked. My family and friends are receiving threats, pictures and messages. They're trying to silence and victimize me. My life is being threatened on a daily basis. Please help

### **Reason for granting the petition**

I'm being surreptitiously stalked due to workplace retaliation and discrimination. I'm being targeted coerced harassed and play with surreptitiously. I've filed this case with the EEOC where I spoke with lawyer Walter Harris I was able to explain the case and show evidence. The case was soon dismissed. I then filed petitions for restraining orders. The case was seen by state court judge where it was dismissed because I couldn't afford an attorney. I then filed the case with the federal government. I made several attempts to be granted a council to see a fair trial. Each attempt was denied. I then filed motion to proceed in forma pauperis which was also denied. I'm now reaching out to the Supreme Court to file a writ of certiorari. This is activity of organized crime. They are trying to silence and victimize me. I'm being surreptitiously stalked, followed, targeted, coerced, harassed, and manipulated. My life is being threatened on a daily basis. Please help seeking legal representation I would like to see a fair trial.

**Additional material  
from this filing is  
available in the  
Clerk's Office.**