

No. 24-5491

**IN THE
SUPREME COURT OF THE UNITED STATES
FOR THE FIFTH CIRCUIT
Writ of Certiorari**

Phile Andra Watson,

Petitioner

Respondent

Megan J Brennan, Post Master General

BRIEF PETITION FOR MOTION FOR REHERING

FED. R. APP. P. Rule 44.2

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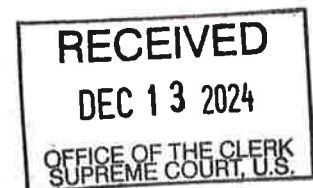


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Relevant Supreme Court cases that might be cited in these discussions include:	

Gross v. FBL Financial Services, Inc.:

Established the "but-for" causation standard for age discrimination claims, meaning age must be the sole reason for an adverse employment action.

Babb v. Wilkie:

Considered the application of the "but-for" causation standard in federal sector employment age discrimination cases.

Gomez-Perez v. Potter:

Affirmed that the ADEA protects federal employees from retaliation for filing age discrimination complaints.

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**THE PANAL AND LOWER COURT ERRED BY FAILING TO
CONSIDER [SPECIFIC EVIDENCE OMITTED] WHICH WAS
MATERIAL AND ESSENTIAL TO THE PLAINTIFF CASE,**

**THRERBY DENYING THEM A FAIR TRIAL AND/ OR
OUTCOME.”**

CERTIFICATE OF INTRESTED PERSONS

Phile Andra Watson,

Petition

v.

Megan J. Brennan, Postmaster General United States Postal Service,

Respondent

Petitioner

Phile Andra Watson

Counsel for Petitioner is

Pro Se

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/s/ Phile Andra Watson

Phile Andra Watson

December 9, 2024

To The Honorable Justice of the Supreme Court of the United States:

Petitioner, [Phile Andra Watson], pro se, respectfully submits this Petition for Writ of Certiorari to review the decision of the [United States District Court for the Northern District of Texas] in Case No. 23-10131, and concurrently requests a rehearing of the case based on the following grounds:

Issues- Presented

1. Negligence ruling

The court of appeals erred in affirming the trial court's judgment because the evidence at trial was enough to allow a magistrate judge to not overlook or ignore the evidence and facts.

2. Exclusion of testimony

The court of appeals erred in affirming the trial court's judgment because the trial court improperly excluded essential, crucial facts and evidence. NOTICE OF SEPERATION, AWOL, FALSE CLAIM ACT.

STAMENT OF THE CASE

In the case Watson v. Brennan, Postmaster General United States postal Service. Watson was wrongfully terminated after filing Age Discrimination Employment Act Tile VII.. A Notice of Separation and PS Form 50 was never provided by USPS. Also the USPS falsely claims Watson was on Periodic Roll / Workman's Compensation section 5 *U.S.C. 8105-8111* prior to filing ADEA lawsuit. Watson was considered to be AWOL 3 ½ years after USPS terminated Watson as a non-probationary employee, because I did not have a doctor to write fraudulent claim, while on a unauthorized leave, (periodic roll). This too was overlooked by the lower court. This issue falls under False Claim Act (FCA). This is a serious violation and legal issue that was overlooked.

1. Whether respondents could have the requisite scienter under False Claim Act (FCA) if the correctly understood that standard and through their claims were inaccurate.

In other words, did the FCA scienter element ignore the respondent's subjective belief where their action fell within an objectively reasonable **interpretation**

ARUGUMENT

**The False claim Act (FCA) prohibits a number of actions,
including:**

Submitting false claims:

- I.** **Knowingly submitting or causing the submission of false claim
to the government.**
- II.** **Defendant changes an employee's termination date and statues
after legal judgment, this could be considered a a problematic
action, potentially constituting legal misconduct**
- III.** **Termination three different dates after telling the court for 7
years one date. Also the change of Employee status.**

Certificate

THE GROUNDS ARE LIMITED TO INTERVENING CIRCUMSTANCE OF SUBSTANTIAL

The False Claim Act (FCA)

If an employer falsely claimed you were on workman's comp after filed a discrimination complaint with EEOC and then fire you a few days later, this strongly suggested a case retaliation.

The lower court ignored relevant precedent resulting in a decision that does not align with establish the law and reaching an incorrect outcome.

After judgement, the defendant changed the status of termination from probationary to Non-probationary and Effective date without filing a Motion to Amend, Alter, and Adjust. The change of termination date has no NOTICE OF SEPERATION and the process date is 7 years from the new termination date. This make Watson has three termination dates. January 22, 2018, July 26, 2018 and May 27, 2021. All are non-probationary. This is unlawful, retaliatory, and wrongful. From start to end of this litigation the defendant contented Watson was terminated

during probation January 2018. Means I should have a Notice separation and PS Form 50 with the same dates. PS Form 50 Employer records show unfound. Therefore when I was removed from periodic roll, *Section 5 U.S.C.8105-8111*

2021 Watson was counted AWOL and still remain on roll. There is no reason to say this was an error because of the false claim of Workman's Compensation. This brings to the attention on who, when, where and why Watson was placed on taken off.

1. Whether respondents could have the requisite scienter under False Claim Act (FCA) if the correctly understood that standard and through their claims were inaccurate.

In other words, did the FCA scienter element ignore the respondent's subjective belief where their action fell within an objectively reasonable interpretation

/s/ Phile Andra Watson

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Distinguishing Factors:

Explain why your case is different from other cases decided on this issue and why the Supreme Court should hear your appeal

Watson's case is different from other cases False Claim Act, because the employer affidavit avers falsely claim Watson's was on periodic roll/workman's comp prior to filing age Discrimination in Employment Act. and terminated. Also being terminated three different times, including when defendant counted me AWOL and stayed on roll additional one year.

PRAYER FOR RELIEF

Petitioner respectfully prays that this Court reverse the judgment of the court of appeals, and remand this case to the trial court for additional proceedings.

Respectfully submitted,

Phile Andra Watson pro se

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Honorable Court grant a Writ of Certiorari and remand this case for further proceedings consistent with the arguments presented herein.

Respectfully submitted,

/S/ Phile Andra Watson

[Phile Andra Watson , Pro Se]

[Phile watson1@hotmail.com

214-893-7170

CERTIFICATE OF GOOD FAITH BY PETITIONER

I, PHILE ANDRA WATSON, PRO SE, CERTIFY THAT THIS PETITION FOR REHEARING IS PRESENTED IN GOOD FAITH AND NOT FOR DELAY AND THAT IT IS RESRTICTED TO THE GROUNDS SPECIFIED IN THE SUPREME COURT RULE 44 OF THE RULES OF THE COURT.

CERTIFICATION

I, DECLARE UNDER PENALTY OF PERJURY THAT THE
FORGOING IS TRUE AND CORREECT.

I, FURTHERMORE SWEAR I HAVE MAILD THE ORIGINAL TO
THE U. S. SOLICITOR GENERAL.WITH PROPER FIRST CLASS /
CEERTIFIED PREPAID.

DECEMBER 9, 2024

/S/Phile Andra Watson

Phile Andra Watson

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this Motion for Rehearing has been served
upon all opposing counsel on [December 9, 2024] via [United State
Postal Service].

Phile Andra Watson

/S/ Phile Andra Watson

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CERTIFICATE OF COMPLIANCE

This petition complies with the type-volume limitation of Fed. R. App. P.44.2 because it contains [1334] words, excluding the parts of the petition exempted by Fed. R. App. P. 32(f). This petition complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R.App. P. 32(a)(6) Century School because it has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point

/s/ Phile Andra Watson

Phile Andra Watson

Counsel for Plaintiffs-Appellants

Case: 24-5491 Dates Filed: 12/9/2024