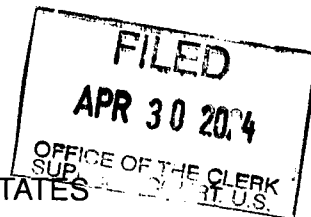


23-7446
No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



Erika Jacobs

— PETITIONER

(Your Name)

vs.

Quest Diagnostics

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the 4th Circuit

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

PETITION FOR WRIT OF CERTIORARI

Erika Jacobs

(Your Name)

In-Touch
3700 Avenue B

(Address)

Scottsbluff, NE 69361

(City, State, Zip Code)

602-434-3107

(Phone Number)

QUESTION(S) PRESENTED

1. Did the lower court and court of appeals make a judgement contradictory to all courts of the U.S. when they decided to make a new precedent and not honor the EEOC right to sue letter?

2. Is the word "niger" now acceptable in the workplace as common jargon. The petitioner was called a niger by persons of authority at her place of employment. Quest Diagnostic?

3. Did the lower court judge conspire with the defendant in spite of truthful facts & a meritorious case because the Plaintiff put in a Motion to recuse him as judge?

4. Is there blunt racism in the judicial proceedings from both the lower court & court of appeals based on the factual evidence submitted by Plaintiff and major oversights of the Judicial powers?

LIST OF PARTIES

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

X] 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:

Matthew B. Tynan
Brooks, Pierce, McLendon
Humphrey & Leonard, L.L.P.
P. O. Box 2600
Greensboro, NC 27420
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919-839-0300

RELATED CASES

N/A

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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☒ is unpublished.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 B to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished. unsure

☐ 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 2-2-24.

☐ 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: 2-26-24, 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

1, This is unethical & discriminatory behavior of both the lower and appellate court. The appellate court deviated from the subject matter on appeal. The Plaintiff timely submitted all documents. The Plaintiff informed the court and defendant attorneys of all address changes timely. The timely submission of address change was not an issue. Please pull all Motions & correspondences sent by the Plaintiff in the lower court in order of date and you will see that the Plaintiff followed protocols & was timely in all address changes & submission of documents. Please Appendix B

2, The Plaintiff had the complaint & summons served to a licensed agent of Quest Diagnostics. The Lab Manager is a licensed agent of Quest Diagnostics. All HR information was submitted to the Lab Manager for forwarding to HR (there was another sub-manager in which Tohler allowed to submit information to HR). Please See Exhibit B Service of Summons. There was no need for the complaint to be reserved. There is a conspiracy going on in the court that violates ethics. The Plaintiff was in compliance with rule 4 A (ii), which is a federal rule for summons service.

3, The Company Quest Diagnostic ~~CCOC~~ defamed the Plaintiff's Name to 3rd party CCOC. The Defendant's attorney defamed the Plaintiff's name with false accusation of frivolous lawsuits with no foundation. The cases listed are from Judge Duffy in whom retaliated against the Plaintiff with fictional writs of frivolous claims because the Plaintiff refused him from the case and brought him under judicial review. Thus, the Plaintiff has not submitted any frivolous lawsuits and that can be validated.

3

Rule 4 Summons

Statement of THE CASE

Adm. for a defendant subject under rule 4(c) to an officer, a manager or general agent, or any other agent authorized by appointment or by law to receive service of process.

(4) Please Exhibit A. In which the Plaintiff signature nor initials are present. Exhibit A, was submitted by the Defendant. Most importantly, Page 1 B states that the EEOC was not covered by the arbitration agreement. The Defendant could not bar nor prohibit the Plaintiff from filing a claim with EEOC.

(5) Thus, the EEOC Right to sue letter stands in all its authority. It was submitted timely within 90 days. The lower court nor the court of appeals have the lawful right to set a new precedent by barring the EEOC right to sue letter.

Argument

The Plaintiff had a right to sue letter given by the EEOC. The Plaintiff timely filed the complaint within 90 day period. The arbitration agreement has no effect and or does not cover an EEOC complaint. Pursuant case EEOC v. Waffle House No 99-1823: An agreement between an employer and an employee to arbitrate employment related disputes does not bar the EEOC from pursuing victim-specific judicial relief. Pursuant ^{THE} VII Act of 1964: federal law that prohibits employment discrimination based on race, color, religion, sex and national origin.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

N/A

REASONS FOR GRANTING THE PETITION

The Plaintiff

- ① Filed her EEOC complaint timely.
- ② The arbitration agreement does not cover EEOC case filing.
- ③ There was no grounds for the lower courts to start a new precedent and bar the EEOC Right to sue letter.
- ④ All motions & documents were submitted timely by the Plaintiff.
- ⑤ The Plaintiff was in compliance with Federal Rule 4, Summons A(ii) in service to the Defendant.
- ⑥ The calling of the Plaintiff a "niger" by superiors at her job violates Title VII act and the Plaintiff employment rights.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

1. ~~EGOC~~ Waffle House Inc.
534 U.S. 279 (2002)
No. 99-1823. Argued 10, 2001-
Decided January 15, 2002

5

STATUTES AND RULES

Title VII act of 1964

5

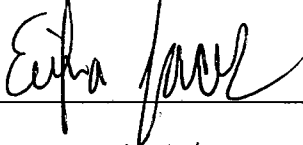
OTHER

CONCLUSION

The Plaintiff case should be reinstated per the right to sue letter with a trial de novo with a jury & new presiding judge.

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 4/21/24