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IN THE
SUPREME COURT OF THE UNITED STATES

PAMELA ANAI CARRILLO-PETITIONER

VS.

TEXAS JUVENILE JUSTICE DEPARTMENT; ROSY MORENO;
WILLIAM KHELL; JANE DOE/JOHN DOE SUPERVISOR(S)-
RESPONDENTS

On Petition for A Writ of Certiorari to the United States Court of Appeals for
the Fifth Circuit

NO. 24-40336

PETITION FOR A WRIT OF CERTIORARI

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I. QUESTION(S) PRESENTED

Question Number One

Whether the lower courts abused their discretion by failing to apply the vicarious liability principle enunciated in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Ashcroft v. All-Kidd*, 563 U.S. 731 (2011)?

Question Number Two

Whether the lower courts abused their discretion by dismissing petitioner's section 1981 and 2000e by conflating both statute since section 1981 requires not much exhaustion CBOSC West Inc. v. Humpries?

Question Number Three

Whether the lower courts abused their discretion by denying petitioner amended complaint under Fed R. Civ. P. 15(a) and 19(a) *Foman v. Davis*,?

Question Number Four

Whether the lower courts abused their discretion by conflating petitioner section 1981,1983,1985,1986,1988?

Question Number Five

Do "state actions" that occur directly or indirectly under color of state law and violate an individual's Fourteenth Amendment rights validate damages recovery suits filed under 42 USC Section 1983 under *Lugar v. Edmonson Oil Co. Inc.*, precedent?

Question Number Six

Whether the lower courts abused their discretion by conflating and refusing to entertain petitioner 28 USC Section 1330 claims under *Kiobel v. Royal Dutch Petroleum Co.*?

Question Number Seven

Whether petitioner stated a cause of action on every claim and specifically her retaliation claims in vengeance for the free exercise of her statutory and constitutional rights under *Gonzales v. Treviño*?

(i)

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IV. PETITION FOR WRIT OF CERTIORARI

Pamela Anai Carrillo a Mexican American citizen and resident of McAllen, Texas respectfully petitions this court for a writ of certiorari to review the judgment and dismissal lower courts United States Court of Appeals for the Fifth Circuit and U.S. District Court Southern District of Texas McAllen Division.

V. OPINIONS BELOW

The decision of the United States Court of Appeals for the Fifth Circuit is Unreported and was rendered on August 27th, 2024.

The decision of the United States District Court for the Southern District of Texas McAllen Division is published as *Carrillo v. Texas Juvenile Justice Department et al.*, (7:23-cv-00307) the case was dismissed with and without prejudice by the District Judge Drew B. Tipton on April 30th 2024.

VI. JURISDICTION

Miss Carrillo invokes this Court's jurisdiction under 28 USC Section 1254. On November 15th 2024 the Court granted an extension of time as to January 24th 2025 on Application No. 24A484.

VII. CONSTITUTIONAL PROVISION INVOLVED

U.S. Constitution Amendment I:

The First Amendment provides that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people peaceably to assembly, and to petition the Government for a redress for

grievances.

U.S. Constitution Amendment IV:

The Fourth Amendment of the U.S. Constitution provides the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

U.S. Constitution Amendment V.

The Fifth Amendment of the U.S. Constitution no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger, nor shall any person to be subject for the same offense to be put twice in jeopardy of life or limb; nor shall be compelled in any criminal case to be witness against himself ; nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

U.S. Constitution Amendment VI

The Sixth Amendment protects the rights of people accused of crimes. It guarantees the right to Speedy and public trial, impartial jury, notice of accusation; confrontation with witnesses, assistance of counsel.

U.S. Constitution Amendment VIII

The Eighth Amendment protects citizens from excessive bail, fines, and cruel and unusual punishment. And applies to the states through the Fourteenth Amendment USCA.

U.S. Constitution Amendment XIV.

This Amendment provides that all people born or naturalized in the United States are citizens, nor state can deny equal protection of the law to any person within its jurisdiction. nor state can deprive any person of life, liberty and property without due process of law, the Federal Government can punish states that limit citizens' right to vote by reducing their representation in Congress, new arrivals to a state have the same rights and benefits as other citizens of that state, the right to reproductive autonomy, also prohibit states from making or enforcing laws that abridge the privileges or immunities of citizens.

VIII STATEMENT OF THE CASE

This case and Petition was filed against Respondents in personal and official capacities alleging chain conspiracy with private actors and is intimate related to the recent publication by the United States Department of Justice about the inhumane conditions in which our beloved children are housed in the Texas Department of Juvenile Justice. Once their parents are illegally incarcerated in Texas jail and prisons. One of those Detention Center is precisely the Respondents TDJJ Evens Regional Juvenile Center at Edinburg, Texas. The report titled "Investigation of the Texas Juvenile Justice Department" states inter alia as follow:

1. Failing to keep children safe from harm
2. Failing to provide adequately mental health care
3. Failing to provide appropriate special education & related services
4. Discrimination against children with disabilities.

On June 14th 2014, Relator and Human Rights Reporter Mr. Reinaldo Flores, was compelled to place himself in jeopardy of limb or life by entering in several detention centers as an inmate in that well known case in *Reynaldo Flores v. TDCJ, et al.*, 2:14-cv-283 all in order to obtain evidence of the concentration camps of the Texas' Gulag TDCJ in which children and individuals with mental health issues are incarcerated as adults and forced to involuntary servitude, while serving draconian sentences for offenses allegedly committed while in custody of the Respondents TDJJ (most of them charged of sexual assaults to unknown victims.) *Requena Rodriguez v. Pasquarell*, 190 F.3d 299 (1999) (Relator contacted the alleged victims of a sexual assault, now 39 years of age, learning that said alleged victims never were sexually assaulted by his father, instead was a fabrication of Defendants in *Palma Beltran, et al v. US Department of Justice, Greg Abbot, et al.*, 1:23-cv-03349)

Relator advised Central American Governments to take the necessary measures to deny adoptions to Texas' families since most of those children are precisely composing the bulk of TDJJ Detention Centers Respondents, and said children then transferred to the Texas' Gulag TDCJ to serve life in prison on any aggravated felony and offenses that never happened.

Petitioner Carrillo is one of those advocates acting on behalf of our beloved children and with genuine penological interest as a social worker Level IV. Contrary to Respondents evil practices to secure the deprivation of

life, liberty and property to our beloved children and immigrant parents, while Respondents are acting with callous indifference for the safe, health, education by inflicting cruel and unusual punishment to our children.

The Unfair Constructive Dismissal

Respondents being aware of petitioner's high performance and in contrast with Respondents' evil interests as reported by the US Department of Justice investigation; initiated a persecution in order to constructively dismiss Carrillo and deny her of social benefits and housing to which petitioner was entitled on account of her employment antiquity as a Social Worker Level IV in TDJJ.

The Arrest and Seizure and Denial of Access to Counsel

Without probable cause and without a warrant for petitioner arrest, on July 17th 2023, petitioner was not free to go while compelled to self-incriminated and denied of access to counsel, despite petitioner repeatedly invoked said clear established right to be free of self-incrimination and right to counsel, while Respondent Rosy Moreno did not abate her illegal actions. And immediately proceeded to dismiss petitioner. *Reynaldo Flores v. The State of Texas*, 2012cr1969 (case in which Relator intentionally entered as a defendant in the Texas Judicial System in order to demonstrate the fraudulent trials and chain conspiracy among Texas licensed lawyers, prosecutors and Texas Judges and the very last day of trial disclosing material evidence of false witnesses and destruction of exculpatory evidence and customary prosecutorial misconduct of Texas Government)

The Retaliation and Deliberate Fabrication of Sexual Assault

With the customary fabricated evidence Respondents used the Respondent William Khell (a 19 year old man housed as a child) as a false victim of sexual assault in order to justify the constructive dismissal and denial of benefits (i.g. housing, wage raise, social benefits) and by such customary mean of lies and deception justify said dismissal, while threatening petitioner to prosecute her on account of sexual assault charges as codified by **Texas Penal Code Section 22.021** (an aggravated felony without statute of limitations) *Raines v. Byrd*, 521 U.S. 811 (1997) (contrary to Petitioner's Carrillo's case Raines Court held that plaintiff lacked standing to bring such a suit when he himself is neither prosecuted nor threatened with prosecution) *at 184-185.*

In addition, o aforementioned deprivations, Petitioner Carrillo learned that all employments' applications have been sabotaged by Respondents all with the evil purpose to avoid the due course of justice by keeping Carrillo indigent and avoid her free exercise of her clear established rights of access to courts. *CBSOC West Inc., v. Humphries*, 553 U.S. 442 (2008) (Holding that Section 1981 extend to retaliation claims) *at 6.*

42 USC Sections 1981 and 2000e Claims

On or about September 9th 2023, while the pendency of *Gonzales v. Treviño*, 602 U.S. 653 (2024), Petitioner Pamela Anai Carrillo filed her pro se complaint pursuant the Sixth Amendment of the U.S. Constitution and holding in *Haines v. Kerner*, 404 U.S. 519 (1972) (holding that a plaintiff has the right to submit proof of her alleged injuries before his/her case is dismissed)

The lower courts erred in dismissing this case without opportunity to

present evidence or amend complaint, despite this Court holding in *Foman v. Davis*, at 205-206.

The lower courts erroneously conflated both statutes 42 USC Section 1981 and 2000e. while dismissing Petitioner's claims based on the failure to exhaust the administrative remedies. Petitioner knowing in advance that Equal Employment Opportunity Commission would not intervene in such controversy due to the conflicting interests among State and Federal agencies in Texas, however, as a prerequisite and in a effort to exhaust the required administrative remedies on September 6th 2023, Petitioner filed her complaint with said commission. *At 62*. Receiving no response until this very date. In other words, Petitioner would be barred by the one-year statute of limitation prescribed by said statute, if Petitioner fail to fail her suit before the District Court.

The allegations of severe-pervasive-sexual-hostile environment were affirmed by the US Department of Justice Report on Respondents' TDJJ Evens Facility. Supra. Citing, *Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57, 67 (1986) *At 11*.

Without any doubt Respondents not solely constructively dismissed Petitioner but also forced her to her discharge. *Burlington Industries Inc., v. Ellerth*, 524 U.S. 57, 67 (1998) (holding that employers are liable for sexual harassment by supervisors) *at 13*.

Contrary to the lower courts' analogy Section 1981 does not require too much exhaustion. *At 189*.

Petitioner claims that her Fourteenth Amendment rights were violated under Section 1981 and under due process and equal protection of law.

42 USC Section 1983 Claims

The lower Courts erred in dismissing these Section 1983. Petitioners sufficiently alleges that Respondents are actor under color of state law being sued in their personal and official capacities, being properly summoned and served with every motion and complaint. *At 23.*

The lower Courts erred in dismissing this case and complaint merely because it appears unlikely or improbable that plaintiff can prove the facts alleged [due to the concealment of a footage by Defendants as evidence of the deliberate fabricated evidence to dismiss Petitioner Carrillo] or would prevail in the merits. *Bell Atlantic, v. Twombly*, 404 U.S. at 663 n.8. instead, the District Court should asked whether the facts allcged raise a reasonable expectation that discovery will reveal element of necessary elements. *Id. At 556.*

Petitioner sufficiently alleges facts of the conspiratorial events and concealment of material evidence by Respondents while the lower courts refused to compel Respondents to produce the footage which would demonstrate the deliberate fabricated evidence and allegations of sexual assault used as excuse to constructively discharge Petitioner while harassing, stalking Petitioner and sabotaging every employment application in order to avoid the due course of justice. *At 17-18. See Cannel v. Lighner*, 143 F.3d 1210. 1223 (9th Cir. 1998)

The standard of review on Section 1983 is predicated and preserved in record. *At 23.* Citing, *Jackson v. Dallas Police Department*, 811 F.2d 260, 261 (5th Cir. 1986) citing First Amendment USCA. Citing *Lugar v. Edmonson Oil Co.*, 457 U.S. 922 (1982) *at 24.*

In Edmonson this Court held that conduct alleging the deprivation of a Constitutional right protected against infringement by a state must be fairly attributable to the state. In determine that question of fair attribution (a) the deprivation must be caused by the exercise of some right or privilege created by state or by rule or conduct imposed by it, or by person for whom it is responsible, and (b) the party charged with the deprivation must be a person who fairly be said to be a state official, because he has acted together with or has obtained significant aid from state officials or because his conduct is otherwise chargeable to the state. Pp. at 457 U.S. 936-939.

In the instant petition Carrillo sufficiently alleges that (a) Respondents are actor under color of state law and persons (William Khell) for whom the state of Texas is responsible and (b) because Respondent Khell and Jane Does supervisors acted with Respondent Rosy Moreno to constructively discharge Petitioner by creating a hostile sexual environment and by mean of lies and deception falsely create a sexual assault charge in orden to justify Respondents' illegal conduct while staking, slandering and harassing Petitioner in order to discourage her to file this claims. *At 24-25.*

Sexual harassment environment and dissemination of record to unauthorized persons is a form of discrimination and other based class animus. *Itzkovitch v. Whitaker*, 115 La. 479, 39 So. (1905). *At 27*

42 USC Sections 1985-1986

Petitioner sufficiently alleges that Respondents violated her Fourteenth Amendment' equal protection of law Clause under Section 1985(3).as in *Collins v. Hardyman*, 341 U.S. 651 (1951) Holding that section 1985(3) protected citizens from those conspiracies that impaired the plaintiff's rights to equal protection of law. The court reasoned that state action is required because 14th Amendment did not shield against merely private conduct. *Collins at 658.*

To state a cause of action under Section 1985(3) this Court set a standard for review in *Griffin v. Brackenridge*, and based on those 4 prongs settle by this Court. At 30. *First*, It is clear that Respondents conspired to injure Petitioner Carrillo by creating a sexual assault false allegations in order to justify her constructive dismissal by using Respondent Khell. *Second*, Petitioner identified and assert that Respondents Khell and Rosy moreno with the full consent of their supervisor agreed to execute their conspiracy, *third*. Respondent execute their premediated goal to discharge Petitioner in furtherance to deny her social benefits due to her professional performance as a Social Worker Level IV and penological interest. And *Fourth*, as result of such conspiracy Petitioner resulted injured in his person and reputation and unemployed due to the continuous unconstitutional misconduct of Respondents who are sabotaging Petitioner employment's applications.

Under Section 1986. Respondents having power to prevent and abate their misconduct having knowledge of the wrongs enunciated in Section 1985, are neglecting and refusing to abandon their criminal actions. All in an effort to avoid the course of justice. At 32-33.

42 USC Section 1988(c)

Petitioner believes she is entitled to redress under Section 1988(c) for Relator's diligent effort and investigation of Respondents' modus operandi in the Texas' Gulag for the last 25 years leading to this cause of action. As the record reveals Relator lost an average of US \$10,000.000.00 in assets at the time of Respondents' criminal partners embezzled Relator's properties taking for granted that Relator would be rased in the Texas' Gulag on the same persecution of sexual assault charges in 2012cr1969.

Petitioner solely claims \$50,000.00 Dollar under this section. *At 35.*

28 USC Section 1350

This Alien's Action for Tort claims or ATS Claims have been erroneously concealed by both Appellate and District Courts in Texas and Louisiana. To the extent that Realtor is currently refiling his claims in *Palma Beltran One Million Jane/John Does, et al v. US Department of Justice, et al Supra.* These claims are intimate related to Petitioner Carrillo since all Texas Detention Center are using abolished practices against at 100,000 political prisoners. As expressed by the same Defendants US Department of Justice on its recent report. *Supra.* *At 38-47.*

In *Kiobel v. Dutch Royal Petroleum Co. Inc.* similar situated circumstances are addressed on Nigeria for which the question raised by the extraterritorially application of the statute.

In the instant case all that severe violation infringed to Petitioner occurred within the continental territory of United States and against Petitioner Mexican American citizen. For which Respondents are liable under 28 USC Section 1350.

REASONS FOR GRANTING THE WRIT OF CERTITORARI

Petitioner believes that issuance of this writ of certiorari will serve to the society to learn how protect themselves of the abuses at the hands of Respondents and public servants. The US Department of Justice describing the inhumane conditions in which our children are incarcerated simply affirm Petitioner's claims, Petitioner was exposed to continuous sexual harassment environment and exposed to all unconstitutional work environment for which Petitioner respectfully pray the Court Grant this Writ of Certiorari.

CONCLUSION

Under this Court precedent Respondents are not entitled to absolute immunity neither to qualified immunity. Respondents have the burden to prove that public officials require an exception of that scope. For Government officials trying to qualify to absolute immunity this Court establishes a two part test that the official must satisfy:

* *First*, The official's must show that their position's responsibilities had such sensitive function that it requires absolute immunity.

* *Second*, the official must demonstrate that he was discharging the protected function of the position when performing the actions in question. *At 33.*

In applying said standard, the Respondents are not entitled to absolute immunity neither to qualify immunity. In Maley v. Briggs, 457 U.S. 335 (1986). This Court examined immunity for police officers with regard to acting with basis of a faulty warrant. Holding that qualify immunity does not apply to police officer when the officer wrongfully arrests based on a warrant. Reasonability is determined by the action that an objectively reasonable officer would take. At 34.

For the aforementioned reasons Petitioner respectfully prays the Court
Grant this Petition.

Dated and signed on this the 21st day of January 2025.

Respectfully submitted,


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