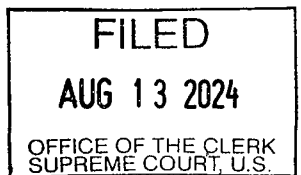


No. **24 - 5363**



IN THE
SUPREME COURT OF THE UNITED STATES

Anthony Wong

— PETITIONER

(Your Name)

vs.

Christine Wormuth, et al.

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
the United States Court of Appeals
for the Fourth Circuit

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

PETITION FOR WRIT OF CERTIORARI

Anthony Wong

(Your Name)

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QUESTIONS PRESENTED

1. Whether the U.S. Court of Appeals erred in denying the Motion for Sanctions Against the Second Defendant for Perjury and the Motion for Referral of Perjury Allegations to the U.S. Attorney General, despite clear evidence of false testimony under oath.

2. Whether the denial of these motions conflict with established case law and statutory provisions that prohibit perjury by U.S. federal employees, thereby necessitating Supreme Court intervention to resolve these conflicts and ensure justice.

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. HONORABLE CHRISTINE WORMUTH,

Secretary, Department of the Army, Agency, Respondent, 1st Defendant,
Appellee.

2. DARRYL W. MCCOY

Director, US Army Garrison, Italy Finance Office, Italy, Respondent, 2nd
Defendant, Appellee.

3. MARK W. JACKSON

Deputy Director, 266th FMSC, US Army Garrison, Kleber Kaserne, Germany,
Respondent, 3rd Defendant, Appellee.

RELATED CASES

1. Anthony Wong, Plaintiff, *Pro Se*

vs.

Christine Wormuth, Secretary of the U.S. Army, 1st Defendant;

Darryl McCoy, Director of the U.S. Army IFO, 2nd Defendant;

Mark Jackson, Director of the U.S. Army 266th FMSC, 3rd Defendant.

No. 2:22-CV-09051-MWF-SK, U.S. District Court for the Central District of California. Case transferred on April 13, 2023.

2. Anthony Wong, Plaintiff, *Pro Se*

vs.

Christine Wormuth, Secretary of the U.S. Army, 1st Defendant;

Darryl McCoy, Director of the U.S. Army IFO, 2nd Defendant;

Mark Jackson, Director of the U.S. Army 266th FMSC, 3rd Defendant.

No. 1:23-CV-00485-RDA-LRV, U. S. District Court for the Eastern District of Virginia, Alexandria Division. Order entered Oct 04, 2023.

3. Anthony Wong, Plaintiff, *Pro Se*

vs.

Christine Wormuth, Secretary of the U.S. Army, 1st Defendant;

Darryl McCoy, Director of the U.S. Army IFO, 2nd Defendant;

Mark Jackson, Director of the U.S. Army 266th FMSC, 3rd Defendant.

No.23-2138, U. S. Court of Appeals for the Fourth Circuit. Judgment entered Apr. 01, 2024.

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
STATUTORY PROVISIONS INVOLVED.....	3
STATEMENT OF THE CASE.....	5
REASONS FOR GRANTING THE PETITION.....	8
CONCLUSION.....	10

INDEX TO APPENDICES

APPENDIX A UNPUBLISHED PER CURIAM OPINION

APPENDIX B ORDER

APPENDIX C MANDATE

APPENDIX D MOTION FOR SANCTIONS AGAINST SECOND DEFENDANT
DARRYL W. MCCOY FOR PERJURY

APPENDIX E MOTION FOR REFERRAL OF PERJURY ALLEGATIONS TO
THE U.S. ATTORNEY GENERAL

TABLE OF AUTHORITIES CITES

Statutes

- Perjury Generally, 18 U.S.C. § 1621 ----- 4, 8, 9
- False Claims Act, 31 U.S.C. § 3729 ----- 3, 9
- Statements or Entries Generally, 18 U.S.C. § 1001 ----- 3, 9

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Fourth Circuit is unpublished and is included in the appendix (Appendix A).

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). The decision of the U.S. Court of Appeals for the Fourth Circuit was entered on April 1, 2024 (Appendix A). The petition for rehearing was denied on June 06, 2024 (Appendix B) and took effect on June 14, 2024 (Appendix C). This petition is timely filed pursuant to Rule 13 of the Rules of the Supreme Court of the United States.

STATUTORY PROVISIONS INVOLVED

Statutes

1. False Claims Act, 31 U.S.C. § 3729:

Prohibits knowingly presenting, or causing to be presented, a false or fraudulent claim for payment or approval to the federal government. Prohibits making or using, or causing to be made or used, a false record or statement material to a false or fraudulent claim. Prohibits conspiring to commit such acts. Provides for liability for any person who violates these provisions, including treble damages and civil penalties.

2. Statements or Entries Generally, 18 U.S.C. § 1001:

Prohibits knowingly and willfully making false or fraudulent statements or representations in any matter within the jurisdiction of the executive, legislative, or judicial branch of the federal government. Provides for fines and imprisonment for violations.

3. Perjury Generally, 18 U.S.C. § 1621:

"Whoever, having taken an oath before a competent tribunal, officer, or person ... willfully and contrary to such oath states ... is guilty of perjury."

STATEMENT OF THE CASE

1. Background

This case stems from an EEO complaint filed on February 7, 2018. I experienced discrimination from my immediate supervisor, the second defendant, Darryl McCoy, who is the director of the U.S. Army Finance Office in Italy. The discrimination was based on my age, color, race, and accent. I faced ongoing harassment due to my intention to file an EEO complaint.

2. Discriminatory and Retaliatory Behaviors

The defendants did not deny the facts during the settlement negotiation. In fact, they acknowledged my accusations and expressed regret. The Second Defendant committed numerous acts of misconduct, resulting in insults, retaliation, harassment, and discrimination against me. These actions include, but are not limited to, denying my 2-year Overseas Tour Extension because I intended to file an EEO case, removing my supervisory position without prior warning or due process, assigning me the lowest performance rating in my office annually, distributing cash awards, time off awards, or step increase awards to all employees except me, making slanderous accusations of sexual harassment towards female coworkers against me, prohibiting my use of the restroom facilities within the building, throwing my office supplies into a corner of the room, confiscating my paper-cutter and clothes-stand in my absence, removing my wall clock and bulletin board

during my lunch break, and inciting colleagues and soldiers to isolate me and refrain from communicating with me. I have been treated totally differently than others around me. The second defendant's continuous pattern of discriminatory and retaliatory conduct subjected me to a hostile work environment and caused me to suffer significant losses.

3. Perjury and Fraud

During the EEO investigations, the second defendant, Mr. McCoy, made false statements under oath to the United States Department of Defense Investigator and the EEO Counsel to evade allegations of discrimination based on my age, race, color, and national origin. Mr. McCoy falsely testified that I was never placed in a supervisory position, even though the record showed that I was a supervisor from September 20, 2015, to March 3, 2016. Mr. McCoy falsely testified that he did not know my age, color, or race even though the evidence showed that he knew my private information on August 11, 2015. During the EEO case processing and investigation period, the second defendant falsely stated that he had "no substantiated EEO allegations made during the period." The third defendant, Mark Jackson, approved his statement. This statement misled all EEO Officers in my chain of command and the judges in the U.S. District and Appeals Courts. Subsequently, Mr. McCoy received an "Outstanding" rating and an award of \$6,735.56. They defrauded the U.S. government for the \$6,735.56.

4. Settlement and Appeal

The case was settled because the U.S. Army expressed regret to me and paid me \$1 as symbolic compensation. However, this settlement only covers the civil part of this lawsuit. It did not address the criminal part, perjury, and fraud. After the settlement, I filed motions for Sanctions Against the Defendants for Perjury and for Referral of the Perjury Allegations to the U.S. Attorney General for Investigations. These motions were denied by U.S. Court of Appeals for the Fourth Circuit Court.

REASONS FOR GRANTING THE PETITION

The Supreme Court should grant this petition for the following compelling reasons:

1. Conflict with Established Law

The U.S. Court of Appeals for the Fourth Circuit's denial of the Motion for Sanctions Against the Defendant for Perjury and the Motion for Referral of Perjury Allegations to the U.S. Attorney General conflicts with established case law and statutory provisions that prohibit perjury by U.S. federal employees (see 18 U.S.C. § 1621). This inconsistency calls for an exercise of this Court's supervisory power to ensure uniformity in the application of the law across different jurisdictions.

2. National Importance

This case raises significant issues about the accountability of federal employees and the integrity of the judicial process. Allowing perjury to go unpunished undermines public trust in the justice system and sets a dangerous precedent. The Supreme Court's intervention is necessary to address this national concern and to reaffirm that no individual, regardless of their position, is above the law. Specifically, 18 U.S.C. § 1621 prohibits perjury, and enforcing this statute is crucial to maintaining the integrity of the judicial process.

3. Erroneous Decision of the Lower Court

The decision of the Fourth Circuit Court is erroneous as it fails to uphold the principles of justice and accountability. The court's refusal to sanction the Second Defendant for perjury and refer the allegations to the U.S. Attorney General disregards the material evidence and the statutory obligations to address perjury and fraud. This is contrary to the statutory provisions outlined in 18 U.S.C. § 1621 (Perjury), 31 U.S.C. § 3729 (the False Claims Act), and 18 U.S.C. § 1001 (False Statements or Entries Generally).

4. Importance to Similarly Situated Individuals

This case is not only important to petitioner but also to others who may face similar situations. It is crucial for the Supreme Court to set a precedent that ensures federal employees are held accountable for their actions, thereby protecting the rights of all individuals who may be subject to discrimination and false testimony.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

/s/ 

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August 13, 2024

Date