

No. 23-982

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In The

**Supreme Court of the United States**

FILED  
MAR 05 2024

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

—♦—  
In re JOSHUA MARBLEY,

*Petitioner.*

—♦—

**On Petition For Writ Of Mandamus  
To The Court Of Appeals Of Texas,  
Fourteenth District**

—♦—

**PETITION FOR WRIT OF MANDAMUS**

—♦—

JOSHUA MARBLEY  
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Houston, Texas 77060  
(713) 885-5491  
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**QUESTIONS TO THE  
UNITED STATES SUPREME COURT**

1. Why was the Plaintiff's Affidavit of Facts, and DBA which was filed on Monday December 12, 2022, ignored by the Harris County 14th Court of Appeals, and the Harris County 295th and 165th District Court?
2. Why was the Plaintiff's Affidavit of Living Proof, which was filed on Monday December 12, 2022, ignored by the Harris County 14th Court of Appeals, and the Harris County 295th and 165th District Court?
3. Why was the Plaintiff's Affidavit of Nature Status, which was filed on Monday December 12, 2022, ignored by the Harris County 14th Court of Appeals, and the Harris County 295th and 165th District Court?
4. Why did Harris County 165th District Judge Ursula A. Hall ignore all the Motions and Pleading that was filed in her court by Plaintiff Joshua Marbley?
5. Harris County 165th District Judge Ursula A. Hall is under investigation by the State Commission on Judicial Conduct, Case No. 23-0568. Why was this not taken into consideration by the Harris County 14th Court of Appeals before a Final Judgement was enter?

**QUESTIONS TO THE  
UNITED STATES SUPREME COURT – Continued**

6. On Thursday August 17, 2023, the Harris County 14th Court of Appeals sign a Motion to Dismiss Case No. 14-23-00416-CV. Who is this JOSHUA MARBLEY that the judges are addressing on that Document?
7. On Thursday August 17, 2023, the Harris County 14th Court of Appeals filed an Appeal Dismissed and Memorandum Opinion on Case No. 14-23-00416-CV. Who is this JOSHUA MARBLEY that the judges are addressing on that Document?
8. The Court Staff Members in Harris County 165th and 295th District Court doesn't have an Oath of Office on file with the Harris Country Commission Court. How are they being allowed to perform the duties of the courts without doing something that is a required by Law before you can begin your Duties?
9. In Case No. 4:22-CV-1367 why was a Default Judgement not granted to the Plaintiff for the Defendant First Transit Inc. for failing to respond to the Summons in the Civil Action Complaint?
10. In Case No. 4:22-CV-1367 why was a Default Judgement not granted to the Plaintiff for the Defendant Metropolitan Transit Authority of Harris County, Texas for failing to respond to the Summons in the Civil Action Complaint?
11. In my Case No. 4:22-CV-1367 why was a Pre-Trial Conference never scheduled by Case Manager Jennelle Gonzalez?

**QUESTIONS TO THE  
UNITED STATES SUPREME COURT – Continued**

12. In Case No. 4:22-CV-1367 why was the Plaintiff's Amended Complaint, Document 15 ignored by the United States District Court of Southern District of Texas?
13. Why did Charles H. Wilson State Bar No. 00797678 "Attorney for First Transit Inc." not file a Withdraw from Counsel with the Courts with is a requirement by Law?
14. Why did Carolyn Martin State Bar No. 24112888 "Attorney for the City of Houston" not file a Withdraw from Counsel with the Courts with is a requirement by law?
15. Why did Barbara Callistien State Bar No. 03664400 "Attorney for the City of Houston" not file a Withdraw from Counsel with the Courts with is a requirement by law?
16. Why did it take Littler Mendelson P.C. the Law Firm for the Defendant "First Transit Inc." 6 Months to notice the courts about who the Attorney on Record will be for this Case No. 2022-09776?
17. Why did it take months for the City of Houston Legal Department to notice the courts about who the Attorney on Record will be for this Case No. 2022-09776?
18. How was this Case No. 2022-09776 Reinstated after Harris County 295th District Judge Donna Ruth Dismissed With Prejudice on August 28, 2023?

**QUESTIONS TO THE  
UNITED STATES SUPREME COURT – Continued**

19. How is this Case No. 2022-09776 being Dismissed for Want of Prosecution after Harris County 295th District Judge Donna Ruth Dismissed With Pre-judge on August 28, 2023?

**IDENTITY OF PARTIES AND COUNSEL**

Petitioner	Joshua Marbley (Pro Se)
Respondent	First Transit Inc.
Respondent	Metropolitan Transit Authority Harris County
Respondent	City of Houston

## RELATED CASES

***“Joshua Marbley vs. Harris County”***  
**Docket Case Number “2022-09776”**

**Harris County 165 and 295th District Court:**

***Plaintiff:*** Joshua Marbley

***Defendant:*** (City of Houston)

***Defendant:*** (Metropolitan Transit Authority of Harris County)

***Defendant:*** (First Transit Inc)

***“Marbley vs. City of Houston et al.”***  
**Civil Docket for Case “4:22-CV-01367”**

**U.S. District Court Southern District of Texas  
(Houston):**

***Plaintiff:*** Joshua Marbley

***Defendant:*** (City of Houston)

***Defendant:*** (Metropolitan Transit Authority of Harris County):

***Defendant:*** (First Transit Inc.)

***“Marbley vs. City of Houston et al.”***  
**Docket Case Number “22-20451”**

**United States 5th Circuit Court of Appeals**

***Plaintiff:*** Joshua Marbley

***Defendant:*** (City of Houston)

**RELATED CASES – Continued**

***Defendant: (Metropolitan Transit Authority of Harris County)***

***Defendant: (First Transit Inc)***

**“*Joshua Marbley vs. Harris County*”**  
**Docket Case Number “14-23-00416-CV”**

**Harris County 14th Court of Appeals:**

***Plaintiff: Joshua Marbley***

***Defendant: (City of Houston)***

***Defendant: (Metropolitan Transit Authority of Harris County):***

***Defendant: (First Transit Inc.)***

**“*Joshua Marbley vs. Harris County*”**  
**Docket Case Number “23-0995”**

**Texas Supreme Court:**

***Plaintiff: Joshua Marbley***

***Defendant: (City of Houston)***

***Defendant: (Metropolitan Transit Authority of Harris County):***

***Defendant: (First Transit Inc.)***

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## **OPINIONS BELOW**

**For Case from Fourteenth Court of Appeals of Texas:**

The opinion of the highest state court to review the merits appears at Appendix A to the petition as is

Reported at Case Number “14-23-00416-CV”

**None of the Opinions Below Are Reported**

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## **JURISDICTION**

**For Case from Fourteenth Court of Appeals of Texas:**

The date on which the state appellate court decided my case was August 17, 2023. A copy of that decision appears at Appendix 1.

A timely petition for rehearing was thereafter denied on August 17, 2023, and a copy of the order denying rehearing appears at Appendix 3.

**The Jurisdiction of this Court is Invoked under 28 U.S.C. & 1651(A)**

On December 20, 2023, the Supreme Court of Texas denied the motion for extension of time to file petition for review under TEX. R. APP. P. 53.7(f), in the above-referenced case. I am appealing the above appeal from Fourteenth Court of Appeals of Texas on August 17, 2023.

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## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

### **1). Fraud upon the Court:**

Fraud upon the court, refers to a situation in which a material misrepresentation has been made to the court. Alternatively, the term could be used to refer to a situation in which a material misrepresentation has been made by the court itself. The overall defining requirement is that the impartiality of the court has been disrupted so significantly that it cannot perform its tasks without bias or prejudice.

### **2). Violation of the United States Constitution – Amendment 14:**

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

### **3). Violation of the United States Constitution – Amendment 7:**

It protects the right for citizens to have a jury trial in federal courts with civil cases where the claim exceeds a certain dollar value.

### **4). Violation of the United States Constitution – Article 6, Clause 2:**

(Article VI, Clause 2) establishes that the Constitution, federal laws made pursuant to it, and treaties made under its authority, constitute the “supreme Law of the Land,” and thus take priority over any conflicting state laws.

5). Violation of 18 U.S.C. § 1503 – Obstruction of Justice:

Under Title 18 U.S.C. § 1503, Federal Law Defines “Obstruction of Justice” as: Any act which, corruptly or by the threat of force/threatening communication, impedes, influences, obstructs, or aims to impede, influence, or obstruct the due administration of justice.

6). Violation of 18 U.S.C. § 2076 – Clerk of the United States District Court:

Under Title 18 U.S.C. § 2076, Whoever, being a clerk of a district court of the United States, willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be fined under this title or imprisoned not more than one year, or both.

7). Violation of 18 U.S.C. § 242 – Deprivation of Rights Under Color of Law:

Makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under “color of law” include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official’s lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include Police Officers, Prisons Guards and other Law Enforcement Officials, as well as Judges, care providers in Public Health Facilities, and others who are acting as Public Officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

8). Violation of 28 U.S.C. § 951 – Oath of Office of Clerks and Deputies:

Each clerk of court and his deputies shall take the following oath or affirmation before entering upon their duties: “I, \_\_ \_\_, having been appointed \_\_, do solemnly swear (or affirm) that I will truly and faithfully enter and record all orders, decrees, judgments and proceedings of such court, and will faithfully and impartially discharge all other duties of my office according to the best of my abilities and understanding. So help me God.”

9). Violation of Section 88.001 of the Local Government Code:

Section 88.001 of the Local Government Code, the bond of a county officer whose bonds are required to be approved by the commissioner's court must, except as required by other law, be recorded by the county clerk.

10). Violation of Due Process:

It is a violation of Due Process for a state to enforce a judgment against a party to a proceeding without having given him or her an opportunity to be heard sometime before final judgment is entered.

11). Violation of Texas Government Code Sec. 554.002  
– Texas Whistleblower Act:

(A) A state or local governmental entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or another public employee to an appropriate law enforcement authority.

12). Violation of Title VII of the Civil Rights Act of 1964 – Employment Discrimination:

Title VII of the Civil Rights Act, as amended, protects employees and job applicants from employment discrimination based on race, color, religion, sex and national origin. Title VII protection covers the full spectrum of employment decisions, including recruitment, selections, terminations, and other decisions

concerning terms and conditions of employment.

13). Violation of Chapter 552, Subsection B of the Texas Government Code – Texas Public Information Act:

Texas Government Code, Chapter 552, gives you the right to access government records; and an officer for public information and the officer's agent may not ask why you want them. All government information is presumed to be available to the public. Certain exceptions may apply to the disclosure of the information.

14). Violation of 42 U.S.C. § 1983 – Liability for Failure to Act:

Section 1983 provides an individual the right to sue state government employees and others acting “under color of state law” for civil rights violations

15). Violation of NTSSA Section 6 U.S.C. § 1142 – National Transit System Security Act:

**§ 1142. Public Transportation Employee Protections.**

(a) IN GENERAL. – A public transportation agency, a contractor or a subcontractor of such agency, or an officer or employee of such agency, shall not discharge, demote, suspend, reprimand, or in any other way discriminate against an employee if such discrimination is due, in whole or in part, to the employee's

lawful, good faith act done, or perceived by the employer to have been done or about to be done

16). Violation of NLRA Section 8(A)(1) – National Labor Relations Act:

- (a) It shall be an unfair labor practice for an employer –
  - (1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in Section 7.

17). Violation of NLRA Section 8(A)(3) – National Labor Relations Act:

- (3) by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization

18). Violation of NLRA Section 8(A)(4) – National Labor Relations Act:

- (4) to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act

19). Violation of FMCSA – 49 CFR Part 392.3 – Federal Motor Carrier Safety Administration:

### **392.3 Ill or Fatigued Operator**

No driver shall operate a commercial motor vehicle, and a motor carrier shall not require or permit a driver to operate a commercial motor vehicle, while the driver's ability or alertness is so impaired, or so likely to become

impaired, through fatigue, illness, or any other cause, as to make it unsafe for him/her to begin or continue to operate the commercial motor vehicle. However, in a case of grave emergency where the hazard to occupants of the commercial motor vehicle or other users of the highway would be increased by compliance with this section, the driver may continue to operate the commercial motor vehicle to the nearest place at which that hazard is removed.

20). Violation of FMCSA – 49 CFR Part 395.5 – Federal Motor Carrier Safety Administration:

**395.5 Maximum Driving Time For Passenger-Carrying Vehicles.**

(a) No motor carrier shall permit or require any driver used by it to drive a passenger-carrying commercial motor vehicle, nor shall any such driver drive a passenger-carrying commercial motor vehicle:

- (1) More than 10 hours following 8 consecutive hours off duty; or
- (2) For any period after having been on duty 15 hours following 8 consecutive hours off duty.

21). Violation of Form FTA MA (19) – Federal Transit Administration Master Agreement:

Between Metropolitan Transit Authority and Federal Transit Administration:

**Section 38. Motor Carrier Safety:**

The Recipient agrees to comply, and assures its Third-Party Participants will comply, with U.S. Federal Motor Carrier Safety Administration (FMCSA) regulations, as applicable, including all of the following:

**B. Safety Requirements.**

The safety requirements of U.S. FMCSA regulations, "Federal Motor Carrier Safety Regulations," 49 CFR parts 390-396, if it:

Is engaged in operations requiring compliance with 49 CFR parts 390-396,

22). Violation of 49 U.S.C. § 31105 – Surface Transportation Assistance Act (STAA):

**(a) PROHIBITIONS. –**

(1) A person may not discharge an employee, or discipline or discriminate against an employee regarding pay, terms, or privileges of employment, because –

**(A)**

(I) the employee, or another person at the employee's request, has filed a complaint or begun a proceeding related to a violation of a commercial motor vehicle safety or security regulation, standard, or order, or has testified or will testify in such a proceeding.

23). Violation of Rule 46 – Federal Rules of Civil Procedure:

When the ruling or order is requested or made, a party need only state the action that it wants the court to take or objects to, along with the grounds for the request or objection.

24). Violation of Rule 12(1)(A)(I) – Federal Rules of Civil Procedure:

(1) *In General.* Unless another time is specified by this rule or a federal statute, the time for serving a responsive pleading is as follows:

(A) A defendant must serve an answer:

(I) within 21 days after being served with the summons and complaint.

25). Violation of Rule 12(1)(C) – Federal Rules of Civil Procedure:

(1) *In General.* Unless another time is specified by this rule or a federal statute, the time for serving a responsive pleading is as follows:

(C) A party must serve a reply to an answer within 21 days after being served with an order to reply, unless the order specifies a different time.

26). Violation of Rule 55 – Federal Rules of Civil Procedure:

Default. (A) Entry. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default.

27). Violation of Rule 16(A) – Federal Rules of Civil Procedure:

(a) PURPOSES OF A PRETRIAL CONFERENCE. In any action, the court may order the attorneys and any unrepresented parties to appear for one or more pretrial conferences for such purposes as:

28). Violation of Rule 11(A) – Federal Rules of Civil Procedure:

Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name – or by a party personally if the party is unrepresented. The paper must state the signer's address, e-mail address, and telephone number.

29). Violation of Rule 11(B) – Federal Rules of Civil Procedure:

By presenting to the court a pleading, written motion, or other paper – whether by signing, filing, submitting, or later advocating it – an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief.

30). Violation of Rule 239 – Texas Rules of Civil Procedure:

Upon such call of the docket, or at any time after a defendant is required to answer, the plaintiff may in term time take judgment by default against such defendant if he has not previously filed an answer.

31). Violation of Rule 166 – Texas Rules of Civil Procedure:

In an appropriate action, to assist in the disposition of the case without undue expense or burden to the parties, the court may in its discretion direct the attorneys for the parties and the parties or their duly authorized agents to appear before it for a conference to consider:

32). Violation of Rule 10 – Texas Rules of Civil Procedure:

An attorney may withdraw from representing a party only upon written motion for good cause shown.

33). Violation of Rule 11 – Texas Rules of Civil Procedure:

Unless otherwise provided in these rules, no agreement between attorneys or parties touching any suit pending will be enforced unless it be in writing, signed and filed with the papers as part of the record, or unless it be made in open court and entered of record.

34). Violation of Rule 21(A) – Texas Rules of Civil Procedure:

**Filing and Service Required.** Every pleading, plea, motion, or application to the court for an order, whether in the form of a motion, plea, or other form of request, unless presented during a hearing or trial, must be filed with the clerk of the court in writing, must state the grounds therefor, must set forth the relief or

order sought, and at the same time a true copy must be served on all other parties, and must be noted on the docket.

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#### **RULE 20.1 STATEMENT**

This Writ of Mandamus will be in aid of the Court's appellate jurisdiction. Mrs. Ursula A. Hall Harris County 165th District Judge has been sanctioned before. On October 28, 2020, the State Commission on Judicial Conduct issued a public warning and order of additional education to Ursula Hall, Judge of the 165th District Court, Houston, Harris County. This sanction is currently on appeal before the Special Court of Review. On Tuesday February 1, 2022, a ruling by three-justice panel of the Fourteenth Court of Appeals of Texas marks the 13th time an intermediate appellate court has told Judge Hall that she is taking too long to rule on pending motions. Then a different panel of the Fourteenth Court of Appeals of Texas issued a ruling in April of 2022, that Judge Hall had taken too long to rule on pending motion, marking the 12th such ruling from an intermediate appellate court. This judge has a history of taking too long to make ruling, and my Case Number 2022-09776 needs to be Reviewed by the Fourteenth Court of Appeals of Texas. The Fourteenth Court of Appeals of Texas didn't take any of this under consideration before a Final Judgment was entered in by the courts in my Case Number 14-23-00416-CV. On Monday August 28, 2023, United States 295th District Judge Don Ruth Dismissed this Lawsuit with

Prejudge. It is further ordered that costs of Court are taxed against the Plaintiff.

The staff members in both the Harris County 165th and 295th Courts, and the Case Manager Janelle Gonzalez for the Honorable United States Judge Charles Eskridge III in the Federal Court that were overseeing my case does not have an Oath of Office of filed with the Harris County Commission Office with is required by Law. This is a violation of 28 U.S.C. 951. In our Federal System of Government, State as well as Federal Courts have jurisdiction over suits brought pursuant to 42 U.S.C. 1983. There is no requirement that the plaintiff sue in Federal Court because State Courts have Concurrent Jurisdiction, and the usual rule is exhaustion of administrative and judicial state remedies is not a prerequisite to a 42 U.S.C. Section 1983 action for deprivation of rights. Also, the existence of concurrent state remedies is not a bar to a section 1983 action. See, Howlett vs. Rose, 496 U.S. 356 (1990).

The exceptional circumstances which warrant the exercise of the Court's discretionary powers, and the adequate relief cannot be obtained in any other form of from any other court.

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#### **STATEMENT OF THE CASE**

My name is Joshua L. Marbley, and I filed my case 4:22-CV-1367 in the United States District Court of Southern District of Texas, Houston Division that

United States Judge Charles Eskridge and Case Manager Jennelle Gonzalez was assign to. The Defendants in this case the City of Houston, First Transit Inc., and Metropolitan Transit Authority of Harris County was served twice. The United States Marshall Office, and Lone Star Attorney Services served them. They were given 21 days on two different occasions to respond to my petition and never did. The Defendants and First Transit Inc., and Metropolitan Transit Authority of Harris County, Texas are in violation of Rule 12 of the Federal Rules of Civil Procedure. Per Form AO 440 the Summons in a Civil Action. On Friday May 20, 2022, Petitioner recieve an letter in the mail the United States Department of Justice. The United States Marshall sent two Process Receipt and Return letter to the petitioner. On Tuesday May 3, 2022, at 3:05 P.M. Mr. Louis Gonzalez accepted the process on behalf of Mayor Sylvester Turner. On Friday May 6, 2022, at 9:12A.M. Mrs Sofia V. Simien "Executive Assistant for President and CEO Mr. Thomas C. Lambert" accepted the process on behalf of Cydonnii V. Fairfax. On Thursday June 9, 2022, Petitioner receive an letter in the mail the United States Department of Justice. The United States Marshall sent one Process Receipt and Return letter to the petitioner. On Monday May 23, 2022, at 9:27 A.M. Mr. Brett Bagwell "Office Assistant" for C.T Corporation System accept the process on behalf of First Transit Inc. "You must serve on the Plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the Plaintiff or Plaintiff's Attorney. If you failed to

respond, judgment by Default will be entered against you and relief demanded in the complaint. You also must File your Answer of Motion with the court." The Defendants First Transit Inc., and Metropolitan Transit Authority of Harris County never filed a Motion of Answer with court which is a Default Judgment against them. A Default Judgment (also known as a judgment by default) is a ruling granted by a judge or court in favor of a plaintiff in the event that the Defendant in a legal case fails to respond to a court summons or does not appear in court. This was never granted to the Plaintiff by the United States District Court of Southern Texas.

U.S. SUPREME COURT DECISION – "The common law is the real law, the Supreme Law of the land, the code rules, regulations, policy, and statutes are not the law" [*Self v. Rhay*, 61 Wn (2d) 261 (Wash. 1963)], U.S. SUPREME COURT DECISION – "All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God's Laws. All codes, rules, and regulations are unconstitutional and lacking due process . . ." [*Rodrigues v. Ray Donovan (U.S. Department of Labor)*, 769 F.2d 1344, 1348 (1985)].

The United States Supreme Court ruled that statutes, codes, produces, rules, regulations, penal codes, are unconstitutional and don't apply to man, but do apply to corporations.

Also, I never receive a Certificate of Service in the Mail from none of the Defendants that makes this case

a Default Judgment. The United States District Court of Southern District of Texas Houston Division never granted me a Default Judgment which is a violation of Rule 239 of the Texas Rules of Civil Procedure and Rule 55 of the Federal Rules of Civil Procedure. On Monday May 16, 2022, the City of Houston filed a motion to remand it back to State Court. I was not noticed by the City of Houston about this motion that was put in. On Tuesday May 24, 2022, the motion for granted by United States Judge Charles Eskridge. On Tuesday May 31, 2022, I filed a Motion to Set Aside a Hearing for Motion to Remand the Case back to State Court. My Motion was denied with is a violation of Rule 46 of the Federal Rules of Civil Procedure. I mistake United States Judge Charles Eskridge was a Magistrate, and not United States Judge. The was not done on purpose, and I don't believe that was a good enough reason to denied me the opportunity to object to the order to remand my case back to state court.

The United States District Court for the Southern District of Texas Houston Division, and the Defendants in my Case "4:22-CV-1367" are also in violation of The United States Constitution Article 6 Clause 2 that stated, "The Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution of Laws of any State to the Contrary notwithstanding."

The United States District Court of Southern Texas Houston Division is in violation of Rule 166 of the Texas Rule of Civil Procedure for not scheduling a Pre-Trial Conference with all parties that are involved in this case before a judgment was given. It is a violation of Due Process for a state to enforce a judgment against a party to a proceeding without having given him or her an opportunity to be heard sometime before final judgment is entered. I wasn't properly served, and the court couldn't have entered a judgment against me.

The United States District Court for the Southern District of Texas Houston Division, and the Defendants in my Case "4:22-CV-1367" are also in violation of The United States Constitution Amendment VII that stated, "In suits at Common Law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the Common Law."

My case "4:22-CV-1367" was not officially sent back to the 165th Judicial District of Harris County, Texas by United States Judge Charles Eskridge until Wednesday June 15, 2022 "21" Days after the order was put in. This is also a violation of Rule 16 of the Federal Rules of Civil Procedure. The United States District Court of the Southern District of Texas Houston Division had more than enough time to Schedule a Pre-Trial Conference or a Hearing with all the parties in case "4:22-CV-03167" to discuss all concern and issues before it

was official sent back to the 165th Judicial District of Harris County. Lastly, none of this information is on the Civil Docket for Case. For the next 34 days I was still able to file documents on the docket about this case. On Thursday June 30, 2022, I receive a letter in the mail from the United States District Court of the Southern District of Texas Houston Division that stated.

*“Plaintiff Joshua Marbley proceeds here pro se. His action has been remanded to state court of May 24, 2022. Dkt. 6. Plaintiff has now sent emails dated June 27th and June 28th to the Case Manager. Those emails will be disregarded. Plaintiff is Ordered to cease all informal communications with the Court, whether by email, telephone, or any other means. Plaintiff may still file any proper motion on the docket. But any such future motions will likely be summarily denied given the procedural posture of this case. Plaintiff’s recourse at this point is instead on appeal to the Fifth Circuit, if available, or on remand in the state court.”*

If the Plaintiff can still file motion on the Docket, then that means this case was still in the court at this time. On Friday June 17, 2022, I filed my Amended Petition in Case No. 4:22-CV-1367, Document 15 with the United States District Court of Southern Texas Houston Division. This letter that I received in the mail from the United States District Court of Southern Texas Houston Division on Thursday June 30, 2022, was mail to me from the courts was “2 Weeks” after my Amended Complaint was filed with the courts that was ignored by the courts. On Friday June 17, 2022, I

received an email at 4:14 P.M. from Mr. Charles H. Wilson the "Attorney of Record" for Defendant First Transit Inc.

On Monday July 11, 2022, the Plaintiff, Joshua Marbley, filed a Default Judgment with the United States District Court of the Southern District of Texas Houston Division against the Defendants the City of Houston. First Transit Inc. and Metropolitan Transit Authority of Harris County, Texas in Case No. 4:22-CV-1367 Document Number 26. The Defendants First Transit Inc. Metropolitan Transit Authority of Harris County Texas, and the City of Houston failure to fulfill an obligation to the United States District Court of Southern of Texas Houston Division. The Defendant's First Transit Inc., and Metropolitan Transit Authority of Harris County, and the City of Houston never filed a Motion to Answer with court which is a Default Judgment against them. A Default Judgment (also known as judgment by default) is a ruling granted by a judge or court in favor of a plaintiff in the event that the defendant in a legal case fails to respond to a court summons or does not appear in court. For the 2 time in this court the Defendants never respond to the complaint. This was never granted to the Plaintiff, Joshua Marbley, by the United States District Court of Southern of District of Texas.

On Tuesday August 1, 2023, I received an letter in the mail from the Administrative Office of the United States Courts, in Washington, DC. On October 22, 2019, per the Administrative Office of the United

States Courts United States Judge Charles Eskridge III took the following Oath of Office.

*“Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: “I, \_\_\_\_\_, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as under the Constitution and laws of the United States. So, help me God.”*

Even though my case is not in the courts anymore you all still accept the paperwork. Mrs. Jennelle Gonzalez the Case Manager for the Honorable United States Judge Charles Eskridge is in violation of Title 18 U.S.C. § 1503 for Obstruction of Justice.

### **Obstruction Of Justice 18 U.S.C. § 1503**

*Under Title 18 U.S.C. § 1503, Federal Law Defines “Obstruction of Justice” as:*

*Any act which, corruptly or by the threat of force/threatening communication, impedes, influences, obstructs, or aims to impede, influence, or obstruct the due administration of justice.*

Mrs. Jennelle Gonzalez, the Case Manager for the Honorable United States Judge Charles Eskridge, is

in violation of Title 18 U.S.C. § 2076 for Clerk in the United States District Court.

**Clerk In The United States District Court  
18 U.S.C. § 2076**

*Under Title 18 U.S.C. § 2076, Whoever, being a clerk of a district court of the United States, willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be fined under this title or imprisoned not more than one year, or both.*

Mrs. Jennelle Gonzalez also never reach out to me at any point during the timeframe that my case was in the United States District Court for the Southern District of Texas Houston Division. Also, before a case makes it to the Judge it must go through the Case Manager first. Mr. Charles H. Wilson “Attorney for First Transit Inc.” Texas State Bar No. 00797678 didn’t submit a Withdraw for Counsel which violation Rule 10 of Texas Rules of Civil Procedure, and I wasn’t noticed about it that violation Rule 21(A), Texas Rules of Civil Procedure.

On Sunday July 31, 2022, I mail a Certified Letter, Tracking Number “7022 1670 0000 3236 5077,” Return Receipt, “9590 9402 7428 2055 6930 38” to Mrs. Lee H. Rosenthal “Chief United States District Judge,” and she ignored my request for a review on my Case No. 4:22-CV-1367 that was remand back to State Court by the United States District Court of Southern Texas. The United States District Court of Southern Texas

Houston Division is in violation of Title 18 U.S.C. § 1503 for Obstruction of Justice.

On Wednesday July 6, 2022, at 5:02 P.M. I receive an Email from Mrs. Nathaniel Higgins, "Texas State Bar No. 24013759" an Attorney from Littler Mendelson, P.C. here in Houston, Texas. On Tuesday August 30, 2022, at 7:38 P.M. I receive an Email from Mrs. Nathaniel Higgins, "Texas State Bar No. 24013759" an Attorney from Littler Mendelson, P.C. here in Houston, Texas.

This email from Mrs. Nathaniel Higgins an Attorney from Littler Mendelson P.C. confirm that Mr. Charles H. Wilson is no longer with their Law Firm, and that this case has been transfer over to her. Mr. Nathaniel Higgins never noticed the United States District Court of the Southern District of Texas, or the two another Defendants in the case the City of Houston and Metropolitan Transit Authority that she is now the "Attorney for First Transit Inc." which is a violation of Rule 10 and 11 of Texas Rules of Civil Procedure, and a violation of Rule 11 of Federal Rules of Civil Procedure. Mr. Charles H. Wilson is also the Attorney that is still list on the Civil Docket for Case "4:22-CV-1367 for the Defendant "First Transit Inc." On Tuesday August 30, 2022, at 7:38 P.M. I receive an email from Mrs. Nathaniel Higgins, "Texas State Bar No. 24013759" an Attorney from Littler Mendelson, P.C. here in Houston, Texas that she also is no longer with Littler Mendelson, P.C.

Yes, Lawyers can withdraw based on the facts their clients refuses to be thankful, refuses to follow the Attorney's advice, demands to pursue an unethical course of action demands, unrealistic results, desires to mislead the courts, refuses to cooperate with their counsel as well as countless other reason. Neither the "Attorney for First Transit," or neither the "Attorney for City of Houston" has provided a transparency on why they have decided to leave this case to the Plaintiff Joshua Marbley. I truly believe my Rights was violated by the courts, and I didn't receive a fair trial in the United States District Court of Southern Texas Houston Division. The United States District Court of Southern Texas is in violation of Title 18 U.S.C. § 242 for Deprivation of Rights Under Color of Law.

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**Deprivation Of Rights Under Color Of Law**  
**18 U.S.C. § 242**

*"Makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.*

*For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include Police Officers,*

*Prisons Guards and other Law Enforcement Officials, as well as Judges, care providers in Public Health Facilities, and others who are acting as Public Officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.”*

Over the next 5 Months my case 2022-9776 sent in the Harris County 165th District Court with no activity being preform. On Tuesday December 6, 2022, Plaintiff Joshua Marbley rode the bus to Downtown, Houston to 1301 McKinney Street Suite 1900 in Houston, Texas 77010 to Littler Mendelson P.C. It has been over 5 Months and no one from this Law Firm has been in contact with the Plaintiff, Joshua Marbley. Mr. Marbley spoke to Mrs. Sally the Receptionist in the office. She informs Mr. Marbley that she was not for sure if they were still representation First Transit Inc. on this lawsuit Case Number 2022-09776, but she will give you the information to the person who will know. Mr. Terry Kochman. At about 3:06 P.M. Mr. Marbley email Mr. Terry Kochman. On Tuesday December 6, 2022, Mr. Marbley email to Mr. Charles H. Wilson and Mrs. Nathaniel Higgins, “Attorney for First Transit.” On Tuesday December 6, 2022, Mr. Marbley email Mrs. Carolyn Martin and Mrs. Barbara Callistien, “Attorney for City of Houston.”

Mr. Terry Kochman never return my email about if Littler Mendelson P.C. is still the Law Firm that is represent First Transit Inc., but on Friday December 9, 2022, at 12:06 P.M. Mr. Juan Morales with Littler Mendelson P.C. here in Houston, Texas filed a Notice of

Appearance in the Harris County 165th District Court Clerk Office. He was informing the court the Jessica Craft “an Attorney for Littler Mendelson P.C.” is doing a Notice of Appearance. Mrs. Carolyn Martin, and Mrs. Barbara never return my email about if they were still the attorney on record for the City of Houston. On Wednesday December 14, 2022, at 2:37 P.M. Mrs. Marjorie Cohen sent me an email that she is the “Attorney for the City of Houston.”

On Tuesday December 6, 2022, Mrs. Nathaniel J. Higgins send me an email. She stated that herself and Charles Wilson are no longer counsel for First Transit Inc., but she nor Charles Wilson never filed a Motion with the courts to inform them of this information.

**Under Rule 11 of the  
Texas Rules of Civil Procedure**

*“Unless otherwise provided in these rules, no agreement between attorneys or parties touching any suit pending will be enforced unless it be in writing, signed and filed with the papers as part of the record, or unless it be made in open court and entered of record.”*

I truly believe my Rights was violated by the courts, and I didn’t receive a fair trial in the United States District Court of Southern Texas Houston Division, and the Harris County 165th District Court of Harris County.

The United States District Court for the Southern District of Texas, and the Harris County 14th Court

of Appeals, Harris County 165th and 295th District Court, and the Defendants in my Case “4:22-CV-1367” in Federal Court, and 2022-09776 in State Court are also in violation of The United States Constitution Amendment XIV that stated, “All person born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive of Life, Liberty, or Property, without Due Process of Law, nor deny to any person within its jurisdiction the equal protection of the Laws.”

On October 28, 2020, the State Commission on Judicial Conduct issued a public warning and order of additional education to Harris County 165th District Judge Ursula Hall. This sanction is currently on appeal before the Special Court of Review. This judge has ignored all my motions and pleadings that were filed in her court with include an Emergency Hearing to Challenge Constitutionality of the Defendants Answer with was filed on December 16, 2022. On Thursday August 4, 2022, I mail a Certified Letter, Tracking Number “7021 0350 0001 4255 9477,” Return Receipt, “9590 9402 7428 2055 6927 96” to Mrs. Marilyn Burgess ‘Harris County District Clerk,’ and a Certified Letter, Tracking Number “7022 1670 0000 3236 5077,” Return Receipt, “9590 9402 7428 2055 6928 02” Mrs. Jessica Moir “Civil Court Supervisor,” and both have ignored my request for a review on my case 2022-09776 that was remand back to their court by the United States

District Court of Southern Texas. The Harris County 165th District Court is also in violation of Title 18 U.S.C. § 1503 for Obstruction of Justice.

*Under Title 18 U.S.C. § 1503, Federal Law Defines "Obstruction of Justice" as:*

*"Any act which, corruptly or by the threat of force/threatening communication, impedes, influences, obstructs, or aims to impede, influence, or obstruct the due administration of justice"*

On Tuesday April 25, 2023, Plaintiff Joshua Marbley filed a complaint with the State Commission on Judicial Conduct against Harris County 165th District Judge Ursula A. Hall. On Thursday April 27, 2023, the State Commission on Judicial Conduct sent me a letter in the mail to inform me that they will continue their investigate with the complaint I filed my case CJC No. 23-0568. Since October 21, 2022, every motion and pleading that I filed in Harris County 165th District Court was never ruled on by Mrs. Ursula A. Hall, and this is a violation of 18 U.S.C. for Obstruction of Justice.

*Under Title 18 U.S.C. § 1503, Federal Law Defines "Obstruction of Justice" as:*

*"Any act which, corruptly or by the threat of force/threatening communication, impedes, influences, obstructs, or aims to impede, influence, or obstruct the due administration of justice."*

On June 1, 2023, Mr. Beau Miller “Administrative Judge, Civil Division” sign the order to move this case from 165th District Court to the 295th District Court. Mrs. Doth Roth Harris County 295th District Court Judge is not the Judge reasonably for all my Pending Motions that were never answer. That fall on Ursula A. Hall Harris County 165th District Judge.

Mrs. Ursula A. Hall Harris County 165th District Judge has been sanctioned before. On October 28, 2020, the State Commission on Judicial Conduct issued a public warning and order of additional education to Ursula Hall, judge of the 165th District Court, Houston, Harris County. This sanction is currently on appeal before the Special Court of Review. On Tuesday February 1, 2022, a ruling by three-justice panel of the Fourteenth Court of Appeals marks the 13th times an intermediate appellate court has told Judge Hall that she is taking too long to rule on pending motions. Then a different panel of the Fourteenth Court of Appeals issued a ruling in April that Judge Hall had taken too long to rule on pending motion, marking the 12th such ruling from an intermediate appellate court. This judge has a history of taking too long to make ruling, and my Case Number 2022-09776 needs to be Review by the Harris County 14th Court of Appeals.

*In the Harris County 165th District Court has the following Staff Member:*

1. Mrs. Bristalyn Daniels “District Clerk”
2. Nicole Cummins “Court Coordinator”
3. Mrs. Peggy Hershelman “Court Reporter”

*In the Harris County 295th District Court has the following Staff Member:*

1. Joshua Herrington “District Clerk”
2. Britani Mouton “Assistant Clerk”
3. Will Frazier “Court Coordinator”
4. Carl R. Browning “Court Reporter”

The staff member in both the Harris County 165th and 295th Court does not have an Oath of Office filed with the Harris County Commission Office. This is a violation of 28 U.S.C. § 951.

**Oath of Office of Clerk and Deputies  
28 U.S.C. § 951**

*Each clerk of court and his deputies shall take the following oath or affirmation before entering upon their duties: “I, \_\_ \_\_, having been appointed \_\_, do solemnly swear (or affirm) that I will truly and faithfully enter and record all orders, decrees, judgments and proceedings of such court, and will faithfully and impartially discharge all other duties of my office according to the best of my abilities and understanding. So help me God.”*

On Wednesday June 21, 2023, Mrs. Elizabeth Trevino the investigator on my case CJC No. 23-0568 with the State Commission on Judicial Conduct give me a call on my cell phone. She informs me that she did receive my email that I sent her, and the Commission Court on Monday June 19, 2023. I inform her also that

my case was also on appeal in the Harris Country 14th Court of Appeals. She informs me that my case is still investigation by the State Commission Court on Judicial Conduct. She also informs me the Harris County 165th District Judge Ursula A. Hall has been noticed by the State Commission on Judicial Conduct about the compliant that I filed against her. Mrs. Ursula A. Hall was 30 days to give them an answer about the complaint that was filed against here. Also, if the Attorney's for the State Commission Court has to noticed me, they will give me a call, or send me a letter by mail. Finally, Mrs. Elizabeth Trevino remind me that YES, even though Mrs. Ursula A. Hall has recuse herself my Case Number 2022-09776, She still going to have to explain to the State Commission on Judicial Conduct herself on why all following Motions and Pleading that I filed in here court for the last 6 Months which I have list below was never rule by her.

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## ARGUMENT

The Defendants in this case the City of Houston, First Transit Inc., and Metropolitan Transit Authority of Harris County was served twice. The United States Marshall Office, and Lone Star Attorney Services served them. They were given 21 days on two different occasions to respond to my petition and never did. The Defendants and First Transit Inc., and Metropolitan Transit Authority of Harris County, Texas are in violated of Rule 12 of the Federal Rules of Civil Procedure. Per Form AO 440 the Summons in a Civil Action. "You

*must serve on the Plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the Plaintiff or Plaintiff's Attorney. If you failed to respond, judgment by Default will be entered against you and relief demanded in the complaint. You also must File your Answer of Motion with the court."* The Defendant's First Transit Inc., and Metropolitan Transit Authority of Harris County never filed a Motion of Answer with court which is a Default Judgment against them. A Default Judgment (also known as a judgment by default) is a ruling granted by a judge or court in favor of a plaintiff in the event that the Defendant in a legal case fails to respond to a court summons or does not appear in court. This was never granted to the Plaintiff by the United States District Court of Southern Texas.

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of this under consideration before a Final Judgment was enter in by the courts in my Case Number 14-23-0416-CV.

In our federal system of government, state as well as federal courts have jurisdiction over suits brought pursuant to 42 U.S.C. § 1983. There is no requirement that the plaintiff sue in Federal Court because State Courts have Concurrent Jurisdiction, and the usual rule is exhaustion of administrative and judicial state remedies is not a prerequisite to a 42 U.S.C. § 1983 action for deprivation of rights. Also, the existence of concurrent state remedies is not a bar to a Section 1983 action. See *Howlett v. Rose*, 496 U.S. 356 (1990).

The name "JOSHUA MARBLEY" represents Capitus Diminutio Maxima which stated that a man's condition changes from freedom to bondage. All rights of citizenship and family rights are surrendered. "JOSHUA MARBLEY" is a corporation, and that person on the paperwork is not me. This is an Artificial Person that name represents. The Plaintiff, Joshua Marbley, never waived his Rights under the United States Constitution to the United States District Court of the Southern District of Texas Houston Division, or the Harris County 14th Court of Appeals, or the Harris County 295th and 165th District Court.

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## **REASON FOR GRANTING THE WRIT OF MANDAMUS**

A Whistleblowers is someone that is willing to stick their neck out takes tremendous courage that most people are not willing to do. These individuals see the wrong that is being committed and decide to take a stand against it. Whistleblowers are heroes in the eyes of most people, but it is important to know that the organizations that they are employed with that appear to be doing the right thing will do what they can to discredit the individual that practice blowing the whistle on their company. Unfortunately for them reporting on very serious matters against very powerful private organization can create a backlash on at the workplace. Most organization do not enjoy playing for their fraudulent activity. Despite the laws that are put in place to protect them, most whistleblowers come forward because they see what is happening at the company and want to put a stop to it. They will often report it to a government agency, For Example Equal Employment Opportunity Commission (EEOC) after they will be a victim of retaliation by the company. Nobody normally questions the companies for caring about the bottom line more than do what right. Most companies would be in a much better position both Financial and Professional for doing the right.

In March of 2013 I decide to start a career the Metro Lift Paratransit Division for Metropolitan Transit Authority in Harris Country Texas.

After about 1 year on the job, I knew that helping others in need is something that I would enjoy doing. One thing that I have had really enjoy of the years is getting the opportunity to get better educated on the type of people that we transported on over Metro Lift Buses every day. There are many Metro Lifts clients that are unfortunately because of situation is their life are now paralyzed from the waist down, and it now in a wheeler chair. There are also many Metro Lift clients that because of different types of situations in their life are Blind, or Visually Impaired. Finally, there are clients on our buses that has in more crucial situation that at times will required the Metro Lift Bus Operator to go Above and Beyond their job duties.

For Example, Alzheimer's is the most common cause of dementia that is a general term that people use for memory loss, and other cognitive abilities that can serious enough to interfere with someone daily life that accords in people ages 65 and older. These clients need extra care and attention for the Bus Operator. For the safety and protection of these Metro Lift clients the Bus Operator are required to not only walk them into the facility, but also sign them in, and out. These is to make sure they are safety pick up and drop off.

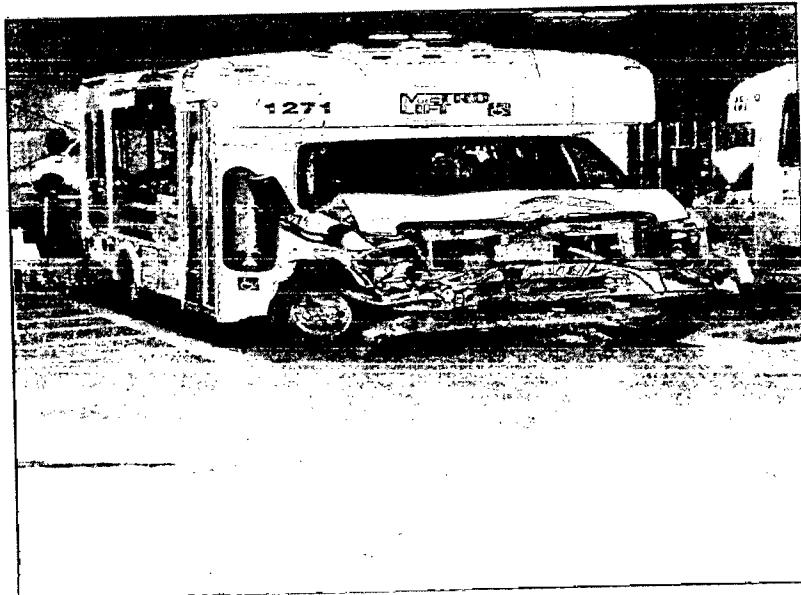
My Second Example is a Seizure can be described as a sudden uncontrolled burst of electrical activity in a person brain. This can cause a lot to do different types of changes to a person in their behavior, movements, feelings, and also levels of consciousness. If a person has more than two seizures in least than 24 hours apart that don't have a cause is considered to be

epilepsy. There are many different types of seizures out there, and they have a range of symptoms, and severity. Seizure types can also vary by where they begin in the brain and how far they spread. Most seizures last most of the time between 30 seconds to two minutes. If a person was to have a seizure that lasts longer than five minutes, then this person is in need of medical attention immediately. These clients also need our attention because a seizure could come at any giving time. Because of these examples and many others is why is it critical that the Drivers are always alert.

In September of 2020 I start raising concerns about issues of the job. After, I still this is when the harassment began. I filed with Equal Employment Opportunity Commission (EEOC) on the company in April of 2021, and October of 2021. I also spoke at the Metropolitan Transit Authority in Harris County Board of Directions Meeting 3 times. In June of 2021, I reached out to Mayor Sylvester Turner “Mayor of the City of Houston” for a meeting to discuss the concerns on the job and didn’t get a respond. I finally reach out to Ted Oberg and Sarah Rafique with Channel 13 News Investigates Team. On Thursday Night, September 23, 2021, my story air “Houston Metro Lift Drivers Worry About Fatigue During Long Shifts: Draining.” On Tuesday October 19, 2021 “26” Days after the story air I was terminated from the company.

Losing my job is something that I didn’t expect was going to happen. Also, losing my apartment, and car is even harder, but when you blow the whistle

on the companies for doing wrong is something that whistleblowers has to prepare them self.



In Metro Lift Bus 1271 a Bus Operator fell asleep at the wheel of the bus. Not only the Bus Operator, but also the Passengers on Board, and Motorists on the Road could have all been Killed by this accident.

**Under the Federal Motor Carrier Safety  
Administration "Code of Regulations"  
Title 49 Section 392.3**

*"No driver shall operate a commercial motor vehicle, and a motor carrier shall not require or permit a driver to operate a commercial motor vehicle, while the driver's ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness, or any other cause, as to make it unsafe for him/her to begin or*

*continue to operate the commercial motor vehicle. However, in a case of grave emergency where the hazard to occupants of the commercial motor vehicle or other users of the highway would be increased by compliance with this section, the driver may continue to operate the commercial motor vehicle to the nearest place at which that hazard is removed.”*

This Bus Operator was allowed to keep his job for this accident, but because Plaintiff Joshua Marbley went on Channel 13 News Investigation and report this problem he was terminated from his employment. On Friday, March 4, 2016, newly elect Houston Mayor Sylvester Turner appointed Mrs. Carrin F. Patman has the new Chairwoman for Metropolitan Transit Authority of Harris County, Texas. Also, joining the Metro Board of Directions is Mr. Lex Frieden, Troi Taylor. The mayor has also reappointed current board members Christof Spieler and Sanjay Ram. All of these appointments must now be approved by Houston City Council.

After my Whistleblower Lawsuit was filed with the courts Mrs. Carrin F. Patman “Chairwoman” for Metropolitan Transit Authority of Harris County, Texas resigns from the company. On Thursday February 17, 2022, Mayor Sylvester Turner nominated current Metro Board Member Sanjay “Ram” Ramabhadran as the next Chairman for Metropolitan Transit Authority of Harris County, Texas. Mr. Andrew Skabowski, “Executive Vice President” and “Chief Operating Officer” for Metropolitan Transit Authority of Harris County, Texas who was interviewed by Ted Oberg with Channel 13 News Team for my story, “Houston

Metro Lift Drivers Worry About Fatigue During Long Shifts: Draining" also resign from the company after my Whistleblower Lawsuit was filed. On Thursday November 17, 2022, Metropolitan Transit Authority of Harris County, Texas had their annual Board of Directions Meeting. The Board of Directions request authorization for the President and CEO of Metro "Mr. Thomas C. Lambert" to negotiate and execute a contact with First Transit to operating the Metro Lift van service for a Five-Year base period with 2 Option Years and a base amount not to exceed \$203,574,741.00 and authorize staff to transfer budget as required for this term. This measure was Pass, Approve.

Six months before I was terminated from First Transit Inc on April 23, 2021, EQT Infrastructure bought First Transit Inc, and First Student the market leading providers of essential North American transportation. EQT is pleased to announce that EQT Infrastructure has agreed to acquire First Student and First Transit ("the Company"), two North American subsidiaries of the UK publicly listed company, FirstGroup plc for \$4,600,000,000.00 dollars.

Matthew Gregory, CEO of FirstGroup, commented, "EQT has a strong record of success in the Transport & Logistics sector, and we have been impressed by EQT's vision for investment and growth at First Student and First Transit. I am confident that EQT will be a great partner for the Company to achieve its full potential as it embarks on its next phase of growth. I want to thank the employees of First Student and First Transit for their contribution to

FirstGroup over the years and I look forward to following the Company's future success."

Mr. Matthew Gregory the CEO of FirstGroup was aware of this situation the entire time. Both of my EEOC Complaints that I filed in April of 2021, and October of 2021 EQT was aware of this situation. Also, the Channel 13 News Report on September 23, 2021 EQT received a copy of the story, and was aware of it. Matthew Gregory, who has been Chief Executive Officer since 2018 stepped down after the company's annual shareholder meeting amid investor criticism on September 13, 2021. FirstGroup's chairman, David Martin, a transport veteran, will become executive chairman after the AGM, until the Aberdeen-based company finds a permanent chief executive. EQT continue to receive my emails after this, and Jan Ovenden "Executive Assistant to the Chairman and Group Chief Executive Officer" at FirstGroup. Jan Ovenden has my email address block, so I will no longer have any future contact with her, but EQT can still receive my emails. In February 2022 when my Lawsuit was filed EQT was aware of it.

On October 26, 2022, nine months after my Lawsuit was filed Trans Dev completed acquisition of First Transit Inc. The acquisition has gained all U.S. and Canadian regulatory approvals and the companies are operating as a single entity under the leadership of Laura Hendricks in the United States and Arthur Nicolet in Canada. While all this was taking place all three Defendants in this case were aware that a pending lawsuit was in the courts at the time.

I am not the first person to blow the whistle on their company for doing wrong, and I will not be the last. This is also a violation of the National Transit System Security Act (NTSSA).

**Under the National Transit System Security Act  
6 U.S.C. § 1142.**

**Public Transportation Employee Protections:**

*(a) IN GENERAL. – A public transportation agency, a contractor or a subcontractor of such agency, or an officer or employee of such agency, shall not discharge, demote, suspend, reprimand, or in any other way discriminate against an employee if such discrimination is due, in whole or in part, to the employee's lawful, good faith act done, or perceived by the employer to have been done or about to be done.*

When I think about all the type of disability that most of our riders on Metro Lift have, I just could not sit back and not say nothing about all the wrongdoing that is going on at Metro Lift here in Houston, Texas. Yes, it hurt losing my job, apartment, and car, but the pain of burying your loved ones is far greater. I hope that my cases give more people out here the courage to stand up when they see wrongdoing at their company, and this is the reason why I should be granted the petition by the United States Supreme Court.

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## CONCLUSION

Petitioner respectfully prays that the United States Supreme Court into this case. My constitution rights by the United States Constitution were violated. First Example, I was denied my Due Process of Law. It is a violation of Due Process for a state to enforce a judgment against a party to a proceeding without having given him of her an opportunity to be heard sometime before final judgment is entered. United States Judge Charles Eskridge remanded my case by to the 165th Judicial District of Harris County Texas without giving me a hearing. Second Example, I was not giving a Certificate of Service noticed by none the Defendants in this case, and First Transit Inc., and Metropolitan Transit Authority of Harris County, Texas violated of Rule 12(1)(A)(I) of the Federal Rules of Civil Procedure by not filing a Motion or Answer with the United States District Court of the Southern District of Texas within 21 days after services of the summons. Third Example, the Court violation of The United States Constitution Amendment 7 and 14. I have been railroaded in both courts, and I have yet to receive a fair trial to present my case before a jury. Fourth Example, Harris County 165th District Judge Ursula A. Hall is under investigation by the State Commission on Judicial Conduct Case No. 23-0568 that was ignored by the Harris County 14th Court of Appeals, and the Harris County 295th District Court. Five Example, The Defendants violated the United States Department of Transportation Federal Transit Administration Master Agreement.

**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL TRANSIT ADMINISTRATION  
MASTER AGREEMENT**

For Federal Transit Administration Agreements authorized by 49 U.S.C. Chapter 53, Title 23, United States Code (Highways), the Moving Ahead for Progress in the 21st Century Act (MAP-21), the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), as amended by the SAFETEA-LU Technical Corrections Act of 2008, or other Federal laws that FTA administers.

**Section 38. Motor Carrier Safety:**

*The Recipient agrees to comply, and assures its Third-Party Participants will comply, with U.S. Federal Motor Carrier Safety Administration (FMCSA) regulations, as applicable, including all of the following:*

**B. Safety Requirements.**

*The safety requirements of U.S. FMCSA regulations, "Federal Motor Carrier Safety Regulations," 49 CFR parts 390-396, if it:*

(2) *Is engaged in operations requiring compliance with 49 CFR parts 390-396,*

FTA MA (19)

Six Example, in our federal system of government, state as well as federal courts have jurisdiction over suits brought pursuant to 42 U.S.C. § 1983. There is no

requirement that the plaintiff sue in Federal Court because State Courts have Concurrent Jurisdiction, and the usual rule is exhaustion of administrative and judicial state remedies is not a prerequisite to a 42 U.S.C. § 1983 action for deprivation of rights. Also, the existence of concurrent state remedies is not a bar to a Section 1983 action. See *Howlett v. Rose*, 496 U.S. 356 (1990).

Seven Example, "JOSHUA MARBLEY" represents Capitus Diminutio Maxima which stated that a man's condition changes from freedom to bondage. All rights of citizenship and family rights are surrendered. "JOSHUA MARBLEY" is a corporation, and that person on the paperwork is not me. This is an Artificial Person that name represents. The Plaintiff, Joshua Marbley, never waived his Rights under the United States Constitution to the United States District Court of the Southern District of Texas Houston Division, or the Harris County 14th Court of Appeals, or the Harris County 295th and 165th District Court.

I, Joshua L. Marbley the petitioner respectfully prays that the Petition for a Writ of Mandamus by the United States Supreme Court should be GRANTED.

Respectfully submitted,

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