

5/20/24

No. 24-123

**In The
Supreme Court of the United States**

CHUNYI XU, a/k/a DAVID XU,

Petitioner

v.

DENVER PUBLIC SCHOOLS (DPS), SCHOOL
DISTRICT NO. 1,

Respondent.

On Petition for Writ of Certiorari
to the United States Courts of Appeals for
the Tenth Circuit

PETITION FOR WRIT OF CERTIORARI ¹

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¹I Can't Breathe in Fed-Colorado Corrupted Systems. Salem was like Saddam. SC Must Review. Fight & Go Trial.

QUESTIONS PRESENTED

I've kept fighting for 6 years already. The 2nd Summary Judgment at Federal Colorado and Appeal Courts is seriously unjust and has many errors. The key words for facts and legal issues include "Salem", "deceptive reassignments", "racism", "threat", "zero classroom support", "job performance", "workload", "school RIB reduction", "District non-renewal with three-years' penalty", "insubordinate", "PII-SSN violation", "NOA & Disqualified".

The following presented questions are selected from more than two dozen questions with legal issues and fact details in deep insight. The path of the true answers can logically prove my four-allegations of Discrimination, neither "due to performance", nor "no genuine fact dispute"

Q1-- Shall Supreme Court Justice check if lower Federal-Court Judges used upside down Cause-Effect logic clauses in many situations, and if shall consider the neutral opinions from my witnesses in my disclosure list, like former Senior students, former victim teacher Joshua Noriega, UCD Manager Evan McClintock, but not all district employees of the same interest group only in DPS?

Q2-- Are the tremendous quantity of facts true, including flip-flop of reassignments, zero classroom support, improved performance, racism, plotted RIB, Non-Renew, stalking in job fair, sabotage in reference check, conspired investigation, refused commencement, canceling summer job, false affidavits, violation of Protection Order and PII-SSN?

Q3 -- Are Salem, NCAS and DPS habitual cheaters or violators? Shown by public records, Salem was disciplined publicly by DPS since 2009 because he ruined the whole class of graduation, and discriminated against another staff. Hundreds of Teachers, including Michelle at NCAS, filed complaints in 2014 which resulted in the stipulated agreement between DPS and DCTA Teacher Union. DPS didn't abide, and has accumulated more than 300 cases in Federal-Colorado EFC court system.

Q4 -- Are the Federal-Colorado systems corrupted in my case and on the basis of two national records? Judges implicitly suggested a bias because of "insubordinate" in Due Process, not only there have been severe massive negligence with 14-months delay, also some other legitimate issues.

PARTIES TO THE PROCEEDING

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RELATED CASE PROCEEDINGS

Appeal to the U.S. 10th Circuit Court of Appeals
(Case No. 23-1079)

-- "Affirmed" Judgment Order Issued on: 02/06/2024

-- Petition for Rehearing filed timely on: 02/18/2024

-- Petition for Rehearing Disposed/Denied on:
02/22/2024

Federal Colorado-District Court (Discrimination
Case# 1:20-CV-3774-RMR-SKC)

--2nd Summary Judgment Granted (EFC 87) by
Judge Rodriguez on: 02/22/2023

--1st Summary Judgment Denied (EFC 58) by
Judge Rodriguez on: 09/09/2022

The rest of proceedings are listed below as ascending
dates:

12/23/2020: filed lawsuit encouraged by EEOC NTS.

4/6/2021: Issued Protective Order by Judge Nina
Wang (ECF# 33)

7/6/2021: Reassigned to Judge Regina
Rodriguez (ECF# 40)

9/9/2022: Granted 1st-Summary Judgment
(ECF# 58)

**12/1/2022: Set to Commence 5-Day Jury
Trial on 5/1/2023 (ECF# 65)**

2/22/2023: Denied 2nd-Summary Judgment (ECF#
87)

3/15/2023: Appealed to 10th Circuit of Appellate Court
(ECF# 94)

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<i>Piercy v. Maketa</i> , 480 F.3d 1192, 1200–01 (10th Cir. 2007)	15
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PETITION FOR WRIT OF CERTIORARI

To review this civil Summary Judgment from the 10th Circuit.

OPINION BELOW

A timely filed petition for rehearing is “denial” in US Fed-Appeal. The “Affirmed” order was reported on Colorado Politics (website) on 02/12/2024; The **Granted** opinion of the 2nd Summary Judgment and **Denied** 1st Summary Judgment might not be published in the US Fed- Colorado Court.

JURISDICTION

Appendix A: Denied Order on 02/22/2024 to rehearing petition by US Fed-Appeals.

Appendix B: Rehearing Petition Timely Filed on 02/18/2024 prior to the deadline (02/20/2024).

Appendix C: Appeal court affirmed Order on 02/06/2024 by Judges Carolyn McHugh, Harris Hartz, Gregory Phillips

Appendix D: Granted on 02/22/2023 -- The opinion of the 2nd Summary Judgment at the US Fed-Colorado Court by Judge Rodriguez, and the 1st Summary Judgment was **Denied** on 09/09/2022 by the same Judge.

Appendix E: Colorado-Politics report on Internet

PROVISIONS INVOLVED

The 1st Amendment through 5th to 15th, and the US Constitution, plus Title VI/VII of the Civil Rights Act of 1964, 1968, 2024, are applicable to this case including “freedom of speech”, “due process”, “nondiscrimination on the basis of race, age, religion, national origin, nationality, accent”, and “retaliatory acts against any individual who exercises his or her rights under Title VI are considered to be discrimination and are unlawful.”, “a hostile work environment exists with discriminatory, intimidation, ridicule, and insult, sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive...”

BRIEF STATEMENTS

I came as a lecturer from China, and have been living in USA since 1998 and suffered from 9/11 in NYC, and lived in Colorado for more than 20 years.

As a returning career, I worked as a full-time Math Teacher with a license in NCAS arts high school in the entire 2018-2019 school year, in DPS school district in Colorado. A train of illegal ridicule happened through the year from the first day till the last day on May 31, 2019.

Starting from “great fit” and deceptive reassignments, I always worked diligently for my teaching by daily 12-13 hours including weekends, kept humble to take care of hungry students, and tried hard to solve problems in NCAS and DPS by following the organizational hierarchy from Math division, School admin and DPS District, but all didn’t work out regardless of DCTA teacher union’s

support. After I was terminated by DPS, I had to leave DPS and then I lost DCTA. Encouraged by EEOC Notice to Sue (NTS) after waiting from 06/28/2019 to 09/25/2020, I filed a lawsuit of four allegations of Race/Age discrimination, retaliation, and a hostile work environment on 12/23/2019 in Federal-Colorado court supported by the quantity and severeness of facts. The case moved pretty fast in the first 6-months under Judge Nina Wang, but then stopped for almost 14-months after reassignment to Judge Regina Rodriguez on 07/06/2021.

On 09/09/2022 I won the first Summary Judgment, but declined the DPS humiliating offer in the settlement. On 02/06/2023 I lost in the 2nd-Summary Judgment. Fighting in Appeal court as Pro Se, I kept losing like an avalanche, though I presented good points of judgment errors and legal issues, as well as newly-derived legal issues from Judges, such as a groundless “insubordinate” new bias against Due Process, and failures to impose a penalty for violation of Protection Order + PII-SSN and for Counsel’s disqualification. I encountered huge resistance including frauds and invisible corruption from the financial giant DPS, an outnumbered 6-8 aggressive counsels from the giant Semple law firm, and Federal courts. They are all located in a small downtown area in Denver. I can’t breathe.

In brief, Salem deeply engaged in all allegations throughout the entire 2018-2019 school year. He was a new Assistant Principal while the whole Admin team was all new to NCAS High School. He participated in a job fair in another high school for teachers on 07/22/2018 right before DPS district opened. There was a paper sign of “10th above

Grade” on the reception desk, and also a post on the wall for Math teacher. I saw Salem actively advocating the openings loudly, then I lined up and had conversations with him, further knowing a “half 10th and half 12th” position from him. After he checked my resume and finished his screening process, he referred me as “great fit” to Principal Juett for an official interview behind the banner. I was offered the job immediately on the site with my acceptance. I was happy because my university teaching experience can benefit 12th-grade Seniors for their college preparation.

The offer was quickly made official by district DPS, and I attended the new teacher conference on 7/27/2018, and the follow-up district training was luckily set up at NCAS. However, the next morning on 7/28/2019 when I arrived at the entrance and looked around this new place, I suddenly saw Juett and Salem standing at the door and guided me to a training room for 9th-grade without explanation. I was shocked and looked at Salem first, but he turned his head away to look at Juett, which suggested that Juett did. I calmly informed them DPS set up my 10th-grade training because of the original hiring for “10th and 12th”. Both people kept silent, but I didn’t say anything else, just quickly went downstairs to 9th-grade training. I wasn’t insubordinate.

The change indeed screwed up both sides of 9th and 10th training for removal and reset for 2 hours. All new 40- 50 teachers discussed what’s going on, agreed with an unacceptable breach of the agreement, and worried about me. Juett was walking around to support building security and she must have heard those comments. I didn’t know if she felt guilty. During my lunchtime I went upstairs to visit NCAS , and Math team manager Morgan Schroeder commented “this is the way they can get

I was naive to the disrespectful Juett and Salem, and was in darkness. Neither Juett nor Salem told me about the nature of NCAS in job fair while Salem lied in his deposition. NCAS is an arts community high school under Federal Title VII in Montebello Park of high crime rate and low family-incoming with a majority of Hispanic and African races, far from my home. School ran to the edge of closing for three-times in the past five years, with Math teachers under 3-H hard positions and 50% annual turnaround. Students were often absent and tardy, didn't want to learn Math with average two years behind, and did not do homework.

I encountered extraordinary difficulties and suffered from almost zero supportive action while 9th-grade students sat and walked on the tables in my classroom, and 10th-grade students insanely cheated in unit testing. On the contrary, Salem told 9th- grade "reset records" in Sept. 2018 when teacher changed, and told 10th-graders he would "remove 'F' grades" around Dec.2, 2018. So, they exercised culture revolutions and "Black Lives Matter" in their "student-centered learning" in class.

Morgan Shroeder as Coach and team manager always told me that I did too much teaching. During class observations without early notice in the first month students ate food and stayed off-track, not doing their work under little preparation in Math in the middle school, so I got a failing performance rate, and school admin didn't care. Salem humiliated me with "worst scores of 1st Unit Test in the district" which barely tested the preparation in their Middle School. I deserve this low performance rate to be reset because NCAS did for other new teachers and all students, which was one of genuine facts in dispute.

There are many more “genuine facts” in dispute, so Judge Regina Rodriguez said “no genuine fact in dispute” was not true in Summary Judgment. Any truth in serious disputes can lead to my four allegations. The 2nd Summary Judgment at Federal-Colorado Court is seriously unjust and has errors. The affirmed judgment at Federal-Appeal court contains more new-derived legal issues. Salem, NCAS and DPS are habitual violators. I had to do three jobs to cover my cost to keep fighting for 6 years already.

REASONS WITH ANALYSIS FOR GRANTING THE PETITION

DPS falsely justified its “RIB reduction in NCAS”, “non-renewal removal from DPS” due to “poor performance”, “unfit”. I tried to justify my objective theory of Discrimination and Retaliation as well as Hostile Work Environment, which showed from the first day reassignment, and from underprepared 9th-grade students and wrong Cause-Effect clauses in courts, because my performance and final results exceeded other white young teachers, and was manipulated. Judges sided with DPS “support”, “in good faith”, and denied me with “insubordinate”, “in sufficient” “his subjective belief” “struggles in classroom”. I am going to enumerate one by one why Judgment was seriously unjust and in error, and in reckless negligence. The Supreme Court has to grant this petition for national significance and for returning the truth to me with direct loss of \$200K in my life.

I) Deceptive Reassignments on 07/28/2018 and on 09/27/2018

It's a breach of agreement to reassign me to 9th-grade on 07/28/2018 immediately upon my arrival. I was originally interviewed and offered (10th and 12th), but Juett reserved for Barbara Smith because of the same African American race. Barbara Smith knew Superintendent Anthony Smith. On 09/27/2018 when Salem reassigned me back to (10th and 12th), Barbara Smith already was forced to leave the job because she didn't have reliable transportation, so the position was vacant, he just used me like a firefighter. Instead, Salem was very bossy and loudly demanded "I need results. I need all 12th classes to graduate" in the hallway, and also instructed Morgan Schroeder to remove my support.

I was stunned by the Judges at Appeal Court from the ironic statement of "Xu makes much of his initial assignment to teach 9th". It's common sense, a huge deal as 40-50 new teachers perceived and Shroeder commented. If hiring wasn't in good faith subject to deception at will, can I anticipate any fairness in performance evaluation, classroom support, the investigation, and rehiring?

II) Turn from "great fit" to "unfit" & Harassment

I have an awesome resume and great qualifications in Math and Computer Science, at least instructed 3,000 people at Secondary level to College -- 25+ years' tutoring, 6+ years' full-time classroom instructor in Universities, two Master Degrees, half of PhD study, Teacher License, Math Olympic, top 10% Math national ranking and recognition, DPS district member of Math Assessment Committee, Tennis coach, aide in

Church Youth Group, serviceman in Detention Facilities, Crisis/Disaster Rescue Program, and SAP/ACT/College Board, and 18+ years' software engineer up to an employee in Colorado State Governor's Office, etc.

On 12/19/2018 around 8:15 am my first class with 12th-grade I was ordered to immediately leave my classroom for a meeting with Salem in Admin office, which disrupted my teaching and harassed me before too. Salem said to clarify something in my recap email which I copied to Principal Juett with feedback of students' under-preparation and struggle in Math, after yesterday's PIP (Performance Improvement Plan) meeting on 12/28/2018.

In the middle of free exchange of student-centered learning problem and inappropriate student behaviors including testing cheating, recent racism and classroom revolutions, I said I needed school support to solve Math under-preparation and students' daily trauma associated to many records of suicides, but what Salem would guarantee to remove their "F" grades didn't follow the rule. He suddenly outrageously stomped the table with his fist for a few times and yelled "you think they can't be taught?", "you don't fit the job"², "you'd better find another job", "I have been in DPS for 20 years" at me so loudly that all rooms in the Admin office can hear and then Principal Juett came in to call Salem out for about 10 min. I was physically intimidated and violently insulted from Salem's craziness. I can feel

² I Can't Breathe in Fed-Colorado Corrupted Systems. Salem was like Saddam. SC Must Review. Fight & Go Trial.

he wanted to control me and suppress my “speech freedom”, but I remained calm until the meeting finished in about an hour. In the end we shook hands. I wasn’t insubordinate at all. To be very clear when we shook hands, it was me, not Salem, to first stretch out my hand to reach and wait for his hand. In court judgment, Judges only slightly mentioned “both shook hands in the end” and suggested Salem credits, but ignored the key details of true insight. It’s such an abusive, insulting, hostile work environment for me. I believe he was going to do more to hurt me.

At lunchtime Salem apologized to me privately in my classroom and then invited me to Shroeder’s room for his apology in front of Shroeder and DCTA-rep Schneider with his very clear words “Can you stay in the job?” “I promise your renewal if there are any improvements in LEAP ”. I accepted his apology and wanted his words written. I was just unable to find out some paper, so just wrote half statement words on the white boards for his signature to take a picture by iPhone, both of teachers laughed and said it’s OK, and then I had to stop, which was the biggest mistake not to get his signed statement, because Salem changed his words during his deposition.

III) Salem put comments of “Worst school in district” into My Mouth

“Worst school in district testing” derogatory comment was originally from Salem. Students orally spoke “feel dumb” and they didn’t know what exactly meant and they didn’t take accountability. The same 10th-grade student said it as retaliation to me who cheated in the unit test. My pay stub had those “HHH” itemized records (Hard to staff, Hard Subject, High Priority to Fill). When I privately shared my assessment of “average two years behind the normal grade”, Salem burst into anger and stomped the table, only putting me accountable for everything like a scapegoat.

IV) Different Treatment in Classroom Support in Comparison

The next teacher Ken in 9th-grade classes, Ken Huxas, quickly crashed in a month because of insufficient support and students’ wild behaviors.

Until November 20, 2018, Salem brought in a newly graduated young white female Ms. Alex Desautels into the 9th-grade classroom, but he treated her very differently, not only repainting her classroom, but also always staying inside through entire classes to support. He also added five others Math staff --- Morgan Schroeder, Spanish special para, IEP/504 para, and Math para senior couple (Mr/Mrs Pruitts).

Ms. Desautels didn’t have to do most of what I had been asked to do³, so her workload was less than mine, which was surely discrimination. Abusive Unfair Workload and Hostile Work Environment

V) Abusive Unfair Workload and Hostile Work Environment

I had super heavy daily-workload as a new teacher -- on average I had 6 sessions for instruction of 10th-grade and 12th-grade, 1 session for all different kinds of meetings including 12th-grade graduation, which none of the other Math teachers attended. Regardless of office hours, I also had to spend time on entering hundred records of student behaviors, contacting Parents by emails or phone, presentations in PLC than coworkers, submitting two copies of weekly 20-page lesson plans for 10th-grade and 12th-grade, grading assignments/tests, posting grades. Every day I had to work 12-13 hours.

Mr. Ken Huxas and Ms. Alex Desautels are interim teachers, not required to submit lesson plans, and never came to attend PLC meetings and presentations.

VI) “CHIN*” Racism and the Removal in about Two Months

On Dec.4, 2018 Salem came to my classroom to comfort 10th-grade students about no records of “F” grades, so students didn’t have to learn Math. A student DJ Harts (already an adult now) initiated Culture Revolutions in class. On Dec.11, 2018, he wrote “CHINK” again on whiteboard, then erased incompletely with some trace. He thought it didn’t catch my attention enough, then he tried to call my name loudly by mixing it with “CHINO”. He was warned of racism by all the class. I reported to the main Office and to the Dean immediately, but no support came at the end of day. On Dec.12, 2018 he

³ I Can’t Breathe in Fed-Colorado Corrupted Systems. Salem was like Saddam. SC Must Review. Fight & Go Trial.

refused to apologize during Dean's meeting. On Jan.18, 2019 meeting with Salem and HR Rep Taylor Tancik, I asked Salem why DJ wasn't removed yet. Salem said he forgot and he was going to do it, but DJ actually wasn't out until the end of Jan 2019. I suffered every day from Harts' disturbing my class. Judges sided with DPS that he was "removed in two weeks", which was truly about two months.

DPS-HR Ms.Taylor Tancik formally said "CHIN* (CHINO mixed with CHINK) isn't a racism to Chinese. It's OK". It's the common sense like racial "N*GRO" word to African. I will be surprised if Principal Juett feels OK when DPS tells her OK if students racially call her "N*GRO". This is the secondary harm to me. Of course, it's a genuine fact in dispute.

VII) RIB & Guitar Math in Dispute

RIB process and the dispute in Guitar is a "central hoax", and meant a lot in this case.

On 01/08/2019 during the first meeting after Winter break, Morgan Shroeder personally recommended that I should look for another job and that she promised to write up a very good reference for me. Salem instructed Morgan to finally set my PIP focus in terms of LEAP 5.3(E) measurement in 9th-grade Math class. As usual for fairness, I requested my heavy-weighted 12th-grade classes to be counted in PIP plan, but Salem denied.

I perceived more and more control from him and he seemed to have forgotten his promise on Dec. 20, 2019.

In just about two weeks, Juett left for minor surgery which was delayed for months and took a long vacation. Salem became an interim Principal and suddenly announced RIB deduction in a campus-level meeting on 01/30/2019 due to “low enrollment projection”. Multiple senior teachers rebutted why NCAS had to do it every year, and why Admin used it as a powerful tool to get rid of teachers whom they disliked, or to control the department, so they called it a “hoax”.

I realized that I could be one target. I was so naive that I didn’t know PIP and RIB were set up in an annual plot. Salem used this operational practice as Admin management to earn his experience for his new job application for Principal positions which was announced at the end of semester. I wasn’t stupid, so I prepared best and fully typed my answers to the three RIB interview questions emailed to all teachers. Morgan Schroeder said they were the same questions in the past three years. Judges and the interview panel members asked how Guitar related to “weird” “uncomfortable” RIB interview for Math teacher⁴, so I think they didn’t know the following three RIB questions.

Rib#1Q -- “Describe your passion for art and young artists”;

Rib#2Q -- “Why do you want to work here”;

Rib#3Q --- “What are your goals and how to attain them?”

My visionary goal was to bridge Art/Music to Math by showing a Guitar which is an easy tool helping Noel Community of Art School (NCAS) students to have more interest in learning Math because the tones of $1/4$, $1/8$, $1/16$, $3/8$ in music are fractions, and the formula is a function and equation between tone frequency and string length by grids. Also Arts sketching in 3D space drawings on 2D paper need Geometry focus.

Salem demonstrated to be very aggressively active and bossy, so there were constantly voluntary resignations in other departments. After six rounds of rescheduling in the morning on 02/01/2019, the Math Department was on schedule only, basically 1 of 5 high school math teachers had to be cut. I was the last second candidate and Morgan Schroeder was last because she was the manager. Everyone in front of me barely used 6-8 minutes of 20 minutes. I felt none of the others were serious because of their casual clothing without prepared paper, while I dressed up and brought in my resume as well for a formal interview.

I guessed I would be the sole target, then decided to hand my resume together with the printed answers over to the panel of 5 members. I brought in my guitar and explained quickly that the guitar can bridge Arts/Music to Math. I replied almost the same as the prints, but didn't read, but Salem rudely interrupted me at least three times by impatiently saying "we can read your paper. We just need your short answers". I perceived the result was pre-decided already, but I still used 20 minutes fully. I wondered what the panel and Judges would say if genius Isaac

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Newtons would have brought in an apple to describe how he thought of Universal Gravitational Force in Physics.

After Morgan Schroeder came back from her interview, she immediately announced to resign and leave for North Field Middle School Math teacher (in DPS) without any leadership role next year, and she already informed the panel. We all asked her why she didn't announce earlier to avoid the interview. She replied "do you guys think so?" The young white interim teacher Ms. Alex Desautels worked only about 6-7 weeks before RIB interview on Feb.1, 2019. She had much lower qualifications than me.

RIB meant a lot in this case, no matter what genuine fact in dispute, or was indeed a "central hoax" with insulting and hostile retaliation.

VIII) Humiliation & Retaliation & Three-Year's Non-Renewal

Not until 03/08/2019 the form of reduction at NCAS was delivered to me by Salem in hand, he insisted on reducing me regardless of the vacancy, so it's surely discrimination and retaliation while PIP just started. Salem and NCAS set up, not in good faith. The DCTA Union director filed two grievances on behalf of me because he knew NCAS evil tricks for a long time. In May 2019, I had data of the improved performance already, but Juett purposely delayed approval till May 31, 2019 when Salem announced to leave for Principal position in another high school, so both Morgan Schroeder and Salem had been looking for new jobs after messed up NCAS. Because of discrimination investigation and my potential

movement to complaints, I was considered a troublemaker and the ultimate non-renewal within next three years at district DPS level was severe penalty, and I was refused to provide a gown with cap on 05/22/2019 for commencement as a sole 12th-grade Math teacher, which was a retaliatory action. On 03/07/2019 Juett stalked me at DPS job fair. She told 12th-grade student parents that I wouldn't teach at NCAS next year anymore without respect. My summer teaching job offer in another school was canceled by DPS on 05/30/2019. On 08/19/2019 Juett sabotaged me when the outside Principal called her to check my references and to verify my experience.

**IX) “Not Met” Performance &
Almost Zero Classroom Support**

My good performance data was maliciously delayed for approval, also my formula of LEAP performance measurement recipe in item 5.3(E) discriminatorily excluded my heavy-weighted Financial Algebra class for Seniors.

Not only I had outsider witnesses in full classroom observation by the Manager (Evan McClintock) of Teacher certificate 1-year program in UCD University, and also former teacher Joshua Noriega who taught the same 10th-grade group of students. My disclosure of evidentiary records showed many “F” students came from Morgan Schroeder’s Math class in the previous 2017-2018 school year. My 35% student growth for 10th-Grade not only exceeded the Manager Morgan Schroeder’s figure 20% in the previous year for the same Math class, but also wasn’t approved by Principal Juett until I met Superintendent Anthony Smith on May 31, 2019. 76 12th-grade Senior graduation was a

great success which ultimately exceeded Salem's goals for Seniors. I was voluntarily dedicated to the classroom every day to support 76 Seniors to satisfy their graduation requirements while the rest of all Math teachers were off-work for almost a month for DCTA strike of salary. I was claimed as "Favorite Math Teacher" by Seniors. "Not Met" performance rate by Juett was groundless, which I complained about in an in-person meeting to Superintendent Anthony Smith on 05/31/2019 in Juett Office. I know how well I did, and still teach today as a Professional Instructor.

I always asked for minimum class support, but got rejected, and Morgan Schroeder said Salem told her "no support" for me, and I had to work by myself. Even though there was "struggling with classroom management", it was because of almost zero support when students walked on tables, cheated in tests, and racially called my name, while Ms. Alex Desautels got 5-6 para-professional support next room. So the Cause-Effect clause was upside down.

X) "Insubordinate" in Paradox

This is the #131 paradox among 200 questions set up by DPS-Counsel Mary Gray in her fact chart in December 2022 at Federal-Colorado Court, and my former attorney Mark Bove got trapped anyway by his careless admission by "YES", which was a plain error. He never sent the chart to me for my check, otherwise, I would have easily found out for protest, just like I protested the PII/SSN violation from DPS- Counsels (Mary Gray, Scott Goodstein). It's that Salem's lawyer Mary Gray only found Xu "insubordinate", but not that Xu was insubordinate.

All Judges in Federal-Colorado and in 10th circuit picked up the serious accusation by reasoning of “implicitly” vocabulary, which is a bias against “due process”. I was very humble as an elderly Christian and an aide in Youth ministry, coming down from a University instructor to NCAS to help graduating 12th-grade Seniors. Frankly, in NCAS nobody anywhere orally or in written ever affiliated me with “insubordinate” including Salem himself, because it didn’t mean that I had to lose my professionalism to defend my “freedom of speech”, nor “acceptably work like a discriminatory labor in abusive environments” to keep humble. I always get done my job calmly, and work hard. I still peacefully followed the right grievance procedures after massive harassment, stalking in job fair, Juett’s sabotage in my teaching, severe discrimination and retaliation.

XI) Salem, NCAS, DPS Historic Habitual Violations

Edwin Salem had a long history of records of being disciplined publicly and downgraded to a teacher because of mistreating staff and Senior students since 2009 on public media reports, which was also in my 600-page disclosures with effective 20 pages to prove this Race Discrimination case.

Hundreds of DPS teachers, including Michelle at NCAS, filed complaints in 2014, which resulted in the stipulated agreement between DPS and DCTA Teacher Union. DPS didn’t abide, and has

accumulated more than 300 cases in Federal Colorado system.

It's very suspicious because all four-people in charge quit their jobs right after DPS won. They are DPS HR-Investigator Taylor Tancik, NCAS Principal

Rhonda Juett and two chief counsel (Mary Gray, Scott Goodstein) from SEMPLE law firm. I already noticed the Court multi-times that all 5-affidavits and Discovery-Production are full of false statements and fraud.

XII) Counsel's violations, Courts

& National Two Records

The out-numbered are 6 years, 6 DPS lawyers from the giant SEMPLE law firm, two Summary Judgments, 6 Judges, about more than 3,000 redundant pages from DPS versus my 600 pages of my disclosures. It really doesn't make sense if there would have been "no genuine fact in dispute" in Judge Rodriguez's discretion.

Counsel's violations include the five affidavits with false testimony under felony penalty oath, fraudulent Interrogatory, false Product of Documents. DPS purposely disclosed my PII/SSN (SSN is top Personal Identity Info) to the public open view. Although I protested to DPS Counsel Gray and Goodstein on the same day, DPS didn't take immediate action until 2/1/2023 with 5 days delay (ECF# 80) to file the motion. Lacking of sense of importance, Judge Rodriguez denied, till it's brought up another motion to Appeal Court on 3/21/2023 (ECF# 97). As for Goodstein's attack on why I opposed his motion, I simply said the damages were made already. My Protective Order on 4/6/2021 (ECF# 33) was just in vain. I am a victim of race, and very carefully when I think of race. Judge

Regina Rodriguez has the same Hispanic Race as Edwin Salem, as well as the huge Spanish Community and NCAS. So the reassignment to Judge Rodriguez might be inappropriately subject to judicial matters because of the same interest group, 14-months-halt in her hands, and the flip-flop two Summary Judgments.

Judge Rodriguez also denied the restricted-access motion (ECF# 81), and failed to impose sanctions of PII / SSN violation (ECF# 79 Exhibit# B broke into my SSN to public open view), and made my Protective Order in vain on 4/6/2021 (ECF# 33), which resulted in my loss of \$50K from an internet scammer.

On 3/16/2023 from 10th Circuit Appeal Court Clerk letter states “**Also within 14 days**, Appellee’s counsel must electronically file an entry of appearance and certificate of interested parties. **Attorneys that do not enter an appearance with the specified time frame will be removed from the service list.**”. The deadline was 3/30/2024, but DPS-Head Counsel Goodstein in charge of appeal proceedings filed his NOA around 4/6/2024. According to Judge McHugh’s logic of “good qualification”, can I infer that it still could have been completely accepted if Goodstein hadn’t filed NOA at all. I disagree, and Goodstein shall be Disqualified. His delay was adequately opposite to the rule in Clerk letter. Therefore, the Summary Judgment can be unjustly affirmed.

Although Appellate Court Judges McHugh collected many elements in my appealing list, such as “35%” “RIB interview” “Habitual Violator” “NOA”, but still stated “failure to provide adequate evidence of pretext”, “no procedural error”, and didn’t make

any corrections including “*enforce to waive unjust cost*” \$2,981.75 (*United States v. Montgomery*, 620 F.2d 757 (10th Cir. 1980)). Judges clearly admitted “**did not review error details**” with possible “**plain-error**”. Judges also made judicial discretion of in mistake “**3. Presented the first time on appeal**” and “**4. Irrelevant factual and legal...**” on Page 14-15 because failed to examine details, which were in Plaintiff’s Disclosures in Federal-Colorado Court scheduled for Jury Trial on 5/1/2023.

Coincidentally, Colorado Politics quickly published the opinion prior to my rehearing petition and refused to post any comments from many DPS victim teachers, including myself and Ms.Z, Ms.R, Ms.J, Ms.H, Mr.N, Mr.W, Mr.J. "Chinese Exclusion Act" on May 6, 1882, originated from a large-scale Anti-Chinese Riot in Oct. 1880 in Downtown Denver. Ironically, Anti-Chinese Riot legacy site, financial giant DPS (Headquarter), and DPS giant Semple law firm, are all geographically close by. It’s also well-known that Colorado Courts unconstitutionally delisted Trump from ballots in 2023, which was vetoed by Supreme Court in 2024.

I can’t breathe in Federal-Colorado corrupted systems. I’m capable of proving race discrimination, not performance issues.

**I Can’t Breathe in Fed-Colorado Corrupted Systems
Salem was like Saddam. SC Must Review. Fight & Go Trial.**

CONCLUSION

I was prevailing before a sudden assignment off Judge Wang and onto Judge Rodriguez, the trial schedule was set up.

Judges haven't looked into the tremendous quality of material details including Guitar Math in RIB questions. The 2nd Summary Judgment with court malfunction of 14-months-halt was unjust because of legal issues in the Cause-Effect clauses, and "Insubordinate" bias in Due Process, and massive negligence of many genuine facts and my requests for oral argument as well as the stipulated agreement between DPS and DCTA.

NCAS Principal Juett, DSP-Investigator Taylor Tancik as well as two head counsels (Mary Gray, Scott Goodstein) suspiciously left their jobs after they won. Colorado Politics published the opinion before the deadline of my rehearing petition.

DPS not to renew, plus the three-years' penalty is due to Discrimination and Retaliation, rather than Performance.

Wherefore, Petitioner/Pro Se, hereby prays for granting PETITION FOR WRIT OF CERTIORARI from honorable U.S. Justices, with grace of BREATH in the lower Appeal court in the Tenth Circuit, further to the Jury Trial.

Dated:07/28/2024

Respectfully submitted,

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